



Appeal Decision

Site Visit made on 23 August 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2021

Appeal Ref: APP/Q1445/D/21/3271007

36 Roundhill Crescent, Brighton BN2 3FR

- 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 Dr Joana Monjardino against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03447, dated 25 November 2020, was refused by notice dated 20 January 2021.
 - The development proposed is described as Erection of external spiral stair to rear elevation with alterations to upper-ground floor window to from a doorway; erection of screen to boundary wall and enlargement of raised terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. However, as the Framework's sections that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to overlooking from the proposed doorway, platform and staircase; and
 - whether the proposed development, with particular regard to the proposed doorway, platform and staircase, would preserve or enhance the character or appearance of the Round Hill Conservation Area (CA).

Reasons

Living conditions

4. The appeal site is an end of terrace property comprising three floors of accommodation and a relatively long rear garden that steps down with the sloping topography. It is situated in close proximity to adjoining properties in the built-up residential environment created by the rows of terraced housing in the surrounding area.
5. The existing rear windows on the site face the rear garden. Although there are also some views of surrounding properties' gardens, including Nos 34 and 38 Round Hill Crescent, I observed on my site visit that such views from the

windows on the ground-floor (as labelled on the submitted drawings) are generally oblique, relatively restricted and essentially incidental. Overlooking from the site's ground-floor – and in particular from the window where the proposed doorway, platform and staircase would be situated – to adjoining properties is therefore not particularly significant.

6. In contrast, the proposed doorway, platform and the upper section of the staircase would provide more direct and significantly greater views to the rear gardens and sitting out areas of those adjoining properties. Due to the elevated and projecting position of the platform and staircase, the existing soft landscaping on the shared boundaries would not provide sufficient screening of the sitting out area of No 34 or the lower terrace of No 38. Although the proposed timber clad screen would limit overlooking of No 38's upper terrace to some extent, as shown on the submitted drawings and visualisations, it would not prevent views of it. I also observed on my site visit that the existing table and chairs on that terrace – which is smaller and likely to be more shaded than the lower terrace – would be visible from the proposed platform and top part of the staircase despite the proposed timber screen.
7. Due to the length of the site's rear garden and extensive soft landscaping on the shared boundaries with Nos 43 and 44 Upper Lewes Road, overlooking from the proposed development to those properties would be minimal. Although there would be direct views from the proposed platform and staircase to No 38's ground-floor side window, the appeal proposal would also not result in an unacceptable loss of privacy in relation to overlooking of that window because it serves a non-habitable room.
8. Nevertheless, despite topography, boundary treatment, the projecting flank wall of No 34 and No 38's rear outrigger, the proposed development would result in a significant loss of privacy for adjoining occupiers due to the extensive close-range views that it would provide of the sitting out areas at Nos 34 and 38. In coming to this view, I have taken into account the orientation, the differences in levels and the resulting height relationships between buildings, the residential use of the site and adjoining properties, and existing levels of overlooking between plots. The potentially transitory nature of the platform and staircase does also not lead me to a different conclusion.
9. For the above reasons, I conclude that the proposed development would harm significantly the living conditions of adjoining occupiers, with particular regard to overlooking from the proposed doorway, platform and staircase. I therefore find that it conflicts with Policies QD14 and QD27 of the Brighton & Hove Local Plan 2015 (BHLP). Amongst other aspects, these seek to protect the living conditions of adjoining occupiers and set out that planning permission will only be granted where development would not result in significant loss of privacy.

Conservation Area

10. The site is located within the Round Hill CA, whose significance stems from, amongst other aspects, its hilly siting with long, often stepped and curved terraces of mainly late 19th century buildings with continuous frontages framing distant views. The Council's Round Hill Conservation Area Character Statement identifies, amongst other things, street elevations being remarkably intact, the buildings in Round Hill Crescent being the most important architecturally, and gardens providing the designated area with some green space. Although the terraced property on the appeal site reflects the relatively

consistent and grand front elevations that face Round Hill Crescent, I observed on my site visit that the rear elevations at the site and in the locality are more varied. There are also a variety of features present on properties in the surrounding area, including for example some raised doorways, balconies – several with metal railings – and raised terraces.

11. Although the proposed doorway, platform and stairs would not be visible from the public realm, they would nevertheless be visible from surrounding properties. However, due to the relatively unobtrusive nature of the proposed spiral staircase and the presence of similar features to the proposed doorway and platform in the locality, they would not appear as incongruous features that would be out of character with the surrounding area and the varied rear elevations in the locality. The platform and staircase could also be finished in a manner that would reflect the railings found elsewhere in Round Hill Crescent, while replacing the PVC window with the proposed timber-framed door would remove a negative feature, as identified in the CA Character Statement.
12. The Council's Officer Report identifies that there are no objections to the proposed timber screening or enlarged terrace on design or appearance grounds. Having considered the development and visited the site, I concur and find that these elements would also be acceptable in relation to this main issue. Accordingly, the appeal proposal would not harm the character or appearance of the CA, and its significance as a designated heritage asset, to which I attach great weight, would be preserved.
13. For the above reasons, I conclude that the proposed development, with particular regard to the proposed doorway, platform and staircase, would preserve the character and appearance of the Round Hill CA. I therefore find that it accords with Policy CP15 of the Brighton & Hove City Plan Part 1 and BHLP Policies HE6 and QD14. Amongst other aspects, these seek to conserve and enhance the city's historic environment, require proposals within conservation areas to conserve or enhance the character or appearance of the area, and set out that planning permission for extensions and alterations will only be granted where the development respects the property to be extended, adjoining properties and the surrounding area.

Other matters

14. It has been put to me that BHLP Policies QD14 and QD27 predate the Framework and should be interpreted in relation to the presumption in favour of sustainable development in the Framework and its provisions in (what is now) paragraph 130. However, the evidence before me does not indicate that the development plan policies which are most important for determining the application are out-of-date and I am satisfied that the above NDLP policies are broadly consistent with the relevant Framework provisions. Accordingly, the presumption in favour of sustainable development does not apply and I have determined the appeal proposal in accordance with the development plan and material considerations.
15. The proposed development would provide a safe and easily useable additional means of access to the rear garden and the proposed timber screen would reduce the potential for overlooking of the site from the upper terrace of No 38. Although this would improve the living conditions of the occupiers of the site, the available evidence indicates that the rear garden is already accessible via two means of access and I observed on my visit that views from the adjoining

terrace to the site are relatively limited due to the plants positioned along the side of that terrace. The appeal proposal cannot therefore reasonably be described as providing significant and material gains of amenity to the occupiers of the site. Accordingly, the above aspects neither outweigh the significant harm I have identified in relation to the living conditions of adjoining occupiers nor provide justification for development that conflicts with the development plan. The awkward nature of the internal stairs to the basement – which is identified in the submitted Design and Access Statement as being steep, narrow, without an adequate landing at the top and not complying with current building regulations – does not lead me to a different conclusion.

16. A number of other matters have been raised by various parties, including in relation to noise disturbance, human rights, ground stability, drainage, and the effect of the proposed timber clad screen on the levels of daylight and sunlight at No 38. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

17. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR