



Appeal Decision

Site visit made on 7 May 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/Q1445/W/18/3218072
140 Carden Avenue, Brighton BN1 8NH

- 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 and Mrs John and Wendy Smith against Brighton & Hove City Council.
 - The application Ref BH2018/01962, is dated 1 June 2018.
 - The development proposed is for the demolition of existing sub-standard dwelling and construction of: 2 Two bedroom ground floor flats with patios, wheelchair user dwellings Part M(3) compliant; 1 Two bedroom first floor flat; 2 One bedroom flats, one with patio.
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Decision

1. The appeal is dismissed, and planning permission refused for the demolition of existing sub-standard dwelling and construction of: 2 Two bedroom ground floor flats with patios, wheelchair user dwellings Part M (3) compliant; 1 Two bedroom first floor flat; 2 One bedroom flats, one with patio.

Procedural matter

2. An additional plan was submitted during the appeal process, to increase the number of cycle parking spaces from seven, to eight or nine. I do not consider that this would materially alter the nature of the application or prejudice the interests of interested parties, I have therefore had regard to this plan in this decision.

Main Issues

3. The Council have provided a statement that sets out their concerns about the proposed development. These include the size of the development being out of proportion to surrounding development; the quality of the outlook for the first floor one bedroom flat; and the potential adverse impact of the development on surrounding residential roads.
4. I consider that the main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of future occupiers with reference to the first floor, one bedroom flat; and

- The impact of the development on surrounding residential roads.

Reasons

Character and appearance

5. The site is located on a corner plot between Carden Avenue and Graham Avenue. The surrounding area is generally residential with detached dwellings in a variety of styles, set within reasonably generous plots.
6. Carden Avenue is a busy road with some on street parking. The existing dwelling is orientated to face the junction and integrates well with the properties in both Graham Avenue and Carden Avenue. The site has vehicular access from Graham Avenue to the garage and off street parking space.
7. The proposed development would demolish the existing dwelling and garage and create a larger four storey building comprising five flats. It would be orientated towards Graham Avenue, with vehicular access provided from here. One off street parking space is proposed with an electric charging point.
8. The position of the site on this junction means that any development would be prominent, and in particular when travelling along Carden Avenue towards the east. The existing dwelling with its offset orientation sits well within the plot making a positive contribution to the character and appearance of the area.
9. The proposed building would be set down into the site. This would help to ensure some continuity to the roof lines with the properties to either side. However, the nature of the sloping land means that the scale and bulk of the building, within this relatively constrained plot, would result in a building that would be highly prominent and at odds with others in the area.
10. My attention has been drawn to variations in the width of the frontages of properties in Graham Avenue. I also acknowledge the Appellants view that the proposed development is of a scale appropriate to, and comparable with, other development in the area. However, whilst the proposed development would sit within one of the wider frontages, it's scale and bulk would make it overly prominent, especially when viewed from Carden Avenue.
11. Overall whilst development, comprising flats may be acceptable in principle, the appeal proposal, due to its scale within the plot, would appear overly dominant and thus significantly harmful to the character and appearance of the area. The proposal would conflict with Policies CP12 and CP 14 of the Brighton and Hove City Plan Part One. These policies together seek to raise the standard of design for new development, ensuring that it respects, reinforces or repairs the character of the area.

Living conditions

12. It is accepted by the parties that four of the flats would be provided with an appropriate level of light and outlook. The one bedroom first floor flat would be provided with a roof light and a further window in the corner of the room. The corner window, whilst not large, would look out over a small terraced area providing light to the room. The outlook provided to this room would therefore not be overly oppressive.

13. I therefore find that the level of outlook for the first floor bedroom in the one bedroom flat is appropriate and therefore not conflict with Development Plan Policy QD27.

Impact on surrounding Roads.

14. The Appellant provided a parking survey to the Council prior to the submission of this appeal. The survey was carried out by Reeves Transport Planning. I have no evidence before me to suggest that the survey should not be relied upon. The survey found that the on street parking stress would be likely to increase from 66% to 72% as a result of the proposal. This falls below the 90% which would be considered to represent material car parking stress and is thus within acceptable parameters.
15. It was evident at my site visit that some on street parking was available in both Carden Avenue and Graham Avenue. When taken with the data derived from the parking survey, the limited increase in traffic and parking that would result from this proposal, would be unlikely to have a detrimental effect on the public highway. In view of this, I find that the proposed development would be unlikely to result in increased traffic generation of a magnitude, that would result in an adverse effect of parking on the surrounding residential roads. The development would therefore comply with Policy CP9 of the Brighton and Hove City Plan Part One and Policy TR7 of the Brighton and Hove Local Plan.

Other matters

16. My attention has been drawn to other examples where there are instances of similar development. I have no evidence before me to confirm the planning history or circumstances for these sites. In any event, I have to determine this appeal on its own planning merits, and their presence would not be sufficient to justify granting this appeal.

Conclusion

17. Overall, I conclude that whilst the proposed development would not cause unacceptable harm to the living conditions of future occupiers of the new dwelling, or an unacceptable impact on the surrounding residential roads; it would cause significant harm to the character and appearance of the area.
18. Therefore, the benefits of providing four additional dwellings would be outweighed by the significant harm I have identified, such that planning permission is refused, and the appeal is dismissed.

Hilary Orr

INSPECTOR