



Appeal Decision

Site visit made on 29 January 2025

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6TH February 2025

Appeal Ref: APP/Z1775/D/24/3352851

42 Drayton Lane, Portsmouth PO6 1HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Stephanie O'Leary against the decision of Portsmouth City Council.
 - The application Ref is 24/00503/HOU.
 - The development proposed is described on the application form as "demolition of existing first floor rear extension and reinstatement of larger first floor rear extension".
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Preliminary matters

1. The proposed development can most clearly be described as the construction of a first floor rear extension following demolition of the existing rear extension. I have therefore used this description in the decision below rather than that given in the application.
2. During my site visit I was able to assess the effect of the proposed development from the neighbouring property at 40 Drayton Lane.

Decision

3. The appeal is allowed and planning permission is granted for the construction of a first floor rear extension following demolition of the existing rear extension at 42 Drayton Lane, Portsmouth PO6 1HG in accordance with the terms of the application, Ref 24/00503/HOU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PP-13008089v1, 23001-01-100, 23001-01-101, 23001-01-400, 23001-01-401, 23001-01-201, 23001-01-200.
 - 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 dwelling.

Main Issue

4. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 40 Drayton Lane, with regard to overlooking and enclosure and the occupiers of the host dwelling at no. 42 solely with regard to overlooking.

Reasons

5. The appeal concerns a two storey detached dwelling that is sited closer to the street than the neighbouring dwelling at no 40, so that its flank wall faces towards the side boundary of the front garden of the adjacent property at fairly close proximity. Nevertheless, the top of the addition would be set below the ridge of the main roof and proportionately, the increase in depth at two storey height would be relatively modest. In consequence, the replacement first floor extension would not result in an undue increase in the bulk or scale of the dwelling. Moreover, a particularly open outlook is available looking down the relatively wide neighbouring front garden towards the lane. In these circumstances the extension would not create an unacceptable sense of enclosure and dominance, despite the adjacent garden being at a lower level than the host dwelling and its proximity.
6. There would be two large windows in the rear elevation of the extension, either side of another, smaller, recessed opening. These would extend across virtually the full width of the dwelling at first floor level. The adjacent property at no 40 has first floor side windows but these have obscured glazing. The staggered siting of the neighbouring properties would restrict visibility from the new windows to a fairly limited part of the back garden beyond the flank of no 40 at a significant distance. The rear windows would also face straight down the garden so that any overlooking towards the amenity space would be at a fairly oblique angle anyway.
7. In consequence and despite the amount of glazing and lower ground level at the adjacent property, there would be no unacceptable overlooking, either perceived or actual, of the adjacent property. For similar reasons there would be no unacceptable overlooking into the proposed extension.
8. It is therefore concluded that the living conditions of the occupiers of the adjacent and host dwellings would not be harmed. There would be no conflict with Portsmouth Plan Policy PCS23, which, among other things, intends that new development should protect amenity and provide a good standard of living environment for neighbouring and local occupiers, as well as future residents of the development.
9. Taking account of all other matters raised, given the absence of any harm it is determined that the appeal succeeds. A condition specifying the approved plans is necessary to provide certainty. The facing materials used in the development should match those of the existing dwelling in order to protect its appearance.

M Evans

INSPECTOR