



Appeal Decision

Site visit made on 9 September 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/Q1445/W/19/3231978

Site adjacent 87 Cowley Drive, Woodingdean, Brighton BN2 6WD

- 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 Darren Barnett against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00638, dated 4 March 2019, was refused by notice dated 25 April 2019.
 - The development proposed is demolition of existing side extension and garage and erection of a two bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of future occupants, with particular regard to the provision of private garden space.

Reasons

Character and appearance

3. The appeal site forms a parcel of land which was previously part of the rear gardens of 87 Cowley Drive (No 87), a corner plot, and 89 Cowley Drive (No 89). It is currently occupied by a single storey garage, with a crossover, and the land slopes down to meet the pavement on the Donnington Road frontage. A high fence separates the appeal site from the Cowley Road properties and a wall, from the adjoining property at 49 Donnington Road (No 49).
4. Donnington Road is characterised by detached and semi-detached houses, bungalows and chalet bungalows. Dwellings within the wider vicinity, including those along Cowley Drive are modest in size. The overall character is a green and suburban one, created by the ratio of buildings to open space, with generous gardens to front and rear, supplemented by the presence of green verges and street trees.

5. The proposed development is to demolish the existing garage and replace it with a detached bungalow with a frontage to Donnington Road. The existing front drive would be retained and front and private rear gardens would be provided. The bungalow would be L-shaped with a hipped roof.
6. Two previous proposals, the first for the construction of a two-storey house and the second for a chalet bungalow, were both dismissed on appeal¹. The Inspector for the most recent appeal in respect of the chalet bungalow found that the width of the new dwelling and its proximity to both Nos 49 and 87, with a very small rear garden would appear cramped and incongruous, and would be harmfully out of character with the area around it. While the proposal before me is for a bungalow with no roof level accommodation, it would be wider than the previous proposal.
7. The proposed building would be positioned closer to the boundary with No 49 and a short distance from No 87. The limited gap between separate houses would make them appear cramped and out of keeping with the more spacious and open character of Donnington Road. The longer frontage to Donnington Road created by the shape and angled position of the boundary with No 87 would not overcome the cramped appearance that would result from these buildings being in such close proximity. Moreover, the front garden area created by this shaped boundary results in an awkward relationship with No 87 as it extends around the small area of rear garden retained for this house. This would be out of keeping with the more traditional layout of plots within the surrounding area.
8. Furthermore, the proposed bungalow would have a very limited garden to the rear, smaller than the previous scheme, due to the L-shape of the proposed building. The limited size of the rear garden would be apparent due to the position of No 89 which would be visible in close proximity behind the proposed bungalow. The removal of the conifers along this boundary would emphasise this.
9. The harm to character arising from the previous proposal has not therefore been overcome. Furthermore, the proposed bungalow, being set slightly forward of neighbouring properties, would not be in keeping with the pattern of development on this street frontage and would add to the prominence of the building within the street scene. This, in combination with the limited space around the building and the odd shape of the front garden in relation to the host dwelling, would make the proposed bungalow appear shoehorned in between Nos 49 and 87. This would be harmful to the open character of the area.
10. I have had regard to the recently approved application² for a certificate of lawful development for the construction of two outbuildings within the garden of No 87. If implemented, I accept that these buildings could occupy much of the space around the existing garage and between the garage and the rear of No 87. However, while I consider these buildings would have a similar impact in terms of the space around the buildings, they would sit within the garden of No 87 as ancillary buildings to the main house and not as an entirely separate house squeezed in between No 89 and No 49 which I have found to be harmful.

¹ APP/Q1445/W/16/3142706 and APP/Q1445/W/17/3190747

² BH2018/02307

11. I conclude that the proposed development would significantly harm the character and appearance of the local area. It would therefore conflict with Policy CP12 of the Brighton and Hove City Plan Part 1 2016, which expects all new development to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Living conditions

12. The proposed bungalow would provide two bedrooms and accommodation for three persons. Private garden space of around 22sqm would be provided to the rear although I note the Council disputes that this would all be useable space and considers it would be around 17sqm. The garden would be north facing and enclosed by 2m high fences.
13. The private garden space would be small and, given its orientation, it would be likely to be in shade much of the time. Its limited size and enclosure by high fences would make it feel cramped and enclosed and unsatisfactory as outdoor space for sitting out in, outdoor play or hanging washing out. It would therefore not provide satisfactory garden space for the future occupants.
14. I have had regard to the previous appeal with regard to the provision of outdoor space and I note the Inspector found no policy conflict as the provision of outdoor space was not a matter of dispute between the parties. In this appeal, the amount of private garden space proposed is less than previously proposed and its adequacy is a matter of dispute between the parties. It therefore falls to me to consider this matter which I have done.
15. My attention has been drawn to a planning permission granted for a new house at the rear of 109-111 Cowley Drive which reduced the amount of private garden space for the existing property at 111 Cowley Drive. I do not have the full details of the scheme at 109-111 Cowley Drive. However, contrary to the calculations put to me, I find that the appeal scheme would provide significantly less private garden space per square metre of floorspace than the scheme at No 111. I am therefore not persuaded that a reduced amount of garden space would be acceptable.
16. I conclude that the proposed development would harm the living conditions of future occupants with regard to the provision of private garden space. It would therefore conflict with Saved Policies HO5 and QD27 of the Brighton and Hove Local Plan, which together seek to resist development which would cause harm to the amenity of future occupants and require the provision of private useable amenity space appropriate in scale and character to the size of the development.

Other Matters

17. The scheme has some local support. The provision of an additional house would make a small contribution to the supply of housing. Its close proximity to a bus route, constructed to be both energy and water efficient are all positive aspects of the scheme. Furthermore, the removal of the conifers would improve the outlook and reduce overshadowing of the garden of No 89. These factors weigh in favour of the scheme.
18. The proposed development would not harm the living conditions of neighbouring occupiers. The absence of harm in this respect is a neutral factor.

19. The appellant has referred to their permitted development rights as a potential fallback position but I have seen nothing to suggest they would genuinely pursue this option if the appeal failed or that such a scheme would be similar to, or materially worse than, what is currently proposed. As such, it is a matter of negligible weight.

Conclusion

20. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

Inspector