



Appeal Decision

Site visit made on 28 August 2020

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/Q1445/W/20/3248475

12, Ventnor Villas, Hove BN3 3DD

- 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 John Cramer against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03122, dated 19 October 2019, was refused by notice dated 27 December 2019.
 - The development proposed is described as: 'a new door leading to a raised deck and staircase to the rear of 12 Ventnor Villas'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the living conditions of the occupants of No 13 with respect to privacy and overbearing appearance;
 - b) whether or not the proposal would preserve or enhance the character or appearance of the Cliftonville Conservation Area.

Reasons

Living conditions

3. The rear door of No 12 is in an elevated position with respect to the garden and is served by a set of steps. Alongside the door is a window which is close to the shared boundary and its cill is approximately in line with the top of the boundary fence. This pattern is mirrored at No 13, with a window near the shared boundary.
4. The proposal would replace the existing window and door with a set of fully glazed, double doors immediately adjacent to the shared boundary. These would open out onto a small deck which would be reached by a new set of steps, the landing point of which would also be close to the existing fence.
5. Anyone on the deck would be able to look into the rear garden of No 13 from this elevated position. Although direct overlooking of the window and patio would be prevented by the privacy screen, the comings and goings on the deck and through the double doors would give a strong perception of loss of privacy for the occupiers of No 13. The height of the deck and its privacy screen would be significantly taller than the existing fence. This would introduce a sense of enclosure and appear overbearing from the patio to the rear of No 13. It would also result in some loss of outlook from the window close to the shared boundary.

6. This combination of factors leads me to conclude that the proposal would be harmful to the living conditions of the occupants of No 13, arising from loss of privacy and the scheme's overbearing appearance. It would conflict with Policy QD27 of the Brighton & Hove Local Plan (Local Plan) which requires development not to cause undue harm to the amenity of adjacent occupiers.

Character and appearance

7. Ventnor Villas lies within the Cliftonville Conservation Area. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. Paragraph 184 of the National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.
8. Ventnor Villas is a residential street predominantly characterised by large semi-detached villas dating from the mid-19th century. The street's significance derives from the elevational detailing, the pale rendered and painted façades and slate roofs. These give a sense of consistency and uniformity to the street scene. By contrast the rear elevations are plain painted render. There are variations of detail in these private spaces, where small scale changes have taken place in gardens and to the lower parts of the buildings. None of these are visible from the wider street scene and inter-visibility between the gardens is also limited. In these respects, these elements do not make a notable contribution to the significance of the conservation area as a whole.
9. The raised deck would introduce a new feature at the rear of the building and the proposal would result in the loss of the original window and door. Having the steps parallel to the rear elevation rather than at right angles to it would represent a change to the typical layout that seems to be associated with other dwellings in the street. However, the steps and deck are of modest proportions and would only be seen in oblique views from the upper floors of a limited number of windows. The use of rendered masonry and sandblasted glass would not look out of place in this context. No objection has been raised to the loss of the original openings. Consequently, I consider the proposal could be adequately integrated with the host property. There would be no adverse effect on the significance of the wider conservation area.
10. I therefore conclude that the proposal would preserve the character and appearance of the Cliftonville Conservation Area in compliance with Policy CP15 Brighton & Hove City Plan Part 1 and Policies HE6 and QD14 of the Local Plan. These policies seek to promote good design that preserves the city's historic heritage in accordance with its identified significance.

Conclusion

11. Although I have found no harm to heritage assets, I have concluded that the proposal would be detrimental to the living conditions of adjoining occupiers.
12. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR