



Appeal Decision

Site visit made on 4 February 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: APP/T1410/D/25/3374103

15 Roseveare Road, Eastbourne, East Sussex BN22 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Anand Yadav against the decision of Eastbourne Borough Council.
 - The application Ref is 250326.
 - The development proposed is rear facing balcony at second floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form describes the development as “Retention of a rear facing balcony at second floor level” whilst the decision notice has it as “Retrospective application for erection of second floor balcony to rear elevation”. I have used the former in the banner heading above but removed references to it being retrospective as that is not a form of development. That said, the application form says the development has already been completed and I saw as much during my site visit.

Main Issues

3. The main issues are the effect of the proposed development on;
 - the character and appearance of the host dwelling and the area; and
 - privacy.

Reasons

Character and appearance

4. The appeal site includes a semidetached dwelling in a residential area. Whilst many nearby houses have been extended or otherwise altered, including by way of roof extensions and rooflights, local dwellings nevertheless retain a broadly traditional, suburban form and style, particularly at roof level. Much of the area’s character is drawn from this general uniformity.
5. The appeal scheme involves an enclosed balcony some 2.1m wide and 1.1m deep, placed on the flat roof of a first-floor extension to the appeal site dwelling. The balcony is accessed from a set of glazed doors and is formed of clear safety glass enclosed by a steel frame.

6. The area around the appeal site is arranged in a broadly back-to-back layout, such that surrounding roofs are visible from within local gardens. There are also gaps between dwellings that allow views of rear roof slopes from the public sphere; Indeed, the rear roof of the appeal site can be seen from nearby Churchdale Place as well as from neighbouring homes and gardens. From all of these vantage points it is readily apparent that upper-floor balconies or terraces of any description are not a feature of the area. The notable extent to which the appeal site balcony is at odds with the traditional suburban form of the area is exacerbated by its prominence at second-floor level.
7. The proposed development is incongruous in its setting, and in that way harms the character and appearance of the host dwelling and surrounding area, contrary to Policies UHT1 and UHT4 of the Eastbourne Borough Plan (2003) (the BP) and Policies B2, D1 and D10a of the Eastbourne Core Strategy (2013) (the CS) where they require development to respect local distinctiveness and character.

Privacy

8. Though it does not appear on the plans, the appellant has drawn my attention to the benefits of a screen placed to one side of the balcony. As I found it on site, the screen restricts direct views from the balcony into the second-floor window at 13 Roseveare Road (No13). It does not, however, prevent them altogether. The simple and common act of leaning slightly over the rear rail allowed me to look back over a very short distance directly into the window of No13, to the significant detriment of privacy for occupiers of that property.
9. Whilst the balcony is set back from the edge of the first-floor extension flat roof, it is nevertheless possible to obtain direct lines of sight from it into several neighbouring gardens, particularly those that adjoin the appeal site. I am mindful that a line of sight already exists into these gardens from the glazed doors, and also from first floor rear windows at the appeal site. I recognise that some overlooking of gardens from neighbouring upper floor windows is a common feature in suburban settings such as that found around the appeal site.
10. Even so, the balcony brings occupiers of the appeal site further rearwards, slightly increasing the angle of overlooking, and giving a clearer and more comprehensive set of views into neighbouring gardens. Furthermore, occupiers of the appeal site would be far more likely to linger on the balcony than at the glazed doors or windows, extending the periods in which overlooking would occur. They would also be far more visible and prominent to occupiers of neighbouring gardens when on the balcony, increasing the perception of being overlooked.
11. The appellant informs me that the glazed doors leading to the balcony area were not intended to open outwards, that the builder responsible for this error absconded, and that the balcony was installed as a result. I have been provided with very little evidence in support of this account, or to show me that the balcony was the only practicable solution. It is particularly unclear to me that creating the balcony was more cost effective than reversing or replacing the doors. Even if, however, I accept all that I have been told on this matter it does not justify a solution that causes harm to local character and to privacy.
12. The proposed development has an unacceptable effect on neighbouring privacy, contrary to the requirements in that regard of Policies HO20 of the BP and B2 of the CS.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
14. The appeal is dismissed.

A Knight

INSPECTOR