The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2016

Appeal Ref: APP/Q1445/W/16/3150098
1 The Ridgway, Brighton BN2 6PE

- 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 Denis Sharp against the decision of Brighton & Hove City Council.
- The application Ref BH2015/04480, dated 11 December 2015, was refused by notice dated 8 February 2016.
- The development proposed is the erection of a detached dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Brighton & Hove City Plan Part One (CP) was adopted following the decision on the planning application and prior to submission of this appeal. Policies within this plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies during the course of the appeal and the appellant had the opportunity to comment. Policies QD1, QD2, QD3 and HO4 of the LP that were referred to in the reasons for refusal have been superseded by Policies CP12 and CP14 of the CP. Policy QD27 of the LP referred to in the reasons for refusal have not been superseded and remains part of the adopted development plan. I have based my decision on the current adopted policies.

3. The site is located to the rear of 1 The Ridgway which was, until recently, a doctors' surgery. Planning permission has been granted for demolition of much of that building and to convert and extend the remaining building to provide a pair of semi-detached properties. The side of that property faces toward Balsdean Road and the property has been subdivided, such that the site at the rear, on which the development proposed by the current appeal would be located, fronts Balsdean Road. I noted on site that the demolition of parts of the doctors' surgery has occurred and the conversion of the building and extension to provide a pair of semi-detached properties is currently taking place.

4. The planning application was submitted with two sets of plans that were identical in terms of the development proposed. The Council confirm that they assessed those showing the doctor's surgery in place, but as the development

on that site has progressed significantly since the application was determined I have relied upon the drawings showing semi-detached dwellings in the location of the doctor's surgery.

Main Issues

5. The main issues are:

- whether prospective occupiers would enjoy satisfactory living conditions with particular regard to light and outlook;
- the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 1a The Ridgeway and 2e Balsdean Road with particular regard to outlook; and
- the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

Living conditions of prospective occupiers

6. The proposed dwelling would appear as a single storey bungalow from the street, with bedrooms and bathroom on the entrance level and a large living room including kitchen within the basement level below. The living room would have a number of patio doors opening onto lower level patio areas that would be enclosed by high walls. The sunken patio areas would be modest in size such that the tall enclosing walls would result in very limited outlook from these rooms and the patio and would be dominated by the enclosing walls.

7. In addition, the limited size of the sunken patios and tall retaining walls overshadowing them would limit the amount of both daylight and sunlight available to the patio area and the main living room and kitchen within the dwelling.

8. The layout and use of the room within the basement as the main living area and sunken patios with limited outlook and limited light available would result in dull and oppressive spaces that would lead to poor living conditions for occupiers of the proposed dwelling.

9. As a result, I conclude that the design and layout of the proposed dwelling would result in unsatisfactory living conditions for prospective occupiers in terms of light and outlook. As such, the proposed development would not comply with Policy QD27 of the Local Plan that seeks to ensure development would provide satisfactory living conditions to the occupiers of proposed dwellings.

Living conditions of neighbouring occupiers

10. The proposed dwelling would be located directly to the rear of 1a The Ridgway, which is the former doctors' surgery that is being converted into a dwelling. That property will have a substantial garden across the rear and to the side, including steep banks to the side and rear up to the site.

11. The proposed dwelling would be visible above the boundary fence, but the substantial width of the garden of no. 1a combined with the limited depth of the proposed dwelling close to part of the boundary and visible above the fence

would ensure that the garden of that property would not be dominated by the proposed dwelling. As such, there would not be material harm to occupiers of that property within the house or rear garden.

12. 2e Balsdean Road is located to the rear of the proposed dwelling, at a slightly higher level on the slope of the land. The rear of the proposed building would be located slightly away from the boundary with no. 2e and behind the fence between the properties, with the pitched roof sloping away. The top of the wall and roof of the proposed building would be visible from that neighbouring property above the boundary fence, but the small amount of separation from the boundary, combined with the limited height would be sufficient to ensure that there would not be material harm to occupiers of that dwelling when using the rear garden.

13. For these reasons, I conclude that the proposed dwelling would not have a material adverse effect on the living conditions of neighbouring occupiers at 1a The Ridgeway or 2e Balsdean Road with particular regard to outlook. As such, the development complies with Policy QD27 of the LP that seeks to ensure that development would not cause material nuisance or harm to the living conditions of adjacent occupiers of proposed development.

Character and appearance

14. Balsdean Road is a residential road that predominantly comprises detached bungalows and chalet bungalows of traditional appearance. The proposed dwelling would be located to the rear of two storey semi-detached dwellings fronting The Ridgway. Surrounding the site are modern dwellings in a small courtyard, the closest of which is 2e Balsdean Road and is single storey with a high eaves line and rooms within the roof including dormer windows to the rear.

15. The proposed dwelling is an unusual design with a complete floor beneath ground level and voids within the garden that would provide patio areas and allow some light into the living rooms within the basement floor. Whilst this is an unusual design, those void areas and the lower floor would be largely hidden underground behind the proposed front wall. Consequently, the proposed dwelling would appear as a modest and traditional design of bungalow that reflects the design of other bungalows in the street.

16. The proposed dwelling would be close to the front boundary with the road, which reflects the location of the new semi-detached property at 1 The Ridgway. Other dwellings are located further back from the road, but are divided from the proposed bungalow by the modern development adjacent. This means that the proposed dwelling would be viewed in context with the semi-detached dwellings fronting The Ridgway and that modern development rather than other development in the surrounding area, such that the proximity of the proposed bungalow to the road would not appear out of place with surrounding development.

17. The restricted plot depth and void areas down to basement level mean that the usable garden at ground floor level is restricted. However, the width of the site means that the property would not appear cramped or overdeveloped on the plot.

18. For these reasons, I conclude that the proposed bungalow would respect the character and appearance of the surrounding area. As such, it would comply with Policies CP12 and CP14 of the CP that seek to ensure development is of a high standard of design that respects the character of the neighbourhood and contributes to its sense of place.

Other matters

19. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

20. The Council confirm that they are able to demonstrate a five year housing land supply, although this is questioned by the appellant. The CP provides recent relevant policies for the supply of housing. Whilst these policies would not meet the objectively assessed need for housing land and would spread the past under-supply over the whole plan period, due to the particular constraints faced by the city it was concluded, following examination, that the Council can demonstrate a five year housing land supply. In any event, paragraph 49 of The Framework confirms that it is only relevant policies for the supply of housing that should not be considered up to date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The policies referred to above, in particular Policy QD27 of the LP that seeks to protect the living conditions of prospective occupiers, are not relevant policies for the supply of housing.

21. In this case, there would be limited economic benefits during the construction of the development and future residents would support local services and facilities. The development would contribute a modest single dwelling to the supply of housing that would have a minor positive social impact. However, the unsatisfactory living conditions for prospective occupiers identified above would result in environmental harm that would significantly and demonstrably outweigh the benefits of the proposed development.

Conclusion

22. On the basis of the above considerations, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR