



# Appeal Decision

Site visit made on 2 June 2008

by **Andrew M Phillipson** BSc CEng FICE  
MIHT

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

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**Decision date:**  
12 June 2008

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## Appeal Ref: APP/Q1445/A/08/2064242

### 26 Park Road, Brighton BN1 9AB

- 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 Mark Bean against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03009, dated 6 August 2007, was refused by notice dated 2 October 2007.
- The development proposed is a single-storey rear extension to provide utility and living rooms.

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## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is the effect the proposal would have on the living conditions of the occupiers of the neighbouring houses at Nos 24 and 28 Park Road.

## Reasons

3. Nos 24 and 26 Park Road are semi-detached houses located on the north side of the street. Because of the slope in the road, the ground floor of No 24 is at a significantly lower level than No 26. The main window to the living room at the rear is close to the boundary, which is marked by a brick wall reaching some 2m above the adjoining ground level at No 26.
  4. The extension proposed would extend outwards some 5.9m beyond the main rear wall of the houses, close to the boundary with No 24. It would have a flat roof, but would nonetheless rise well above the existing boundary wall and the fence beyond it. Daylight reaching the rear living room window of No 24, which is already restricted to some degree by the wall, would thereby be significantly further reduced and the outlook further curtailed. Such an impact would, in my opinion, be unneighbourly and clearly contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
  5. Turning to the impact on No 28, this house is separated from No 26 by a shared driveway. Its main kitchen window looks out towards No 26 and the new extension would be clearly visible from it. No 28 is at a higher level than No 26, however, and the impact of the single-storey extension proposed on No 28's light and outlook would not, in my estimation, be such as to materially
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affect the amenities of the occupiers. In this regard I find no conflict with the development plan.

6. In conclusion, I find no reason to refuse planning permission with regard to the impact on No 28. I nonetheless conclude that the proposal would be overlarge and unneighbourly with regard to No 24 and would materially harm the living conditions of the occupiers of that house contrary to the development plan. I accordingly conclude that the appeal should be dismissed.
7. In reaching this conclusion I have had regard to all other matters raised. I appreciate that it may be possible for the appellant to extend his house using permitted development rights; however, this is not a matter that is for me to consider. I accept also that large rear extensions have been permitted at other houses nearby. Those that I saw, however, did not appear as large as that proposed and, where extensions similar in character to that proposed have been built, they have been added to both houses of a semi-detached pair. As such I do not see them as a precedent in favour of allowing the appeal.

*Andrew M Phillipson*

Inspector