



Appeal Decision

Site visit made on 11 March 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/Q1445/W/18/3215541
6 Warren Road, Brighton BN2 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Bridgeman against Brighton and Hove City Council.
 - The application Ref BH2018/01188, is dated 13 April 2018.
 - The development proposed is for the demolition of existing bungalow and erection of 2 no. 2 bedroom houses.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing bungalow and erection of 2 no. 2 bedroom houses is refused.

Main Issues

2. Based on the submitted policies, my site visit and the representations from the appellant, consultees and local residents, I find that the main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring dwellings, with specific reference to privacy, noise and disturbance.

Reasons

Character and appearance

3. The character of the local area is defined by its detached and semi-detached bungalows and occasional houses of varying design but similar scale and pitched roof design, sitting on modest sized plots. These properties are set back from the street frontage to provide front gardens and/or parking.
4. The site is located on the corner of Warren Road and Downsway, and is currently occupied by a detached bungalow that sits in the middle of the plot. In response to the local topography, the site is raised up from Warren Road and is accessed from Downsway, which forms the site's most apparent frontage. The proposed development of 2 detached 2 bedroom houses would utilise the same raised site level and access from Downsway.
5. The height of the proposed 2 storey flat roofed houses would be no greater than the chalet style bungalows adjacent to the site. However, although contemporary in style, the proposed design is neither outstanding nor

innovative, but rather a thoughtful reworking of a standard flat roofed house design that would not reflect the massing of neighbouring properties. The volume of the first floors of the proposed houses would, therefore, appear as significantly bulkier in the streetscape.

6. This contrast in design approach would be made more apparent by the setting forward of the proposed houses further forward towards the street than the existing bungalow, necessitated by their over ambitious scale in relation to the modest scale and constrained width of the plot. This would result in the proposed houses being more out of alignment than the existing bungalow with the building line on this side of Downsway, where dwellings are set back behind moderately sized front gardens, a layout that forms a significant part of the character of the area. Given the corner location of the site and the height, scale and form of the proposed houses, this positioning on the site would result in an unduly prominent, bulky and cramped appearance in the local streetscape and a visually jarring contrast to the established character of the area.
7. The appellant has drawn my attention to the development of the pair of chalet bungalows at 2 and 2a McWilliam Road that replaced a bungalow at 8 Downsway on an adjacent and similar site, which he feels set a precedent for the proposed development. However, I find that the site on which Nos 2 and 2a sit is larger than the appeal site, and that by aligning with the building line of McWilliam Road and having significantly less bulk at first floor level, that development does not exhibit the visual impacts I have identified above in relation to the appeal scheme.
8. The appellant has suggested that soft landscaping could help soften the impact of the scheme and could be made a condition of an approval. However, this would not resolve the harm to the character of the area that I have identified above.
9. For these reasons the proposed development would result in significant harm to the character and appearance of the area and would not accord with Policies CP12 and CP14 of the Brighton and Hove City Plan Part One (March 2016), which seek, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of a neighbourhood with a positive contribution to its sense of place and a layout of a suitable density. The proposal would, therefore, not accord with paragraph 127 (criteria c) of the National Planning Policy Framework (the Framework) that seeks to ensure that development is sympathetic to local character.

Living conditions

10. The proposed houses would be positioned close to the boundary between the site and the rear gardens of the dwellings at 2, 2a, 4 and 8 McWilliam Road and the house at 1 Downsway.
11. At first floor level, bedroom 2 of both proposed houses would have large glazed doors with a Juliet balcony at one end, and in the opposite elevation, a narrow full height window. Both proposed windows in bedroom 2 of Unit 2 would allow some constrained overlooking of the rear rooms of No 2a and No 8 that would result in a slight loss of privacy to occupiers of these properties. However, the proposed glazed door in bedroom 2 of Unit 1 would be close to No 2, and whilst on an oblique angle, the proximity would enable overlooking of the rear rooms

of No.2. This would result in a significant loss of privacy for the occupiers of this property.

12. At ground floor level, 2 external walls of the main living space of both proposed houses would have extensive full height glazed partitions. When opened, the noise associated with the normal residential use of the property would not be constrained within the proposed properties. Given the proximity of the proposed dwellings to the rear rooms of Nos 2, 2a, 4 and 8, this would result in a significant potential noise nuisance to the occupiers of these dwellings.
13. Interested parties have raised concerns about the proximity of the proposed houses to their dwellings with regard to overshadowing and its effect on their living conditions. Having visited the site and having regard to the appellant's light study, there would be some slight additional overshadowing in the mornings in the winter months. However, I am satisfied that due to the separating distances and the orientation of the 2 proposed houses, the proposal would not have such a detrimental effect on daylight to amount to harm to the living conditions of the occupiers of neighbouring dwellings.
14. I conclude that, the loss of privacy by overlooking and potential noise nuisance issues I have identified above, would result in significant harm to the living conditions of occupiers of neighbouring dwellings and would not accord with saved Policy QD27 of the Brighton and Hove Local Plan (2005), which seeks to ensure that development does not cause material nuisance and loss of amenity to the occupiers of neighbouring buildings. The proposal would, therefore, not accord with paragraph 127 (criteria f) of the Framework, which seeks to ensure that development creates places with a high standard of amenity and does not undermine quality of life.

Other Matters

15. The appellant has drawn my attention to the appeal site being within the development boundary of Brighton and close to local services and public transport and to be benefit of providing 2 new family homes where there is only currently 1. These benefits would be small within the context of local housing need and sustainability and do not outweigh the harm to the character and appearance of the area and the living conditions of neighbouring occupiers identified above.
16. Although the appellant has set out their views on the advice and communication from the local authority through the planning application process, these are not matters that I can consider as material to my consideration of the proposed development.
17. The appellant has provided me with information on the previous withdrawn application. Whilst I acknowledge that the appellant has sought to make improvements to their development proposals, in my determination of this appeal I have considered the proposal on its individual merits.

Conclusion

18. With the presumption in favour of sustainable development and paragraph 11 of the Framework in mind, I confirm that even if the Council's policies were to be found to be out of date, the adverse impacts of granting permission in this case would significantly and demonstrably outweigh the benefits.

19. For the above reasons, I conclude that the appeal should be dismissed and planning permission refused.

Victor Callister

INSPECTOR