



Appeal Decision

Site visit made on 1 October 2013

by S Stevens BSc (Hons), MSc, DipTP, DMS, MCMI, MRTPI

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

Decision date: 23 October 2013

Appeal Ref: APP/Q1445/D/13/2203463

70 Redhill Drive, Brighton, East Sussex BN1 5FL

- 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 T Dodsworth against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00732, dated 4 March 2013 was refused by notice dated 11 July 2013.
 - The development proposed is demolition of existing rear store, conservatory, terraces and bays. Proposed rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council states the plans are inaccurate in relation to the existing roof of the bungalow. However, it says the inaccuracy is relatively minor and does not impact on the determination of the proposal. I agree and have determined the appeal based on the plans submitted.

Main issues

3. The main issues are the effect of the proposed development on the living conditions of the occupiers of Nos 68 and 72 Redhill Drive and the effect on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site is within a residential area and is located on the southern side of Redhill Drive. The land level slopes down from the northern side with properties on the southern side sited at, or below, the level of the Redhill Drive. Many of the properties have the appearance of detached bungalows when viewed from the road although a number on the southern side have lower ground floor accommodation facing the rear.
5. The proposal is to demolish part of the rear of the property and to erect a part single, part two storey rear extension at lower ground floor and ground floor levels. The roof of the lower ground floor extension would be used as a terrace.

Living conditions

6. The proposed lower ground floor rear extension would project approximately 6 metres from the rear wall of the existing bungalow. It would be just over one metre from the side boundary with No 72 and about 2.5 metres from the boundary with No 68. Due to the steeply sloping site the roof of the extension would be between approximately 2 to 4 metres above the ground level. The ground floor extension over the lower ground floor extension would be significantly smaller and would be located considerably further away from the side boundaries of the site.
7. The proposal includes the erection of a balustrade around the roof of the lower ground floor extension in order to form a terrace. The existing property does have a very modest terrace at a similar height but it is set well away from the boundaries and its use will be restricted by its size. The proposed terrace would be significantly larger, enabling it to be used by a greater number of people and for a variety of activities and it would extend closer to both of the side boundaries of the adjacent properties.
8. There are some predominantly deciduous trees and vegetation along the side boundaries that partially screen the adjoining rear gardens. They are quite overgrown and could be cut down or removed at any time whilst the extension and terrace would be a permanent feature. The close proximity of the proposed development to the boundaries and the height above ground level of the terrace would allow anyone using it to overlook the more private parts of the adjoining gardens near to the dwellings themselves. Furthermore, being aware of neighbours using the terrace would, in my view, add to the perception of being overlooked. This would adversely affect the privacy of the occupants of Nos 68 and 72.
9. The appellants refer to the existing screening and the level of inter-overlooking that currently exists between the rear of the surrounding properties and gardens. They suggest that the proposal would not make this worse but I disagree for the reasons set out above.
10. The proposal therefore conflicts with Policies QD27 and QD14 (b) of the Brighton and Hove Local Plan 2005 (LP) which seek to protect the amenities of the occupiers of adjacent properties.

Character and appearance

11. Many of the properties in the vicinity of the appeal site have been altered by roof extensions, front dormer windows and, to properties on the southern side of the road, rear extensions. As a result there is now a variety of property designs.
12. The appeal property has existing steps and multi level patio areas which would be partially demolished as part of the proposal. The lower ground level element would be partially below the existing ground level thereby reducing its size and bulk. It would project just over 2.5 metres further than the rear of the existing steps, patio areas and retaining walls. The proposed smaller ground floor extension would have a ridge height that would be lower than the ridge height of the existing dwelling.
13. The proposed rear extension would be located to the rear of the property and would not be visible from the road. Furthermore, due to its bulk, depth, height

and massing the proposed development would be a subservient element of the property. I therefore conclude that the proposal would not harm the character or appearance of the existing bungalow or the area and that the proposal complies with the design aims of Policy QD14 of the LP. However, this does not outweigh my concerns regarding the loss of privacy set out above.

14. For the reasons given above I conclude that the appeal should be dismissed.

Sarah Stevens

INSPECTOR

