



Appeal Decision

Site visit made on 26 April 2011

by Brian Dodd BA MPhil MRTPI

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

Decision date: 16 May 2011

Appeal Ref: APP/Q1445/A/11/2146184 26 Arundel Road, Brighton BN2 5TD

- 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 Miss Gayle Atkins against the decision of Brighton and Hove City Council.
 - The application (Ref BH2010/02082), dated 25 June 2010, was refused by notice dated 24 December 2010.
 - The development proposed is the addition of wooden railings and cane screening (1.25 metres high) to a flat roof.
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Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the proposed development upon (a) the amenity of neighbouring occupiers and (b) the character and appearance of the existing building and the surrounding area.

Reasons

3. Policies QD1, QD2, QD14 and QD27 of the Brighton and Hove Local Plan seek high standards of design, and in particular that alterations to existing buildings are well designed in relation to their surroundings, using sympathetic materials. They should also preserve local amenity, in particular ensuring that there is no significant loss of privacy. The Council's Supplementary Planning Guidance on Roof Alterations and Extensions warns that poorly designed roof top additions can seriously harm the appearance of the property and have a harmful effect on the rest of the street.
 4. Access to the flat roof is gained via a small window, said to be intended for use as a fire escape. At the time of my visit the roof was covered in wooden decking, attached to which were ten vertical wooden posts, about 1.23 metres high. 4 horizontal rails were attached to the posts. Lying on the decking were two rolls of cane screening material, about 1.48 metres high. It appears from the photographs submitted by neighbours that the cane material, or something very similar, was at some time attached to the wooden posts, forming a screen which was significantly higher than 1.25 metres. However, the application
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before me is for a screen 1.25 metres high, and I have determined the appeal on that basis.

5. With the screen as proposed, those using the flat roof for recreation would not be able to see over it whilst seated, but most adults would have a clear view of their surroundings whilst standing.
6. The flat roof overlooks the rear of houses on Arundel Street to the east, but at such a distance that the privacy of those inside the houses would not be seriously affected. However, there are also clear views into many neighbouring gardens, where those seeking relaxation would be plainly visible to people standing on the roof. Whilst, inevitably in an area of high density housing, the gardens might be overlooked from many windows, the creation of a roof terrace for the purpose of outdoor recreation would in my judgement be likely to increase the opportunity for, and probability of, unobstructed overlooking of those using the gardens below. Whilst the flat roof might be used for sitting out without the railings and screen, it seems probable that the creation of a screened terrace as proposed would encourage such activity, to the detriment of neighbouring occupiers.
7. Set into the pitched roof immediately to the south are two velux windows. It is not possible to see the rooms within from the flat roof. To the north are two bay windows which are overlooked from the flat roof. At the time of my visit the presence of curtains and blinds obscured the rooms within, but there might be circumstances in which it would be possible to see into them.
8. Taking all these matters into account, I conclude on the first issue that the proposed development would be harmful to the amenity of neighbouring occupiers, contrary to development plan policy.
9. The structure would not cause any significant overshadowing or loss of daylight or sunlight. The Council do not consider that significant noise would be generated as a result of the proposal, but it appears to me that any noise resulting from a social gathering in the open on the roof would be more likely to affect neighbouring properties with open windows than would the same noise generated inside No 26. But even if this were not the case, I would still find the proposal harmful to amenity for the reasons set out above.
10. The rear of the properties in the area exhibit a variety of materials and designs, including some dormers and many flat roofs. However, there are no structures similar in design or materials to that which is proposed. The posts and rails are clearly visible to the public when viewed from Eastern Road, and to other residents in the vicinity. The proposed timber and cane structure would not match the existing materials or finishes of No 26 or its neighbours, and would stand out boldly from the host building. For these reasons the proposed structure would in my judgement appear incongruous and unattractive, and I do not consider that the harm could be reduced by the imposition of conditions. Accordingly I conclude on the second issue that the proposal would harm the character and appearance of the existing building and the surrounding area, contrary to development plan policy.

11. For all the above reasons I conclude that the appeal should be dismissed.

Brian Dodd

INSPECTOR

