
Appeal Decision

Site visit made on 3 March 2016

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 14th March 2016

Appeal Ref: APP/Q1445/D/15/3137472

5 Withdean Close, Brighton, BN1 5BN

- 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 Stephen Wells against the decision of Brighton & Hove Borough Council.
 - The application Ref BH2015/02528, dated 9 July 2015, was refused by notice dated 27 October 2015.
 - The development proposed a balcony to back of house.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to privacy.

Reasons

3. The appeal property lies on a steeply sloping site which means that, whilst the property appears single storey on the front elevation to west, at the rear the ground floor is raised a full storey above the garden and access is taken to the garden via steps leading from the kitchen/utility room. I agree with the appellant that this layout to the property is inconvenient and may cause difficulties for the occupier, who I am informed suffers from ill health.
 4. To the east of the property is a bungalow at 50 Withdean Road. Due to the changing landform, this is set at a much lower level than 5 Withdean Close. There are currently some views from within No. 5 towards No. 50, and there are also views from the existing patio area within the garden of No. 5, as well as from the external steps. I therefore acknowledge that No. 50 currently experiences a degree of overlooking.
 5. The proposed rear decking would create an area of around 9.5m by 2.8m at a significantly raised ground floor level. This is a large area, and would enable elevated views towards and over No. 50, and at a closer distance, to a greater degree than currently exist. I share the concerns of the Council and the neighbour at No. 50 that the size of this terrace, and the closer location to No. 50 at an elevated position, would lead to a material increase in overlooking and a consequential loss of privacy to occupants of that property.
 6. The proximity of the raised terrace to 4 Withdean Close is also likely to lead to increased overlooking towards that property due to the change in levels and
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absence of screening. The loss of privacy to that property would not be so great as to No. 50, due to the more acute angle, but there would still be an appreciable change in the amount of overlooking.

7. From my observations at the site visit I am therefore of the firm opinion that the size, design and position of the proposed decking would lead to a material loss of privacy to adjoining properties. I consider the harm arising from the scale and design of the scheme before me outweighs the benefits arising to the appellant through providing a sitting out area.
8. The proposals would therefore be contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan, and the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013, insofar as they seek to ensure new development does not cause a loss of amenity to adjacent residents and occupiers. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR