
Appeal Decision

Site visit made on 20 July 2020

by C Jack BSc MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/Q1445/D/20/3252841

6 Nevill Road, Hove BN3 7BQ

- 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 Mrs Asiya Sityaeva against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00755, dated 6 March 2020, was refused by notice dated 11 May 2020.
 - The development proposed is described as an oak framed pergola with Perspex roof and side privacy screening fitted off existing rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for an oak framed pergola with Perspex roof and side privacy screening fitted off existing rear extension at 6 Nevill Road, Hove BN3 7BQ in accordance with the terms of the application, Ref BH2020/00755, dated 6 March 2020, and the plans submitted with it.

Preliminary Matter

2. I saw during my visit that construction has started, with 3 vertical posts and a number of roof timbers in place.

Main Issues

3. The main issues are the effect of the proposed development on i) the living conditions of the occupiers of 8 Nevill Road, with particular regard to outlook and sunlight and ii) the character and appearance of the area.

Reasons

Living conditions

4. 6 Nevill Road (No 6) is a semi-detached house, with neighbouring 8 Nevill Road (No 8) attached on the northern side. A single storey flat-roofed extension at the rear of No 6 is positioned adjacent to the common boundary. The timber frame of the pergola, which is attached to this rear extension, occupies essentially the same width at the rear of No 6. At this location, the principal boundary treatment between No 6 and No 8 is a hedge, which is currently clipped to a height moderately less than the height at which the pergola roof timbers are positioned.
5. It is proposed to provide privacy screens at each side of the pergola. On the side adjacent to No 8 this would result in a screen projecting only moderately above the height of the hedge, to join with the side roof timber. As the pergola

would not extend substantially above the existing vegetation on the boundary, it would not be unduly overbearing on the living conditions at No 8. Moreover, sunlight from the southerly direction, in which the pergola would be situated relative to No 8, would be from the highest part of the sun's path. Taking these factors together, and while the pergola would project around 2.5m further along the common boundary than the existing extension, the effect of the pergola on shading at the rear of No 8, including the patio area, would be limited and not significantly greater than that resulting from the existing boundary treatment.

6. I therefore conclude that the development would not affect the living conditions of the occupiers of No 8 to a harmful degree. I find no conflict with Policies QD14 or QD27 of the Brighton and Hove Local Plan 2005 (BHLP), which together and among other things seek to ensure that extensions and alterations would not result in significant loss of outlook or sunlight for neighbouring occupiers.

Character and appearance

7. The pergola would be positioned at the rear of No 6 and would not be visible in public views from Nevill Road. To the rear of the property there is a private access route and parking area, which appears to serve a number of properties in the vicinity. The pergola would be visible from this area, and from the rear of several properties nearby, but it would have a very limited visual effect from these locations given its relatively lightweight appearance, the various fences and structures that would partially screen views of it, and the separation distance arising from the remaining rear garden between the pergola and the parking area.
8. The pergola would have a simple design and this, together with the open frontage, simple timber frame, and Perspex roof, would give it the character of a garden structure, albeit attached to the rear of the house. I saw a variety of structures in gardens nearby, including several garage buildings. The pergola would not be out of keeping in this diverse residential garden context or the wider setting, where there is a greater mix of uses. While pergolas may typically have climbing plants growing over them, the proposed Perspex roof covering would maintain a simple design and a garden-structure character.
9. I therefore conclude that the development would not harm the character and appearance of the area. I find no conflict with Policy QD14 of the BHLP, which among other things seeks to ensure that extensions and alterations are well designed in relation to the building, adjoining properties, and the surroundings.

Conditions

10. The Council has not requested any conditions. As the development has started a standard time limit condition is not necessary, and I am satisfied that no other conditions are necessary.

Conclusion

11. For the reasons given, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR