

Appeal Decision

Site visit made on 22 November 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/Q1445/D/16/3156489

18 Friar Road, Brighton, BN1 6NG

- 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 Andrew Pettifer against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00922 dated 15 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the creation of raised timber decking with glass balustrading to rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of raised timber decking with glass balustrading to rear garden at 18 Friar Road, Brighton, BN1 6NG in accordance with the terms of the application, Ref BH2016/00922, dated 15 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: Site Plan_1 Proposed Decking 18 Friar Road Date: 6/3/2016; Ref: BH2016/00922 Existing Drawing 2B; Ref: BH2016/00922 Proposed Drawing 2B; Front Elevation_1 Proposed Decking 18 Friar Road Date: 6/3/2016; End Elevation East_1 Proposed Decking 18 Friar Road Date: 6/3/2016; End Elevation West_1 Proposed Decking 18 Friar Road Date: 6/3/2016; Plan_1 Proposed Decking 18 Friar Road Date: 6/3/2016.

Procedural Matter

2. I have used the more succinct version of the description of this proposal provided on the Council's Decision Notice in the interests of clarity.

Main Issues

3. The main issues are the effect of the proposal on a) the living conditions of the occupiers of neighbouring properties with particular reference to privacy, and b) the appearance of the rear elevation of this dwelling.

Reasons

4. Friar Road is characterised by detached and semi-detached properties situated on long narrow plots. The road itself has a falling east to west gradient and
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also falls steeply to the south. The appeal property is a two storey detached dwelling which is located on the south side of Friar Road. It has an additional flat roofed single storey element across the whole of its rear elevation. The ground floor level of this property is located at a considerably higher level than its rear garden, with steep steps leading down from patio doors to access the garden area.

5. The proposal would introduce an area of raised decking over part of this rear elevation. This would extend over the existing steps, providing a continuation of the existing ground floor level from the dwelling out into the garden area. The decking would be enclosed with a glass balustrade.

Living conditions

6. The combination of the lower level rear gardens and the fact that these properties fill much of their plot widths means that there are already opportunities to overlook neighbouring rear gardens from the properties themselves. In the case of the appeal property, the side boundaries between it and its neighbours are defined by good sized fences and some mature vegetation, both of which provide some screening. Nevertheless it is clear that opportunities for overlooking the garden to the west, that of No 20, are greater due to the falling east to west gradient of these gardens. I also note that the rear elevation of No 20 is sited somewhat behind the single storey rear element of No 18.
7. The raised decking area, which the Council states would be around 2.4m higher than the top of the existing raised patio area, and which would be around 4.2m in width, extending around 4.2m into the garden area, would be placed adjacent to the existing patio windows in the eastern part of the rear elevation of this property. In this respect it would be sited some distance from the shared boundary with No 20, though somewhat closer to the shared boundary with No 16.
8. As No 20 is sited at a lower level than No 18 it is possible that this structure would lead to a marginal increase in the opportunities for overlooking the garden of this property. However, as noted above, at the time of my site visit the presence of the boundary fence and mature vegetation provided effective screening.
9. I note the views of objectors that this screening would be reduced should this vegetation be cut back. Whilst I accept that this could be the case, my view is that due to the position of the first floor windows in the rear elevation of No 18 behind the single storey element, as well as existing ground floor side windows, there are already opportunities to overlook most parts of the rear garden of No 20. The position of the decking away from the shared boundary, and the fact that the rear elevation of No 18 is forward of that of No 20 means that there would be no additional overlooking opportunities either of the rear elevation of No 18 or the garden area closest to this property.
10. I have noted that the decking would be closer to the shared boundary with No 16. This boundary is a similar height to that on the other side though with less mature vegetation. As such my view is that there would be a marginal increase in opportunities for overlooking of the garden area of No 16, and also the ground floor windows of this dwelling. However, I note that existing side windows in No 18 already provide opportunities for overlooking the garden of

No 16. Also, as this shared boundary and the house and garden of No 16 are at a slightly higher level than the host property, opportunities for additional overlooking would be limited and in my view would not be unacceptable.

11. Overall, given the location of the proposed decking and the local topography, I have found that it would not lead to overlooking of neighbouring rear gardens or to the loss of privacy. In this respect it would not therefore have a detrimental effect on the living conditions of the occupiers of neighbouring properties. It would comply with the Brighton and Hove City Plan Part One 2016 (the City Plan), in which Policy QD27 states that planning permission will not be granted where development would cause loss of privacy in terms of overlooking.

Appearance

12. I have noted that the timber structure proposed would project beyond the rear elevation of this property over the existing concrete steps. These steps themselves are located on top of an existing patio which is raised above the main garden level as it adjoins the dwelling by about 1m. The decking would therefore be a visible addition to the rear of the property.
13. However, as it is of modest width and enclosed by glass balustrades my view is that it would appear reasonably discrete and not bulky or intrusive. It would be visible from the rear gardens of properties located to the east due to the rising gradient. However, I observed on my site visit that there are a variety of rear additions visible in this local area. In this respect the decking would not appear out of place.
14. I conclude on this matter that the raised decking would not have a detrimental effect on the appearance of the rear elevation of this dwelling. It would therefore comply with the City Plan which at Policy QD14 requires that development should be well designed in relation to the property being extended, adjoining properties and the surrounding area.

Conclusion

15. I have found that the proposal would not be unacceptable in terms of either its effect on the living conditions of the occupiers of neighbouring properties or its effect on the appearance of the rear elevation of this dwelling. This scheme would therefore be acceptable when assessed against the development plan and National Planning Policy Framework taken as a whole.
16. To ensure a satisfactory appearance the development should be carried out in accordance with the approved plans. Subject to this condition, the appeal should succeed.

AJ Mageean

INSPECTOR

