



Appeal Decision

Site visit made on 6 October 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/Q1445/W/25/3369478

9 The Beeches, Brighton, East Sussex BN1 5LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Santino Sarri against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/00970.
 - The application sought planning permission for partial demolition and alterations to existing house to facilitate the erection of a new 2no. storey detached dwellinghouse (C3) to rear. Erection of new double garage with cycle storage and creation of a swimming pool. Associated landscaping, boundary treatments, parking, refuse and recycling storage. New access and widened vehicle crossover at 9 The Beeches, Brighton, East Sussex BN1 5LS without complying with condition 1 attached to planning permission Ref: BH2024/02569.
 - The condition is dispute is condition 1, which states: The development hereby permitted shall be carried out in accordance with the approved drawings listed below: Proposed Drawing P1.03 P4, Proposed Drawing P2.01 P3, Proposed Drawing P2.02 P3, Proposed Drawing P3.02, Location Plan P1.01, Block Plan P1.02 P4 and Preliminary Ecological Appraisal.
 - The reason given for the condition was for the avoidance of doubt and the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted under Ref: BH2024/02569 for the development described in the header above. The appeal proposal seeks to vary condition 1 of planning permission Ref: BH2024/02569 to enable the extension of the ground floor accommodation to create a new living space plus removal of the previously approved parapet along the single storey roof element.
3. The Council consider these changes would result in a dwelling with excessive scale that would harm the living conditions of No 11 The Beeches and be an over development of the site out of character with the area. Accordingly, the main issues are the effect of the development on the (i) living conditions of No 11 The Beeches with particular regard to outlook and whether it would be unduly overbearing and result in an unacceptable sense of enclosure, and (ii) character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is situated within an area defined by detached dwellings of varying sizes and architectural styles, each positioned within proportionately sized plots. Properties in the immediate vicinity of the site are typically arranged to maintain gaps and spacing between neighbouring homes. The appeal site is located directly to the rear of No 11 The Beeches.
5. The proposal seeks to extend the side flank wall projection along the northeastern elevation by approximately 4 metres. The extended side wall would face towards the rear of No 11. The extended wall would comprise two separate additions; one section of just over 1 metre adjacent to the proposed entrance, and a further extension just over 3 metres towards the rear of the site.
6. I have reviewed all the information before me including the section drawing prepared for the appeal. When considered in isolation, the approximate 1 metre addition close to the entrance of the property is a relatively minor change and would not result in any significant adverse effect on the living conditions of No 11. However, when this is assessed alongside the proposed extension of around 3 metres further towards the rear, the cumulative impact would constitute a considerable increase to the single storey portion of the northeastern side of the building, beyond what was previously approved.
7. This change would result in a blank, single storey wall of approximately 11 metres in length, positioned perpendicular to and extending across a substantial part of No 11's rear elevation. The proposed extension would also directly face towards rear windows of 11 The Beeches. Overall, this is a substantial alteration from the previously approved scheme, which featured a much smaller, recessed side projection that did not materially impact on the rear windows of No 11.
8. Although the side projection would not be positioned any closer to No 11, the overall length of the flank wall along the boundary would be unacceptably prominent, particularly given the modest spacing gap between the properties. In this context, the excessive length of the blank façade would create an overbearing presence and would unreasonably increase the sense of enclosure experienced by the occupants of No 11. It would also adversely impact on the outlook from rear windows of No 11 that would face out towards a large expanse of brick wall.
9. It is acknowledged that the first floor and roof structure of the property would remain unchanged. However, these elements are set back further within the plot compared to No 11 and as such would not have the same overbearing impact as the significantly extended single storey projection that is located only 3 metres from the common boundary.
10. The appellant notes that it would normally be possible to erect sizeable outbuildings in gardens under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the creation of an outbuilding is a fundamentally different form of development compared to a conjoined extension of an already large, approved dwelling. As such the impacts on living conditions from a detached outbuilding are not directly comparable to those identified. Additionally, there is no evidence of any intention to construct such an outbuilding through permitted development at present. Consequently, any permitted

development rights that may exist at the site or elsewhere do not serve to justify the harm identified by the proposal.

11. To conclude, the proposed extension of the northeastern wall would result in an excessively wide and blank projection that would be unacceptably overbearing to the neighbouring occupants of No 11 adversely affecting their outlook and create an unacceptable sense of enclosure. This is contrary to Policy DM20 of the Brighton & Hove City Plan Part Two (CP2), which protects against an unacceptable loss of amenity to adjacent or nearby users, residents and occupiers. The proposal would also be contrary to Paragraph 135 of the NPPF that requires development to have a high standard of amenity for existing and future users.

Character and appearance

12. The area surrounding the site features varied architecture with many modernised or extended properties. The site is large and set back from the street, resulting in limited public views.
13. The proposed changes, while increasing footprint, would not appear as an over development within its site when considering the size of the plot and extent of built form already approved. The proposed design would maintain the previously approved architectural style continuing to be read as a cohesive and integrated development across its component parts. Additionally, the two-storey section remains unchanged from the original proposal and would continue to be the main feature of the design even with the single storey part proposed to be extended.
14. The proposed dwelling would also continue to be served by a proportionately sized garden, which would enable the additional development to be accommodated comfortably within the plot. Overall, the single-storey additions have minimal impact on both the building's design integrity and the area's character due to the spacious plot, setback from The Beeches and retention of approved architectural elements.
15. For these reasons, the development accords with Policies CP12 and CP14 of the Brighton & Hove City Plan Part 1 and DM18 of CP2, which seek high-quality design that respects local character. However, finding no harm to the character and appearance of the area does not outweigh the harm identified to living conditions, which is a separate assessment and sufficient grounds of itself to dismiss the appeal.

Conclusion

16. For the reasons given above and considering all matters raised, I conclude that the development does not accord with the development plan and the appeal is dismissed.

N Perrins

INSPECTOR