



Appeal Decision

Site visit made on 5 September 2011

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 21 September 2011

Appeal Ref: APP/Q1445/D/11/2158160
30 Roedean Crescent, Brighton BN2 5RH

- 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 Jonathan Allen against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01153, dated 30 March 2011, was refused by notice dated 10 June 2011.
 - The development proposed is the erection of an extension to create a second floor and alterations to the rear to form a balcony providing access to an existing roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an extension to create a second floor and alterations to the rear to form a balcony providing access to an existing roof terrace, at 30 Roedean Crescent, Brighton BN2 5RH, in accordance with the terms of the application Ref BH2011/01153, dated 30 March 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LH10-197-100, LH10-197-101A, LH10-197-102, LH10-197-103, LH10-197-103C, LH10-197-104A, LH10-197-105, LH10-197-106, LH10-197-201, LH10-197-202A, LH10-197-204A, LH10-197-205B, LH10-197-206A(east elevation), LH10-197-206A(west elevation), LH10-197-208A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The proposal can most appropriately be described as given in the header above and it is on the basis of this description that the appeal will be considered. The plan numbers given on the Council's decision notice show discrepancies with those on the drawings submitted with the appeal. However, it has been clarified that with one exception these differences are due to errors on the decision notice. Drawing LH10-197-103C has not been seen by the Council or
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any other parties and comprises the proposed second floor plan. However, the only change is an increase in the width of the glazed opening to the bedroom on the eastern side at the rear. This does not affect the appearance of the building as the width is the same as that shown on the proposed rear elevation. Consequently, including this drawing as part of the proposal would not prejudice the interests of any other parties.

3. Local residents have suggested that the dwelling at 32 Roedean Crescent has been built higher than permitted by the Council. Nevertheless, this has not been corroborated by the Council and there is no information concerning any enforcement action. The effect of the current proposal must therefore be assessed in relation to the dwelling at no. 32 as it has been built.

Main Issues

4. The main issues in the consideration of this appeal are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect on the living conditions of the occupiers of the adjacent dwellings in respect of overlooking and privacy.

Reasons

5. By replacing the current pitched roof with a more contemporary flat top, the height of the detached dwelling at the appeal site would only be increased by about a metre. Furthermore, the addition would be set in from each side by approximately 2m and 0.35m from the front, significantly limiting the perceived bulk. The set backs would also result in a reduction in bulk at the sides compared to the existing roof, as the front elevation of the enlarged building would not be as wide at this height. It would also respect the traditional hipped roof form at no. 28 and the juxtaposition with the contemporary form would not appear jarring.
6. The top would only be a metre higher than the vertical facade of the dwelling at no. 32. However, it would actually be lower than the sloping roof on top of this property, which is itself set at a lower ground level than no.30. In addition the distance of buildings from the street is not especially uniform and the dwellings to either side are modestly tilted, rather than strictly parallel to the road. There is also a pitched roof garage at no. 28 that is particularly close to the carriageway.
7. The central turret feature would be extended upwards but be no closer to the street than at present. The windows on the upper floor would be modestly taller but no wider than those below. However, the glazed areas on the lower floors of the turret would be noticeably higher than those above, balancing this effect. The set backs to the side and front of the addition would also serve to ensure that it does not appear top heavy, despite the size of the windows and the use of timber cladding.
8. Given these factors, matters such as the degree of projection forward beyond the adjacent dwellings, together with the flat roof form and height would not result in the extended dwelling appearing excessively bulky or overly dominant in the streetscene. It is therefore concluded that the character and appearance

- of the area would not be harmed. In consequence, there is compliance with the relevant aims of Brighton and Hove Local Plan 2005, Policies QD1, QD2 and QD14. These include preventing such adverse effects and ensuring an appropriate quality of development in relation to considerations such as height and scale.
9. The adjacent dwellings have their most private amenity space immediately to the rear, as well as the main outlook. Because the second floor balconies and the new first floor balcony adjacent to no. 32 would be set back appreciably from the rear of the adjacent dwellings, the privacy of these areas would not be significantly affected. From the adjacent second floor balcony it would be possible to look into a window in the side of no. 32. However, this would be at a reasonable distance and require the person concerned to stand towards the end of the relatively narrow balcony. The view would also be down into the window and therefore at a significant angle, requiring a conscious effort and noticeably limiting any consequent loss of privacy. The additional first floor balcony, linking to the existing roof terrace would have a full height screen erected at the end adjacent to no. 32 that would prevent any undue overlooking.
 10. The new balconies would not therefore result in an unacceptable loss of privacy in a location where there is already significant mutual overlooking. Consequently, it is concluded that the living conditions of the occupiers of the adjacent dwellings would not be harmed. The proposal therefore accords with Local Plan Policies QD14 and QD27, which, among other things, seek to avoid such detrimental impacts.
 11. Because of the absence of harm that has been found and taking account of all other matters raised, it is determined that the appeal succeeds. In reaching this decision the representations of local residents have been considered.
 12. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition specifying the approved plans is therefore justified. A condition requiring the facing materials of the extension to match those of the existing building would be sufficient to protect the visual amenities of the area.

M Evans

INSPECTOR

