



Appeal Decision

Site visit made on 12 August 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/Q1445/W/19/3230586

95 Wayland Avenue, Brighton, BN1 5JL

- 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 John Blankson against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/00294, dated 31 January 2019, was refused by notice dated 28 March 2019.
 - The development proposed is demolition of existing chalet bungalow and erection of two detached four bedroom dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. It has been clarified in the Council's Statement of Case that reference to Policy CP8 from the Brighton and Hove City Plan Part One (March 2016) should not have been included in the reason for refusal in the Decision Notice. On this basis, the proposal has not been considered against this policy in the Appeal Decision.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site currently contains a chalet bungalow, with front garden and detached garage and driveway. Wayland Avenue is typically characterised by a mixture of detached two storey and single storey dwellings. The properties are generally situated on large plots and whilst some feature detached garages or single storey extensions to the side boundaries, there is a general sense of space between dwellings which typifies the character of the area.
6. The appellant has highlighted that the current property at 95 Wayland Avenue has a wider plot frontage than the neighbouring properties and this difference

was apparent at my site visit. However, even with the wider plot frontage, the plot size of each proposed dwelling would be markedly smaller than the neighbouring properties creating a denser character which would be out of keeping with the existing properties on Wayland Avenue. In addition, only a minimal gap would be maintained between the proposed development and 97 Wayland Avenue. There is currently a garage abutting this boundary, and so the increase in built form here resulting from the introduction of a two storey dwelling would detract from the sense of separation that currently exists. The proposed development would therefore not reflect the generous plot size and general sense of space between properties in the area and would be out of keeping with the character and appearance of Wayland Avenue.

7. The appellant has provided details of two appeal decisions, one on Ditchling Road, Brighton and the other in Woodingdean, both relating to the subdivision of plots for additional housing. However, these sites have different surroundings and characteristics and their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
8. I therefore conclude that, for the above reasons, that the proposed development would have a harmful effect on the character and appearance of the area and be contrary to Policies CP12 and CP14 of the City Plan Part One which seek to ensure new development establishes and contributes to a strong sense of place and respects the character of neighbourhoods.

Other Matters

9. The Council acknowledges that it is unable to demonstrate that it has a five year supply of housing land and as a result the tilted balance in paragraph 11 d) ii. of the National Planning Policy Framework needs to be applied.
10. There would be small scale economic benefits in terms of the investment in the construction of the two dwellings and local employment during the construction process. The proposal would also add a further dwelling to the housing stock in the area. As the proposal is only for one additional dwelling these benefits would be modest. I recognise that the Council states the proposed development is acceptable with regard to a number of planning matters including living conditions of neighbours and future occupiers, highway safety and design. The lack of harm in these respects carries neutral weight.
11. Overall, I find that the adverse impacts of the development proposed would significantly and demonstrably outweigh the benefits when assessed against the development plan as a whole.

Conclusion and Recommendation

12. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR