



# Appeal Decision

Site visit made on 3 August 2010

by **R J Perrins MA MCM**

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

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**Decision date:**  
**17 August 2010**

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## Appeal Ref: APP/Q1445/D/10/2131768

### 20 Surrenden Crescent, Brighton, East Sussex BN1 6WF.

- 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 & Mrs Duncan against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/00380, dated 15 February 2010, was refused by notice dated 19 April 2010.
  - The development proposed is a new roof terrace on existing single storey dining room.
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### Decision

1. I dismiss the appeal.

### Main issue

2. I consider the main issue in this case to be the impact of the roof terrace upon the living conditions of occupiers of neighbouring properties.

### Reasons

3. The detached appeal property sits to the east of Valley Drive a predominantly residential road with a variety of detached houses of individual styles. To the south-east the rear gardens of properties in Withdean Crescent adjoin the rear gardens of Surrenden Crescent. The proposal would be sited upon a ground floor extension and would face south-east. A number of trees and shrubs, some evergreen, and including a youthfully mature sycamore tree, grow on the mutual boundary between the Crescents. A large multi-stemmed shrub grows on the mutual boundary between Nos 20 and 22 approximately in line with the main rear elevations.
  4. I accept that views to No 22 would be screened by the existing vegetation. Views to properties in Withdean Crescent are also screened by trees and shrubs. Whilst that screening may be less in the autumn and winter months the views are, in any event, available from the rear windows of the appeal property. Given that and the distance between those properties I find the proposal would not result in unacceptable harm to the living conditions of occupiers of properties in Withdean Crescent.
  5. I also accept that access to the roof currently exists and permission is only sought for the balustrade and low rise wall. In addition the development would restrict access to the area immediately in front of the double doors and the adjoining properties (Nos 18 and 22) have not objected to the proposal.
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6. However, I must consider all future occupiers of the properties and I was able to see, by standing on the roof, that there would be clear unrestricted views into the rear habitable rooms of No 18. Furthermore, there is no guarantee that the large shrub, on the boundary with No 22, would be retained. Whilst views may be available in any event the proposal would provide an attractive environment and useable space. That would be unlike the current arrangement which, without any form of balustrade or barrier, and as opined by the appellants, is an unsafe and to my mind unattractive environment.
7. I am in no doubt that the development would increase the desirability, and therefore frequency, of using the terrace. The current or future occupiers of No 20 would be more likely to sit out in a safe environment and take advantage of the views. That in turn would increase the likelihood of views being taken into the adjacent properties. That would, in my opinion, lead to unacceptable harm to the living conditions of occupiers of No 18 and with potential for such views into No 22 in the future also. For these reasons I find that the proposal would be contrary to saved Policies QD14 and QD27 of the Brighton and Hove Local Plan which amongst other things seek developments which do not result in loss of amenity to neighbouring properties.

*Richard Perrins*

Inspector