



---

## Appeal Decision

Site visit made on 15 May 2017

**by Elaine Benson BA (Hons) DipTP MRTPI**

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

**Decision date: 20 June 2017**

---

**Appeal Ref: APP/Z1775/D/17/3170888**  
**93 Clive Road, Portsmouth PO1 5JB**

- 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 and Mrs P Brown against the decision of Portsmouth City Council.
  - The application Ref 16/02038/HOU, dated 9 December 2016, was refused by notice dated 9 February 2017.
  - The development proposed is described as '*addition of single storey wrap around extension to rear*'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposed development on the living conditions of neighbouring occupiers at 91 Clive Rd (No 91), with particular reference to outlook, daylight and sense of enclosure.

### Reasons

3. The appeal site is a 2 storey terraced house in a road of similar properties which have long rear projections. It is proposed to build an 'L' shaped single storey side and rear extension comprising 2 joined together elements. In part, this would include infilling the open area between Nos 91 and 93 by extending No 93 sideward towards the common boundary. Using the appellants' figures stated on the drawings, the side part of the extension would have rendered walls with a sloped glass roof descending in height from 2.99m at the side elevation of the house to 2.13m at the shared boundary. The second element of the extension would extend across the full width of the house and that of the side extension. It would be 2.91m high and would extend 3m beyond the existing rear wall of No 93. This part of the extension would be flat-roofed, with an attached canopy above the patio doors in the end elevation. Like many other properties in the terrace, the projections of both neighbouring houses at No 91 and 95 have been extended.
4. Part of the boundary wall dividing Nos 91 and 93 is 1m tall where it is closest to the windows. This allows light to reach the side kitchen windows and partially glazed doors in both houses and their rear facing sitting room windows. The boundary increases in height from a point close to the rear elevation of the original houses and comprises a fence erected above the wall.

5. The greater height of the proposed extension at the boundary would result in a significant loss of light and outlook for No 91 to its sitting room and kitchen. There would also be an overbearing feeling of enclosure. The total depth of the extension along the boundary would be some 8.12m, thereby creating a long tunnel-like effect for the neighbouring occupiers at No 91. I note that direct overlooking from the kitchen window would be removed by the proposed development, thereby improving privacy. However, this benefit does not overcome the other concerns I have identified. No objections are raised to the proposed canopy and there are no reasons to take a different view.
6. I note that the appellants have amended a previously refused extension design, mainly by changing a slate roof to a glazed one. However, this has not overcome the concerns which arise primarily from the increased height and bulk of development along the shared boundary and particularly the development in the recessed area closest to the house.
7. For the foregoing reasons the proposal would conflict with Policy PCS23 of the Portsmouth Plan which deals with high quality design and among other things requires development to be an appropriate scale, layout and appearance in relation to its context. No local policies have been brought to my attention which relate specifically to the protection of living conditions. The proposed development would conflict with the design aims and objectives of the National Planning Policy Framework and those relating to living conditions.
8. The appellants identify a fallback position relating to development that could be erected under 'permitted development rights' (PD). They state that 'what appears to be the most contentious part of the design in the authorities view, namely the narrow glass roof lean to adjacent to the nearest boundary could be built under extended PD if presented as a standalone scheme'. It is possible that such an extension could have comparable effects on the occupiers of No 91 as the appeal proposal. However, there is no evidence with this appeal of a real possibility that such a scheme would be built, as evidenced by supporting drawings or a certificate of proposed development etc. As there is nothing greater than a theoretical possibility of the indicated PD scheme being erected, I conclude that the stated fallback position cannot be afforded significant weight and this matter is in my view insufficient to justify allowing the appeal proposal which would cause significant loss of light and outlook.
9. The appellants refer to a similar extension approved by the Council at Brompton Rd as a precedent. I do not have any details about that development, but this appeal proposal has been determined on its own merits, having regard to the particular circumstances of the case which are unlikely to be identical elsewhere. Whilst there have been no neighbour objections to the proposed development, this alone is insufficient to warrant approval.

### *Conclusion*

10. Having taken into account all of the circumstances of this case, I conclude that the appeal should be dismissed.

*Elaine Benson*

INSPECTOR