



Appeal Decision

Site visit made on 27 July 2010

by **John Chase** MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
3 August 2010

Appeal Ref: APP/Q1445/D/10/2129939

27 Glen Rise, Brighton, East Sussex, BN1 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Blankson against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02193, dated 9 September 2009, was refused by notice dated 19 May 2010.
- The development proposed is the removal of the existing bungalow roof and construction of an extension to the rear and at first/second floor levels to form a three storey dwelling.

Decision

1. I allow the appeal, and grant planning permission for the removal of the existing bungalow roof and construction of an extension to the rear and at first/second floor levels to form a three storey dwelling at 27 Glen Rise, Brighton, East Sussex, BN1 5LN in accordance with the terms of the application, Ref BH2009/02193, dated 9 September 2009, subject to the condition that all upper floor windows located in the wall and roof slope on the western elevation shall be retained as obscure glazed and non opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the storey in which the window is installed.

Reasons

2. The planning application refers to modifications to an existing permission, and the work has been carried out. The Council's outstanding concern gives rise to the main issue, which is the effect of a rooflight in the western elevation on the living conditions of the residents of No 25 Glen Rise.
3. Whilst the rooflight is visible from the side facing window of the bedroom of No 25, it is not a dominating feature, being of limited size and at a greater distance than, for instance, the larger first floor flank windows facing the property. I see no greater risk of perceived overlooking from this rooflight than from the other windows on this elevation, and any actual loss of privacy is prevented by the installation of obscure glass, and the fixing shut of the frame, both of which presently exist and can be secured for the future by the use of a planning condition. I see no reason to suppose that the rooflight may be needed for a habitable room in the future. Taking these factors into account, I conclude that the rooflight does not have an unacceptable effect on the living conditions of the residents of No 25 Glen Rise, and is therefore in compliance with the relevant parts of Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005.

4. I have considered the Council's suggested conditions in the light of the advice in Circular 11/95. I shall not apply a time limit for implementation as the work has been carried out. A condition is needed to prevent loss of privacy from the windows in the western elevation, facing No 25, but I am not satisfied that the exceptional circumstances necessary to justify the removal of permitted development rights for future windows has been proved. A condition within the current edition of the General Permitted Development Order makes adequate provision for the protection of privacy, and there is not a compelling case to show that the character of the area would be at risk.

John Chase

INSPECTOR