



Appeal Decision

Site visit made on 20 March 2014

by Megan Thomas BA(Hons) in Law, Barrister

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

Decision date: 9 April 2014

Appeal Ref: APP/Q1445/A/13/2205739
51 Old Shoreham Road, Brighton BN1 5DQ

- 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 Seivewright against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02413, dated 19 July 2013, was refused by notice dated 3 September 2013.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion at 51 Old Shoreham Road, Brighton BN1 5DQ in accordance with the terms of the application, Ref BH2013/02413, dated 19 July 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101, 200, 201 (all dated 15 July 2013).
 - 3) Except where specified on the approved plans, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
 - 4) Prior to the commencement of development, a scheme detailing which panels of the proposed west-facing roof slope glazing shall be fitted with obscured glazing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details and the glazing shall be permanently retained in that condition.

Main Issues

2. There are two main issues. The first is the effect of the proposal on the character and appearance of the host dwelling, its semi pair and the wider area. The second is the effect on the living conditions of the occupants of 53 Old Shoreham Road with regard to privacy.
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Reasons

Character and appearance

3. 51 Old Shoreham Road is a semi-detached property, its semi-pair being no.49. It is split into flats. It has a two storey side extension with a flat roof, which appears to have been built as an extension to the original property. The top floor flat has access to the flat roof of that extension which is on the western side of the property next to no.53. No.51 is located on a steep east to west gradient with no.53 further uphill. The rear gardens meet the rear gardens of properties in York Villas which is the road running south and parallel to Old Shoreham Road. The distance separating the rear elevations of no.51 and its southern neighbour on York Villas is very approximately 33m.
4. The appellant lives in the top floor flat and the proposal is to convert the roofspace to residential use. The space is marked "artists' studio" on the submitted plans of the proposed development. On the western-facing roof slope there would be a large array of glazed roof panels. On the front elevation there would be a conservation style roof light and to the rear there would be a recessed balcony which would be constructed by creating an opening in the roof slope, building a small overhang and installing 4-panel double glazed lead grey powder-coated aluminium sliding doors.
5. Advice in Supplementary Planning Document 12 *Design Guide for Extensions and Alterations* (2013) indicates that rooflights should be located discretely such that they are not readily visible from the street. A small single rooflight may be considered acceptable provided it lies flush with roof covering and is of traditional proportions, design and construction with slim steel or cast iron frames. The proposed panels would be visible from Old Shoreham Road but, given their side location, not readily visible. The number of them would be unusual and whilst they would not look traditional, I take the view that their more contemporary appearance would not be detrimental to the character or appearance of the building or the area. They would not detract from views of no.49 and no.51 together as a pair. The location of the glazed panels on the side facing roof slope would mean they were semi-concealed and viewed obliquely, and the lead grey frame colour would blend well with the roof tiles.
6. The proposed external balcony area backed by the sliding doors would have a depth of about 1.35m and a width about 2m. It would be similar in width to the bay window at the rear of no.51 and would broadly align with it even though there would be an intervening window above the bay. It would be noticeable but the bulk of it would be within the roof slope and its recessed design would be less intrusive than a typical balcony. Whilst I acknowledge that some dormer structures in the vicinity may well not be authorised structures, there are a number of them in the area and the addition of this proposed rear roof balcony would be comparatively less prominent and not wholly incongruous in this area. I noted that glimpses of the proposed balcony would be likely from York Villas, a public road, but those views would be at a significant distance and would not diminish the appearance of the area. Moreover, I do not agree that it would be harmful from a public or private vantage point to see the upper parts of the doors serving the balcony.

7. On this issue, I conclude that the proposal would not harm the character or appearance of the host building, its semi-pair or the wider area and would not be contrary to policy QD14 of the Brighton and Hove Local Plan 2005 'LP'.

Living conditions

8. The proposed glazed panels in the western roof slope would facilitate views towards the flank wall and roof of no.53 Old Shoreham Road. There is a modestly-sized sash window just below the eaves of no.53 which would be overlooked from the proposed side glazing. There is no objection from the occupier on the papers before me and it is not known with certainty what type of room the window serves. However, even if it serves a habitable room, I consider that harm from overlooking would be overcome by a proportion of the panels being fitted with obscured glazing. It is not necessary for all the panels to be glazed but I consider that it would be most appropriate in the circumstances for the developer and the local planning authority to seek to agree a scheme. I have therefore imposed a condition which requires a scheme detailing which panels to fit with obscured glazing to be submitted to and approved by the local planning authority prior to the commencement of development. It would then be necessary for the development to be carried out in accordance with those approved details.
9. Subject to that condition, I conclude that the proposed development would not result in unacceptable living conditions for the occupants of no.53 Old Shoreham Road with respect to privacy and there would be no conflict with policies QD14 or QD27 of the LP.

Conditions

10. For the sake of certainty and proper planning I have imposed a condition which ties the development to the approved plans. In order to protect the character and appearance of the building and area, a condition which requires the external finishes of the development to match in material, colour, style, bonding and texture those of the existing building (except where specified on the approved plans) is attached to the permission. The reason for condition no.4 has been referred to above.

Conclusion

11. The content of the Planning Guidance has been considered but in the light of the facts of this case, it does not alter my conclusions. Having taken into account all representations made, I allow the appeal subject to conditions.

Megan Thomas

INSPECTOR