



Appeal Decision

Site visit made on 25 February 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/Q1445/W/18/3217539

158 Westbourne Street, Hove, BN3 5FB

- 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 Stuart Simmons against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/01862, dated 8 June 2018, was refused by notice dated 25 September 2018.
 - The development proposed is reconstruction of single storey double garage into 2 storey self-contained dwelling with front and rear amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Part of the Council's first reason for refusal relates the effect that the proposal would have on the established building line. In its statement, the Council confirmed that in fact, this aspect of the proposal was not of concern to them. Accordingly, I have considered it no further.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living condition of neighbouring occupiers, with particular regard to outlook from the gardens.

Reasons

Character and appearance

4. The appeal site comprises a single garage fronting Coleridge Street, to the rear of 158 Westbourne Street. The area is characterised by terraced housing arranged in a grid pattern. There are visual breaks in the otherwise fairly continuous built form near to road junctions, where the flank of a property on one road, meets the front of a property on another. These visual breaks make an important contribution to the character of the area. In some cases, they are occupied by single storey garages, as is the case at the appeal site. In others, they have been developed, in some cases, quite unsuccessfully in my view.

5. Whilst the garage at the appeal site appears to have fallen out of use and is not in a particularly good state of repair, it is a modest structure that does not draw the eye and importantly, it allows views over the top of it to the rear of the housing around it. These views, which are the result in a break in taller built form, are valuable and provide an element of relief to the street scene.
6. The appeal development would see the garage replaced by a two storey, one-bedroom house. The additional storey would close the existing visual gap for the most part. Reducing that openness would undermine the important visual function of the site, causing harm to the character and appearance of the area.
7. The appellant has stated that a gap of around 3.5m would remain between the side elevation of the proposed house and the rear elevation of No 158 at first floor level. An existing narrow passage way on the other side of the house would also be retained. Nevertheless, I do not find that the retention of these spaces would compensate adequately for the visual intrusion caused by the second storey of the building.
8. Moreover, the appellant's own detailed analysis of openness at sites like the appeal site in the local area shows that in many cases, the degree of openness retained at other sites is greater than would be the case here. Although this is not always the case, I observed that infilling on these sites was visually unsuccessful and detrimental to the character and appearance of the area, and so do not set a precedent that should be followed.
9. Furthermore, the development would not reflect the general pattern of built form in the area. The size of the plot, relative to those around it would be limited and would result in a form of development that would be out of scale with neighbouring buildings. The house would also appear cramped on the site, filling almost all of it with built form and being built up to the boundary with No 158.
10. I acknowledge that efforts have been made to reflect features of nearby properties in the design of the building and that it has been designed to achieve sustainability standards, but these factors do not overcome the concerns that I have described.
11. All in all, I consider that the proposal would harm the character and appearance of the area. Therefore, it would conflict with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One (adopted March 2016) which seek, in general terms, to achieve high quality design, respect the character and urban grain of the area and to ensure that development is of an appropriate density.

Living conditions

12. No 158 Westbourne Street appears to be served by an area of private, enclosed outdoor space at the rear of that property, fronting Coleridge Street and adjacent to the appeal site. The remaining garden area serving No 156 would adjoin the southern portion of the proposed building. Both these garden areas are modest in size.
13. Given the proximity of the dwelling to these modest garden areas and the height of the proposal, , I consider that the proposed house would create an unneighbourly sense of enclosure to them. It would result in a fairly oppressive and overbearing relationship and would dominate the outlook from them. As a

result, it would undermine the enjoyment of those garden areas for residents in those properties.

14. Therefore, the proposal would adversely affect the living conditions of neighbouring occupiers with regard to outlook from the garden areas. Accordingly, it would be contrary to Saved Policy QD27 of the Brighton and Hove Local Plan 2005 which seeks to protect living conditions at neighbouring properties from such impacts.

Other Matters

15. I have noted a range of concerns raised by neighbours of the site, some of which have not been advanced by the Council. Given the overall conclusions that I have reached on the main issues, I have considered those no further.
16. The Council has identified that pending an update on its housing land supply position (which I have not received), the 'titled balance' set out at paragraph 11 (d) of the Framework should be applied.
17. I have considered the various benefits that would be brought forward by the proposal, including a contribution towards meeting demand for smaller 'starter' housing, the replacement of an unused garage with a modern building and potential crime and disorder benefits. However, the adverse impacts that I have described would significantly and demonstrably outweigh the benefits associated with the appeal development, when assessed against the policies of the Framework taken as a whole.

Conclusion

18. For the reasons that I have described, I conclude that the appeal should be dismissed.

N Smith

INSPECTOR