



Appeal Decision

Site visit made on 21 October 2013

by **M Brookes BA MSc MRTPI**

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

Decision date: 25 October 2013

Appeal Ref: APP/Q1445/D/13/2204134

23 Wanderdown Road, Ovingdean, Brighton, East Sussex, BN2 7BT

- 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 J Perham against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01300 was refused by notice dated 28 June 2013.
 - The development proposed is an area of raised decking within the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for an area of raised decking within the rear garden at 23 Wanderdown Road, Ovingdean, Brighton, East Sussex, BN2 7BT in accordance with the application, Ref. BH2013/01300 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1743/5 and 1743/6.
 - 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 issues

2. The main issues are the effect on living conditions in neighbouring properties in terms of privacy and on the character and appearance of the area.

Reasons

Living conditions in neighbouring properties

3. The proposed decking would be above an existing shed at the end of the rear garden of the appeal property. The rear garden rises from the bungalow to the rear boundary such that the decking would provide views over the roof of the bungalow towards downland beyond. To the rear of the garden is a high hedgerow with countryside beyond.
4. The properties to either side of the appeal site are also bungalows with similarly long gardens. Vegetation on and within the side boundaries of these adjacent properties effectively screens their rear elevations and private

gardens from the rear garden of the appeal property. It would also provide effective screening of views from the higher level of the proposed decking.

5. Whilst I understand the Council's concern that the boundary vegetation might be removed and that the development could, in those circumstances, cause some loss of privacy, I think that in practice this is most unlikely and I note that neither neighbour has raised objection to the development. The vegetation does not impact on use of the gardens, which are of substantial size, and the planting close to the proposed decking is in the north eastern corner of the garden of 21 Wanderdown Road and well away from the bungalow itself. Furthermore, all of the boundary vegetation is beneficial in screening views from ground level in adjacent gardens and its removal would result in a loss of privacy irrespective of whether the proposed development takes place.
6. Even if the vegetation were removed, the degree of overlooking from the decking would be limited because of its distance from windows in the rear of the adjacent bungalows and would only occur when the weather is good enough for the decking to be used.
7. My conclusion on this first issue is that the development would not be harmful to living conditions in adjacent properties in terms of privacy. It would not result in a material or significant loss of privacy or amenity to the neighbouring property contrary to saved LP Policies QD14 or QD27 of the Brighton and Hove Local Plan 2005 (LP). Nor would it conflict with the National Planning Policy Framework (the Framework), which states that planning should always seek to secure good standards of amenity for all existing or future occupiers of land and buildings.

Character and appearance of the area

8. The decking would be of unusual design, being raised on posts above an existing shed. However, it would have the scale and the general character and appearance of an ancillary domestic structure and would not be materially different in scale or form to the timber play equipment nearby in the garden. It would also have the benefit of being combined with, rather than separate from, the existing shed and would also be principally of timber construction.
9. In any case, as discussed above, it would be screened in views from adjacent properties. It would also not be visible from Wanderdown Road and in distant views from downland to the south-west it would appear as a very small feature on a substantially built-up hillside. In those views it would also be seen against a backdrop of a high hedgerow and a higher hillside beyond.
10. The development would not have a harmful effect on the character or appearance of the area. Having regard to its form as an addition to a typical garden shed of rudimentary design, it would not conflict with the Framework's promotion of high quality design or with saved LP Policy QD14, which states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Conditions

11. I share the Council's view that a condition requiring matching materials for the decking is necessary to safeguard the character and appearance of the area. I also consider that a condition requiring compliance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

Conclusion

12. The development would not have a harmful effect on living conditions in neighbouring properties in terms of privacy or on the character and appearance of the area. For those reasons, and having regard to all other matters raised, I allow the appeal.

M Brookes

INSPECTOR

