

## Appeal Decision

Site visit made on 15 November 2016

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 5 December 2016**

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**Appeal Ref: APP/Q1445/D/16/3160171**

**4 Ivy Place, Hove BN3 1AP**

- 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 Vic Ellison against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/01155, dated 31 March 2016, was refused by notice dated 19 July 2016.
  - The development proposed is a rear first floor extension and a second floor terrace.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension and a second floor terrace at 4 Ivy Place, Hove BN3 1AP in accordance with the terms of the application, Ref BH2016/01155, dated 31 March 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers M 97/01 rev. B, M 97/02 rev. F, M 97/03 rev. C, M 97/04 rev. A, M 97/10 rev. C, M 97/11 rev. C and M 97/12 rev. C.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposed terraces on the living conditions of neighbouring occupiers at 5-9 Golden Lane and surrounding dwellings with particular regard to noise and privacy.

### Reasons

3. Ivy Place is located within Brunswick Town Conservation Area, a densely developed area of Brighton, with a number of modest dwellings set in close proximity to one another. No. 4 is a mid-terrace three storey property that extends to the rear boundary with gardens of properties on Golden Lane. Those properties have two storeys above ground level to the rear, with small rear gardens. Consequently, the gardens are dominated by the surrounding built development.
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4. The proposal would replace the existing rooflight above the study with a glass roof that would form the floor to extend the existing terrace across the rear of the property. At first floor the existing rear projection would be extended across part of the existing terrace to the rear of the property and an additional terrace would be provided on the roof of the rear part of the first floor. Both terraces would be provided with obscure glazed screens to ensure occupants using the rear terraces would not overlook neighbouring rear gardens, as they can from the existing first floor terrace. Whilst the obscure glazed screen may not wholly overcome any perception of overlooking of neighbouring occupiers, the reduction in overlooking from the existing terrace would outweigh that limited harm.
5. Given that there would be additional space on the proposed rear terraces, occupants may use them more than at present. However, this would not have a material effect on the amount of additional noise emanating from the terraces.
6. As a result, I conclude that the proposed terraces would not have a material adverse effect on the living conditions of neighbouring occupiers at 5-9 Golden Lane and surrounding properties with particular regard to noise and privacy. As such, the proposed development complies with Policies QD14 and QD27 of the Brighton and Hove Local Plan (LP) that seek to protect the living conditions of neighbouring occupiers.
7. Given the orientation of the property such that the rear elevation faces south and the limited height of the proposed development in comparison to the existing building, I do not consider that the proposed extension would cause overshadowing of surrounding properties.
8. Given the modest size and design of the proposed development to the rear of the property, it would preserve the character and appearance of the Brunswick Town Conservation Area, in accordance with Policy HE6 of the LP that seeks to preserve or enhance the character or appearance of conservation areas.

### **Conditions**

9. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for materials to match those used on the existing house to maintain the character and appearance of the area.

### **Conclusion**

10. On the basis of the above considerations, I conclude that the appeal should succeed.

*AJ Steen*

INSPECTOR