



Appeal Decision

Site visit made on 23 November 2010

by J M Trask BSc (Hons) CEng MICE

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

Decision date: 9 December 2010

Appeal Ref: APP/Q1445/A/10/2136164
148 Freshfield Road, Brighton BN2 9YD

- 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 Robert Brignal against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01817, dated 14 June 2010, was refused by notice dated 5 August 2010.
 - The development proposed is to extend the existing ground floor rear extension.
-

Decision

1. I allow the appeal, and grant planning permission to extend the existing ground floor rear extension at 148 Freshfield Road, Brighton BN2 9YD in accordance with the terms of the application, Ref BH2010/01817, dated 14 June 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the extension is occupied. Development shall be carried out in accordance with the approved details.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/1006490, 02/1006490, 03/1006490 and 04/1006490.

Preliminary Matter

2. The Council did not attend at the time of my site visit and I made an unaccompanied inspection.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on the living conditions of neighbours in terms of privacy and the effect on the character and appearance of the existing building and the area.

Reasons

4. There is an existing extension at the rear of the house and the proposal is to widen this extension by 1.4m. The existing window in the rear facing wall of No148 overlooks the adjoining garden as does the side facing window in the existing extension. However, the proposed extension would have a larger window and be closer to the boundary than the existing window so there would be a slight reduction in privacy and an increased perception of overlooking. A high wall or fence along the boundary would overcome these concerns and, as suggested by the appellant, this could be controlled by a suitable condition. I am content that there would be no other substantial adverse effects arising from the erection of suitable boundary treatment. Accordingly, subject to condition the proposal would not be detrimental to the living conditions of neighbours.
5. In addition to the extension there is a double garage at the end of the garden. While the existing structures occupy a considerable proportion of the garden, and were permitted under previous less stringent development plan policies, the fact is that they exist. The proposal in itself would not make a significant visual impact or difference to the character and appearance of the existing building or the area.
6. Subject to condition the proposal would not conflict with the requirements of the development plan, in particular Policies QD1, QD14 and QD27 of the Brighton and Hove Local Plan.
7. In addition to the condition described above requiring high level boundary treatment, and as suggested by the Council, a condition is necessary to control the appearance of the extension in the interests of the character and appearance of the area. Otherwise than as set out in this decision, it is also necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning and I shall impose a condition to that effect.
8. For the reasons given above I conclude that the appeal should be allowed.

J M Trask

INSPECTOR