

Appeal Decision

Site visit made on 18 April 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 11 May 2017

Appeal Ref: APP/Q1445/W/16/3165722

Garages at Rear 5 Glebe Villas, Hove, Brighton & Hove BN3 5SL

- 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 Gordon White against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04624, dated 22 December 2015, was refused by notice dated 23 June 2016.
 - The development proposed is conversion of existing double garage at land to the rear of 5 Glebe Villas, Hove, BN3 5SL, into a dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect that the proposal would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the occupiers of 3, 5 and 7 Glebe Villas, with regard to outlook, overshadowing and noise and disturbance, and
 - the living conditions of the future occupiers of the proposed development, with regard to internal space.

Reasons

Character and appearance

3. The appeal site is within a mostly residential suburban area. Most nearby mainly semi-detached and detached dwellings are set back a little from Glebe Villas and they respect a broadly consistent front building line. At the back their deeper back gardens meet the ends of similarly deep back gardens of dwellings in the roughly parallel Portland Villas.
4. The site includes a drive from Glebe Villas and a mainly flat-roofed single-storey domestic double garage. The garage is sited beyond the end of the back garden of Flat 2 at 5 Glebe Villas and it is very close to the common side boundaries at the ends of the back gardens of 3 and 7 Glebe Villas and the common boundaries at the ends of the gardens at 6 and 10 Portland Villas.
5. Due to the depth of the back gardens, the mature vegetation in many, and the modest scale of most sheds, outbuildings, fences and walls in them, the spaciousness and greenery, which can be seen in the gaps between dwellings

in Glebe Villas, contribute positively to the character and appearance of the area. Because of its fairly low-key scale and form, the existing garage is subservient to the former villa at 5 Glebe Villas, which now includes a number of flats, and it barely intrudes into the important verdant spaciousness over the back gardens of the buildings in Glebe and Portland Villas.

6. The footprint of the dwelling would be only a little larger than that of the garage, but the gable-roofed first floor extension would substantially increase its bulk and height. Thus, the dwelling would look unacceptably dominant and out of place in the back gardens. Because the dwelling would be much taller and more bulky than the garage, it would look incongruous in views from the street through the gap between 3 and 5 Glebe Villas. Its built-up character would harmfully erode the important leafy appearance and spacious character that contributes in an important way to the sense of place. As the dwelling would be poorly related to the street, and its squeezed-in siting behind the frontage buildings in Glebe Villas would unacceptably disrupt the consistent pattern of development, it would be harmfully at odds with local character.
7. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy CP12 of the *Brighton & Hove City Plan Part One* (CP) which seeks respect for the character and urban grain of the city's identified neighbourhoods and the *National Planning Policy Framework* (Framework) which aims for proposals to take account of the character of different areas.

Nearby occupiers' living conditions

8. The dwelling would probably be occupied by one or 2 people. Although it would be in a place where there had not been a dwelling before, the comings and goings of the future occupiers and their visitors within this mainly residential area would not be likely to cause unacceptable noise and disturbance that would harm the nearby occupiers' living conditions. Also, having regard to its scale and form, orientation and relationship to the nearby dwellings and back gardens, the proposal would not cause overshadowing that would harm the neighbouring occupiers' living conditions, in their homes or in their gardens.
9. However, due to its scale and form, and its siting in relation to the living room and back garden of Flat 2 at 5 Glebe Villas, the proposal would have an unacceptably overbearing and oppressive impact on the outlook from the occupiers of Flat 2's home and garden. Due to its scale and siting, very close to the common boundaries, the proposal would also have a harmfully intrusive and oppressive effect on the outlook of the occupiers of the back gardens of 3 and 7 Glebe Villas.
10. I consider that the proposal would harm the living conditions of the occupiers of 3, 5 and 7 Glebe Villas, with regard to outlook. It would be contrary to Policy QD27 of the *Brighton & Hove Local Plan 2005* (LP) which aims to not permit development where it would cause material loss of amenity to adjacent occupiers, and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Future occupiers' living conditions

11. The ground floor of the dwelling would provide reasonable living spaces, including living and kitchen areas and a bathroom. The outlook from the first

floor through the roof lights could also be acceptable for a bedroom, although there would be almost no views below the horizontal plane due to their roughly eye level sills. However, there would also be substantial areas with reduced headroom under the sloping skellings of the pitched roof space, so there would only be a narrow full height central space in the bedroom where the occupiers might not need to stoop. Taken together, the modest area of full height floor space and restricted outlook in the only bedroom would provide cramped and oppressive living conditions for the future occupiers.

12. Thus, I consider that the proposal would harm the future occupiers' living conditions, with regard to internal space. It would be contrary to LP Policy QD27 which aims to not permit development where it would cause material loss of amenity to proposed occupiers, and the Framework.

Other matters

13. CP Policy CP14 was not a concern of the Council in its reasons for refusal, and I see no reason to disagree. I have had regard to my colleague's appeal decision ref APP/Q1445/W/15/3017300 for a development at the back of 36 Walsingham Road, Hove. However, that site is some distance from the appeal site where the character differs. Also, amongst other things, the proposal before my colleague was for a single-storey dwelling that would be sited well away from the boundary at the back of its site. So, it provides little support for this harmful scheme, which has been dealt with on its merits and in accordance with its site specific circumstances and relevant local and national policy.

Conclusion

14. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR