

## Appeal Decision

Site visit made on 7 November, 2016

**by C. Jack, BSc (Hons) MA MA(TP) MRTPI**

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

**Decision date: 21<sup>st</sup> November, 2016**

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**Appeal Ref: APP/Q1445/W/16/3155533**

**Land to the east of Number 7 Marine Close, Saltdean, Brighton, BN2 8SA**

- 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. Andrew Sinclair against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04367, dated 3 December, 2015, was refused by notice dated 18 March, 2016.
  - The development proposed is a new four bedroom bungalow with associated landscaping works.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, and ii) the living conditions of future occupiers.

### Preliminary Matters

3. Notwithstanding the description of the proposed development above, which is taken from the application form, it is apparent from the submitted documents and my site visit that significant remodelling to the existing dwelling at 7 Marine Close would take place to facilitate the creation of the additional residential plot. The Council's decision notice describes the appeal development as 'Erection of 1no four bedroom bungalow (C3) and alterations to existing dwelling'. I have considered the appeal on the same basis.
4. Subsequent to its determination of the application, the Council has adopted the Brighton and Hove City Plan Part One 2016 (BHCP). As a result, a number of previously saved policies from the Brighton and Hove Local Plan 2005 (BHLP) cited in the Council's reasons for refusal are no longer retained in force. These are Policies QD1, QD2 and QD3. The Council has provided replacement Policies CP8, CP12, and CP14 from the BHCP for consideration in the appeal. It is clear from the appellant's submissions that he is aware of the changes to the development plan.

### Reasons

5. Marine Close is a short residential cul-de sac of predominantly detached bungalows, some of which have living accommodation in the roof space, generally facilitated by dormers. No 7, which is situated in the most prominent position at the top of the gently rising close, is similar in character to the
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neighbouring bungalows. It occupies a larger than average plot, including an area of garden, hard standing and a detached block of three garages positioned between No 7 and No 8. No 7 has existing flat roofed dormers to the front and side.

6. It is proposed to subdivide the existing site to create an additional residential plot for a new bungalow. Two of the existing garages would be removed to facilitate this and the existing dwelling would be remodelled into a two-storey house. The third garage, which does not form part of the appeal site, would be retained in connection with No 8. The proposal includes off-street parking and a side garden area for the new bungalow.

#### *Character and appearance*

7. The prevailing plot structure in the close is of detached bungalows, side by side, in roughly rectangular plots. No 7 as existing is an exception in that it lies in a notably larger plot. As proposed to be subdivided, the new bungalow and No 7 would each occupy a roughly triangular plot. In the case of No 7, separation from the plot boundaries, particularly at the front and rear, would be maintained, consistent with the prevailing character. However, the new bungalow would be positioned unusually close to the rear boundary, such that its siting would appear cramped and contrived in relation to the overall plot and in comparison to existing layouts in the close. In these respects the proposal would be inconsistent with adopted Policy CP12 of the BHCP, which among other things seeks to establish a strong sense of place by respecting the general layout, pattern and footprint of buildings in the neighbourhood, among other things.
8. Notwithstanding, while the new bungalow would also have a side elevation immediately abutting the drive to No 8, this proximity would not be out of character in terms of the separation distances between the flank elevations of neighbouring bungalows. Furthermore, the general density of development would reflect that typically found in the locality and in this regard the proposal would be broadly consistent with the relevant criteria of adopted Policy CP14 of the BHCP.
9. The remodelling of No 7 to form a five bedroom two-storey house would result in a substantial detached property of a notably different scale and appearance to the nearby bungalows. Due to the form and significant relative height of the building, its proximity to the new bungalow, and its prominent position in the close, the remodelled No 7 would be both visually over-dominant in relation to the new bungalow and obtrusive in the street scene, to the detriment of the prevailing character and appearance of the close. It would therefore be inconsistent with retained Policy QD14 of the BHLP, which among other things seeks to ensure that alterations to existing buildings are well designed, sited and detailed in relation to the subject property, adjoining properties and the surrounding area.
10. The proposed new bungalow would be comparable in design, bulk, scale and character to others in the close. The provision of living accommodation in the roof would not be out of character with nearby properties and the proposed dormer would be subordinate to the main roof of the bungalow. In these respects I consider that the new bungalow would be in keeping with its surroundings and generally consistent with the dormer design guidance given in the Council's adopted Supplementary Planning Document 'Design guide for

extensions and alterations' 2013 (SPD12), notwithstanding that this guidance relates principally to extensions and alterations to existing buildings.

11. The proposed materials for the new bungalow and remodelled No 7 would not match the prevailing brick and tile in the close, however they would relate to other more recent developments in the vicinity, including at the entrance to Marine Close, where a similar palette is apparent at some properties.
12. Notwithstanding this, for the reasons set out above, I conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with adopted Policy CP12 of the BHCP and retained Policy QD14 of the BHLP.

#### *Living conditions*

13. The Council has assessed that the proposed development would have no significant impacts on the living conditions of neighbouring properties and in the absence of any significant evidence to the contrary, I see no reason to disagree. However the Council is concerned with the effect of the proposed development on the living conditions of future occupiers, particularly in relation to the new bungalow.
14. The outlook from the rear bedroom would be significantly limited by the proximity to the site boundary, where there is an existing hedge and immediately adjacent, the brick wall of a detached outbuilding relating to the property behind. The window of the middle bedroom would face directly onto the drive of No 8, in proximity to its garage and front door. Privacy would therefore be compromised in this room, together with noise and disturbance associated with the day to day comings and goings at No 8. Together, these factors would result in unsatisfactory living conditions for the future occupiers of the new bungalow. This would be contrary to retained Policy QD27 of the BHLP, which seeks to protect amenity, including through ensuring that development would not cause material nuisance or loss of amenity to the proposed occupiers.
15. The Council is concerned that the living space provided would be sub-standard and cramped. However, the appellant submits that the proposed floor area exceeds those set out in the government's Nationally Described Space Standard (NDSS), to which the Council has not provided any significant counter evidence. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can anyway only be applied where there is a relevant, current development plan policy. While I note that adopted Policy CP19 of the BHCP advises the intent to apply the NDSS through a subsequent policy, the Council has not provided any such current policy. Consequently, this is not a matter which carries significant weight against the proposal.
16. Nonetheless, the internal layout, circulation space, headroom and room sizes proposed appear generally satisfactory for the scale and nature of the dwelling proposed, and not significantly cramped or restricted. Therefore, in this regard the proposal would be generally consistent with Paragraph 17 of the National Planning Policy Framework, which seeks to ensure a good standard of amenity for future occupiers.

17. Notwithstanding this, for the reasons set out above, I conclude that the proposed development would be harmful to the living conditions of future occupiers. It would therefore conflict with retained Policy QD27 of the BHLF.

**Other Matters**

18. I have had regard to the other various benefits of the proposed development, including that it would make more efficient use of the site in a sustainable community, and that it would result in one net additional dwelling. I have given these benefits some weight in favour of the proposal, however, this is not sufficient to outweigh the harms I have identified above.

**Conclusion**

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Catherine Jack*

INSPECTOR