



Appeal Decision

Site visit made on 1 February 2011

by L Rodgers BEng CEng MICE MBA

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

Decision date: 11 February 2011

Appeal Ref: APP/Q1445/D/10/2143263

10 Lustrells Close, Saltdean, East Sussex BN2 8AS

- 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 Mrs S Hinds against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/02750, dated 24 August 2010, was refused by notice dated 9 November 2010.
 - The development proposed is a raised decking terrace area – north side rear.
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Decision

1. I dismiss the appeal.

Procedural matters

2. The appeal concerns development that has already been carried out.
3. Although the application refers to Lustrells Close I confirmed on my visit that the correct spelling is as shown above and on the appeal form.

Main Issues

4. The effect of the development on the living conditions of neighbouring residents and on the character and appearance of the area.

Reasons

5. The topography of the area means that No 10 sits on a plot which falls steeply from front to rear. In consequence, whilst the dwelling appears as a single storey building from the front, it has a two storey appearance at the rear. The raised decking terrace area is set on a level with the living and kitchen areas. Seen from the rear this is, in effect, at first floor. As such the raised terrace sits above the boundary fences separating the garden of No 10 from its neighbours. Whilst inset somewhat from the boundary with No 8 the terrace extends up to the boundary with No 12.
6. The fact that the decked terrace area has far reaching views over the landscape and is easily accessed from the living and kitchen areas means that it is likely to be well used for socialising, entertaining and sitting out. Its size is such that it could accommodate a large number of people and given its position relative to the boundary fences, particularly No 12, the resultant overlooking of neighbouring properties is likely to be significant in terms of frequency, volume and proximity.

7. Clearly the local topography means that several rooms in the property already offer overlooking of neighbouring gardens and I note that there was previously a raised deck and stairwell at the property, albeit on a smaller scale. However, the overlooking offered by these features would not be as intrusive or on the same scale as that allowed by the terrace. Although the Appellant also suggests that there are many decks of this size in the area I have not been provided with any further details and those decks I was able to see during my visit appeared significantly smaller than that at No 10.
8. I also saw on my visit that a solid screen had been installed on the decking adjacent to the boundary with No 12. However the front portion of this screen is at a height that would not prevent overlooking of No 12 and does not affect my view that, for the reasons above, the decking results in overlooking which is materially harmful to the privacy of neighbouring residents and contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 (LP).
9. The deck is large relative to the dwelling and, with its centrally positioned staircase, forms a dominant feature of the property - particularly when seen from its rear garden. Its scale, height and proximity to the immediate neighbours, and No 12 in particular, are likely to also make it a dominant feature when seen from the neighbouring gardens. This is contrary to LP Policy QD14 which requires development to be well designed, sited and detailed in relation to the property and adjoining properties.
10. I am conscious that a number of the existing neighbours have voiced support for the development and the Appellant points out that access to the rear garden would in any event require some kind of deck and stairwell. However I must assess the development before me on its own merits and I must also bear in mind future neighbours. Consequently neither of these matters alters my findings.
11. It is obvious that considerable thought and effort have gone into the layout of the rear garden - of which the terrace is a significant element. Nevertheless, having had regard to all other planning matters before me, including the Appellant's concerns over the planning process and the absence of any previous planning history, I find nothing to overcome the development plan conflict and I conclude that the appeal must fail.

Lloyd Rodgers

Inspector