



Appeal Decision

Site visit made on 16 January 2023

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 24th February 2023

Appeal Ref: APP/Q1445/D/22/3310835

8 Prestonville Road, Brighton, BN1 3TL

- 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 Mrs Sim Hing Ma against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/02297, dated 15 July 2022, was refused by notice dated 27 October 2022.
 - The development proposed is described as 'raised balcony and changes to the fenestration'.
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Procedural matters

1. The application form submitted to the Council described the description of development as set out above. I consider the description on the Council's Decision Notice more accurate so have determined the appeal on that basis, namely roof alterations incorporating rear dormer and balcony with balustrade and privacy screen and 1 no. rear rooflight.

Decision

2. The appeal is dismissed.

Main issues

3. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding residential area and, secondly, living conditions of adjoining occupiers.

Reasons

Character and appearance

4. The proposed development would see a dormer on the rear roof slope to provide access to the roof of an existing three storey closet wing projection to the house. This terrace that would be created by these works would be enclosed by railings and, on one side, a 1.8m high screen.
 5. These works at such an elevated position would be incongruous and out of character with the host property and the wider area: the provision of a raised terrace enclosed by railings and a tall screen – which would jar awkwardly with the pitched roof – would be an undesirable change to the property and the terrace. The works would unacceptably disrupt the established balanced character of the residential properties, being uncharacteristic of the area. Policy
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DM21 of the Brighton & Hove City Plan Part Two requires extension and alterations to existing buildings, including roof extensions, to be well designed and scaled, sited and detailed in relation to the property to be extended and to the surrounding area. The National Planning Policy Framework seeks to ensure good design to help create better places in which to live and work and make development acceptable to communities.

6. The raised terrace with screen would not represent good design, and so not be consistent with these policy objectives. There are limited public views of the rear of properties, although there are also many private views and it is reasonable that residents have an expectation of good design in the outlook from their properties. On the first issue it is therefore concluded the proposal would be harmful to character and appearance and so conflict with the development plan.

Living conditions

7. The height of the roof terrace would allow for views at elevated levels down to the gardens of properties and across to the windows of properties. Although the 1.8m screen would prevent views in one direction there would remain an unreasonable level of overlooking elsewhere, with the set-back of the terrace not preventing such overlooking.
8. The height of the screen and position to the south of the property to the north is also likely to have an effect on levels of light reached by that property. From the information submitted to me, and observations at the site visit, it appears there may be limited light to that property at present and so further diminution may be appreciable. Thus, in my judgement I consider it likely this would be harmful to the living conditions of adjoining occupiers.
9. The proposals would lead to an open amenity area at raised level with open railings on three sides. I consider it reasonable for the Council to raise objection to the potential for noise and disturbance from such a situation: none of the nearby properties have a similar raised terrace, and this new outdoor area could lead to noise at upper floors near bedrooms and across the garden areas, which is materially different to the noise that might arise from enclosed ground-level gardens. The appellant says that noise regulations could deal with this matter, but I do not agree that it would be proper planning in this instance of works to a house in a residential area to allow a situation whereby control over noise might only be achievable if it were to reach the levels of being a statutory nuisance.
10. The proposed development would therefore conflict with Policy DM20 of the Brighton & Hove City Plan Part Two which states that permission for development will only be granted where it would not cause unacceptable loss of amenity to existing residents and occupiers.

Other considerations

11. 3 Belmont to the west is a listed building. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. The listing describes the property as a detached house dating from the mid 19th Century with a stucco and knapped flint elevation, and it appears the significance of the building as a heritage asset derives from the good appearance and form as a large residence of that period. The distance between

- 3 Belmont and the appeal property means the setting would not be adversely affected.
12. The appellant has drawn my attention to elevated terraces at other properties, and has referred to terraces being permitted at some locations. I saw those on the opposite side of Prestonville Road, where there appears to be a number of properties with roof alterations and terraces. I understand two of these were permitted some years ago, prior to the adoption of the current Local Plan and the current Framework, and it appeared to me there were other roof level alterations where I am unaware of their history. This is therefore a different situation to the appeal property, which is in an area without similar changes and where I must determine the scheme on the basis of current local and national planning policy that include specific reference to the need for good design in relation to roof alterations.
13. For similar reasons the example of a terrace and roof alterations at locations further away are of little relevance to the current appeal as they would have been determined with regards to the context within which they lie. Thus, based on its own merits, I have found the appeal proposal unacceptable for the reasons given. I also note that the Planning Officer indicated support for the proposal during the course of the application, but the Council as local planning authority refused permission and, for the reasons given, I agree with that decision.
14. I acknowledge the appellant's wish to provide additional space at the property, and that there is extensive work to improve the building. However, I must balance this wish against other matters of acknowledged importance, as set out in the development plan and the Framework. My findings on the two main issues outweigh those other considerations, and the appeal is therefore dismissed.

C J Leigh

INSPECTOR