



## Appeal Decision

Site visit made on 4 August 2014

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 8 August 2014**

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**Appeal Ref: APP/Q1445/D/14/2220407**  
**48 Hill Brow, Hove, East Sussex BN3 6QH**

- 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 Anthony Nelson against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2014/00169 dated 20 January 2014, was refused by notice dated 25 March 2014.
  - The development proposed is described as a 'retrospective application to retain alterations made to the rear landscaping layout permitted by BH2013/00032. Alterations comprise additional lower decked terrace and boundary screening'.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of an additional lower decked terrace and boundary screening at 48 Hill Brow, Hove, East Sussex in accordance with the terms of the application, Ref. BH2014/00169, dated 20 January 2014, and the plans submitted with it.

### Procedural Matter

2. The application is for retrospective permission to retain the decking as built. However as 'retention' is not classified as development under the Planning Acts I shall deal with the appeal as being for the construction of an additional lower decked terrace and boundary screening.

### Main Issue

3. The main issue is the effect of the additional decking as now constructed and the boundary screening on the character and appearance of the existing property and surrounding area.

### Reasons

4. I saw on my visit that because of the land slope on the western side of Hill Brow, a number of the houses have some form of decking constructed over parts of their rear gardens. No. 48 is a case in point and the appeal relates to a further area to that allowed under permission ref. BH2013/00032 granted March 2013, together with a 1.8m high screening fence.
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5. The thrust of the Council's concern is that the combination of the 'excessive' depth of the decking and the large area of the garden it covers makes it a bulky and incongruous feature which relates poorly to the character and appearance of the main dwelling.
6. However because of the land slope and the fact that decking is a common feature in the area I do not consider it in principle to be 'incongruous'. I also take the view that it is not 'bulky' as the decking essentially follows the land slope of the rear garden, with Deck 2 only 1.2m above ground level and in the case of Deck 3, 1.5m. Given the size of the dwelling and the overall fall in the land these heights are in my view reasonable and do not comprise 'bulk'.
7. As regards depth, just under half the rear garden would be covered. Whilst this might not be appropriate in all cases I do not consider it excessive in terms of visual impact having regard to the land slope and the mature boundary screening. Furthermore, I consider the decking system to be of a high design standard with good quality materials. The Council has also referred to the screening panel for Deck 3 but on my visit I did not consider this to stand out as in any way being obtrusive.
8. Overall, I conclude that the decking as constructed does not harm the character and appearance of No. 48 or the surrounding area. It does not therefore conflict with Policy QD14 of the Brighton & Hove Local Plan 2005 or Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
9. In reaching my decision I have had regard to an objection as regards loss of privacy from the occupiers of 91 Woodland Drive to the rear. However because of the distance of the decking from the boundary with that property and the substantial existing planting I do not consider that it alters my conclusion on the appeal scheme or indeed necessitates additional screening,

### **Conclusion**

10. For the reasons stated above the appeal is allowed.

*Martin Andrews*

INSPECTOR