



Appeal Decision

Site visit made on 25 May 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/Q1445/D/21/3270096

28 St Mary Magdalene Street, Brighton BN2 3HU

- 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 Mark Side against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03123, dated 30 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is the addition of another storey to the existing rear extension to create a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 26 St Mary Magdalene Street, with regard to whether or not it would be overbearing.

Reasons for the Recommendation

4. Both sides of St Mary Magdalene Street are occupied by uninterrupted rows of narrow, terraced properties. The appeal site is relatively central along the road, with dwellings adjoined immediately to the left and right. The private outdoor amenity areas maintained by the adjoining properties are very limited in size, despite the absence of additional ground-floor development, such as is currently present at the appeal site. The buildings to the rear of No 28 are elevated in relation to the appeal property, and contribute to a feeling of confinement when viewed from the garden.
5. The development proposed would introduce an additional storey above the existing ground floor extension. The plans provided indicate that it would occupy roughly half of the site's width, mirror the depth of the existing ground-floor element, and abut the boundary line between No 28 and No 26 St Mary Magdalene Street. Increasing the height of the rear extension within these parameters would predominantly impact upon the occupiers of No 26. It would be overbearing and significantly increase the sense of enclosure experienced

for the residents of No 26 when using the outdoor amenity space, beyond that which is acceptable. This harm would arise irrespective of the area served by the closest window of No 26.

6. For these reasons, the development would cause unacceptable harm to the living conditions of the occupiers of No 28, and fail to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan which together seek to avoid a loss of amenity for adjacent residents.

Conclusion and Recommendation

7. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR