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# Appeal Decision

Site visit made on 11 July 2011

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 18 July 2011**

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**Appeal Ref: APP/Q1445/D/11/2152896**  
**36 Hollingdean Terrace, Brighton, BN1 7HA.**

- 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 Paul Cullen against the decision of Brighton and Hove City Council.
  - The application Ref BH2011/00248, dated 26 January 2011, was refused by notice dated 21 March 2011.
  - The development proposed is replacement and enlargement of timber platform incorporating steps and glazed screens (part retrospective).
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## Decision

1. I dismiss the appeal.

## Main Issues

2. The first main issue is the effect of the scheme on the character and appearance of the host building and the surrounding area. The second main issue is the effect of the scheme on the living conditions of the occupiers of the adjacent properties with particular regard to visual impact and privacy.

## Reasons

### *Character and appearance*

3. The timber platform and steps have already been constructed and replace a smaller platform and steps in a similar position. The proposed glazed screens and trellis have not yet been provided.
  4. Due to its elevated position and materials the proposed development would be prominent within the rear garden environment and would detract from the simple lines and symmetry of the rear of the terrace. In particular the timber railings, trellis and glazed screens would be visually dominant and would obscure the first floor rear windows, both upsetting the rhythm of the terrace and appearing totally out of keeping with the host building.
  5. By comparison the previous landing, railings and steps were far more modest and did not obscure the first floor windows or dominate the rear elevation of the building. Likewise the landing and steps at the rear of 38 Princes Terrace are modest and do not dominate the rear elevation of that property. The first floor
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rear extensions at both 38 and 40 Hollingdean Terrace are fully enclosed and are not directly comparable to the proposed scheme in relation to materials, appearance or use. Notwithstanding this, they illustrate how first floor rear additions can impact on the character and appearance of the dwellings concerned and the terrace as a whole.

6. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the host property and the surrounding rear garden environment. Accordingly the scheme would conflict with policy QD14 of the Brighton & Hove Local Plan 2005, which requires residential extensions and alterations to be well designed, sited and detailed in relation to the host building, neighbouring properties and the surrounding area.

#### *Living conditions*

7. From the proposed terrace there are clear views of the rear ground floor windows and doors of the adjacent properties in Roedale Road. Whilst the proposed trellis would reduce the area from which those properties would be overlooked, there would still be direct views from the northern end of the proposed terrace area. Having regard to the elevated position of the terrace and the fact that it could well be used as an outdoor entertaining and recreational area, its use would result in a significant level of actual and perceived loss of privacy for the occupants of the dwellings opposite.
8. Although the previous landing overlooked the rear of the properties opposite, due to its limited size and function it did not result in the same levels of actual and perceived overlooking. The same applies to the existing landing at 38 Princes Terrace.
9. The proposed glazed screens and trellis would ensure that the use of the proposed terrace would not result in a material loss of privacy for the occupants of 34 Princes Terrace. However the proposed glazed screen and trellis would be visually dominant when viewed from the adjacent rear windows and garden area at No.34. Its impact would be intensified when the terrace was in use and as a result would have an overbearing impact on the living conditions of the occupiers of that property.
10. In relation to No.38 the proposed glazed screen at the northern end of the terrace would improve the level of privacy between the two properties. In addition as No.38 has a rear first floor extension and external landing and stairs the proposal would not have an overbearing impact on the living conditions of that property.
11. I conclude on this main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of the adjacent dwellings in Roedale Road due to loss of privacy. It would also materially harm the living conditions of the occupiers of 34 Hollingdean Road due to its overbearing visual impact. Accordingly the scheme would conflict with policies QD14 and QD27 of the Local Plan. These policies seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

**Conclusion**

12. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

*Elizabeth Lawrence*

INSPECTOR

