



Appeal Decision

Site visit made on 28 May 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal Ref: APP/Z1775/D/25/3363573

21 Mayfield Road, Portsmouth PO2 0RP

- 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 Mr Paul Raine (Rainesway Construction) against the decision of Portsmouth City Council.
 - The application Ref is 25/00004/HOU.
 - The development proposed is two storey rear extension, single storey rear extension and internal alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension, single storey rear extension and internal alterations at 21 Mayfield Road, Portsmouth PO2 0RP in accordance with the terms of the application, Ref 25/00004/HOU, and the plans submitted with it, 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: Proposed block plan (Thorns Young Architectural, undated); Proposed plans (Drawing No. 8254 24 2); Section and notes (Drawing No. 8254 24 3).
 - 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 Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of No 19 Mayfield Road, with particular regard to outlook and daylight.

Reasons

3. The appeal site (No 21) comprises a two-storey semi-detached dwelling, located within a linear residential street. The adjoining dwelling No 23 contains a single storey rear extension, projecting beyond the rear of No 21 with no side windows facing the proposal.
4. No 19, to the other side, has a two-storey rear elevation aligning with No 21's existing rear elevation. There are ground and first floor clear glazed windows on this neighbouring elevation near to its rear garden side boundary, which contains a mixture of closeboard fencing and block walling.

5. The two-storey element of the proposed rear extension would be clearly visible above the side boundary, when viewed from the rear windows and garden of No 19. In the absence of specific guidance published by the Council, the appellant refers to the “45 degree rule” used by some other local planning authorities. This involves drawing a line from the mid-point of the affected habitable room window at an angle of 45 degrees towards the proposed extension. As this guidance does not form part of Portsmouth’s development plan, I can only afford it limited weight.
6. There would however be some separation away from the side boundary and rear windows of No 19, on account of the existing footprint of the dwellings. The proposed two storey extension would also contain a pitched roof that is hipped to the rear and of lower ridge height than the rear ridge of No 21. Further, No 19 benefits from a relatively deep rear garden, the majority of which would remain unaffected. On balance, in my judgement the proposed bulk and siting would therefore avoid an overly oppressive impact upon No 19’s level of outlook.
7. No 19’s rear elevation faces north and was in shadow at the time of my late morning site visit, despite the sunny conditions. Given the site orientation and presence of dwellings to each side, there would be no adverse additional impact on this dwelling in terms of loss of daylight. Its rear garden is sufficiently deep such that it would allow its users to continue to receive a good level of sunlight.
8. I therefore conclude that the appeal proposal would not adversely harm the living conditions of current and future occupiers of No 19 Mayfield Road in terms of loss of outlook or daylight. The proposal therefore complies with Policy PCS23 of the Portsmouth Plan (Portsmouth’s Core Strategy) 2012, insofar as it requires new development to protect amenity and provide a good standard of living environment for neighbouring and local occupiers.

Other Matters

9. The appellant refers to other rear extensions recently permitted by the Council at Nos 15 and 22 Mayfield Road. Based on the submitted evidence and what I saw during my visit, the specific circumstances of these examples are materially different to the appeal proposal. For clarity, these examples have not had a bearing on my determination of this appeal, which I have assessed on its own merits and site-specific circumstances.

Conditions

10. Conditions specifying time limits for the development and the approved plans are necessary in the interests of planning certainty. A condition requiring the external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area.

Conclusion

11. The proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR