



Appeal Decision

Site visit made on 16 October 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/Q1445/W/19/3230238

Land off Raphael Road, Hove BN3 5QQ

- 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 T Froude against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00169, dated 15 January 2018, was refused by notice dated 24 January 2019.
 - The development proposed is new 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - whether or not the development provides acceptable living conditions for neighbouring occupiers at No 34 Modena Road, No 35 Raphael Road and No 150, No 152 and No 154 Portland Road with respect to overlooking, overbearing, outlook and loss of privacy.

Reasons

Character and Appearance

3. The appeal site is a narrow piece of land, which consists of six single storey garages in a linear row to the rear of Portland Road and their garden spaces, situated between Raphael Road and Modena Road. There are a further eight single storey garages adjacent, which are also in a linear arrangement, and form a rear garage court. This linear arrangement is characteristic of the generally regular urban grain of the surrounding streets.
4. These garages are accessed from Raphael Road and are set back behind the building line of 37 Raphael Road. Views of the garages are possible when passing the access. It is also possible to see in to the site and view the single storey rear addition of 148 Portland Road towards the back of the site, when seen from the access along with the side boundaries of 34 Modena Road and 35 Raphael Road. The garages are modest in their scale, materials and positioning, and along with the linear nature of the site, the appeal site has an

ancillary, subservient character complementary to the surrounding residential streets.

5. It is proposed to erect a two storey two-bedroom single dwelling house on the brownfield site to the rear of the single storey rear addition of No 148. The proposed dwelling would project forward of the established linear building line of the garages by extending forward of the front elevations of the garages. This projection forward into the site, along with its two-storey height, would result in a built form which would visually protrude and become dominant when viewed from the access from Raphael Road, and over the single storey rear addition of No 148 when viewed from Modena Road. The projecting form of the proposed development would be seen in context with its surroundings, forming part of the immediate street scape from Modena Road and Raphael Road, and would appear at odds with the established regular and linear built form of the surrounding area.
6. The harmful projection would be exacerbated by the proposed positioning of the development near to the boundaries to the north, east and south. The proposal would therefore appear cramped in relation to the scale of the site and would highlight its narrow character resulting in an over-developed appearance.
7. There are a variety of materials and roof forms used in the immediate area. The proposed use of metal roof cladding, timber cladding to the upper storey of the house, along with the flat roof design, would not therefore appear an alien feature in the surrounding area. However, these matters do not change my view about the harm that the proposal would cause to the character and appearance of the surrounding area.
8. The appellant considers the proposal to represent a building of modern design, which would support local facilities and is of better quality than the existing garage. However, its scale, projection and positioning would be out of character with the surrounding area and therefore I do not consider these to be over-riding benefits to the scheme.
9. The appellant suggests that the site would be comparable in its width and length to other surrounding houses in the area, that the space between these houses and neighbouring buildings is no greater than that proposed, and that there are examples of back land development and former garages sites developed, with some photos provided. However, these seem to be individual dwellings with their own private, individual accesses and do not appear to be identical comparisons to the appeal site which has a different context, and I do not have all the full details that led to the development of these sites. In any event, I must assess the case before me on its own merits.
10. For these reasons I conclude that the development would have a harmful effect on the character and appearance of the area and would conflict with Policies CP12 and CP14 of the Brighton and Hove City Plan Part One 2016 (the City Plan) taken as a whole, notwithstanding my findings on the proposed design and materials. These, amongst other things, seek to ensure that new development raises the standard of architecture and design in the city, respects or reinforces the character of the neighbourhood, and is well designed, sited and detailed to take into account the property, adjoining property and the surrounding area.

11. The Council references QD14 of the Brighton and Hove Local Plan 2005 (LP) in their reason for refusal. However, this policy relates to extensions and alterations to existing buildings which appears less relevant in this case.

Living Conditions

12. The proposed two storey development, which includes amenity space for future occupiers around the proposed dwelling, would be positioned on the rear boundary of the garden spaces of 150 and 152 Portland Road and adjacent to the rear boundary of 154 Portland Road. The proposal would be located approximately 1m away from the side boundary of No 34, and its garden to the rear, which backs on to the garden of No 35.
13. The close location of the two-storey side wall of the proposed development would be visible from within the private garden spaces of Nos 150 and 152 and would result in the upper storey of the proposal being located directly on their rear boundaries. Although the garden space to No 150 is a small space, it is still an outdoor area which could be used by occupants of the property. This close proximity to the south, along with its two-storey height, would result in an enclosing effect, resulting in overshadowing, loss of outlook and an overbearing impact to the neighbouring occupiers of the garden spaces of these properties, along with their rear windows.
14. The proximity of the proposed front elevation, which includes two large bedroom windows at two storey height, to the rear boundary of No 154, would result in overlooking and loss of privacy to the neighbouring occupants when using their garden space. The inappropriate scale, height and massing would also result in harmful overshadowing, loss of outlook and an overbearing impact given its location.
15. The proposed positioning of the development would allow views into the gardens of Nos 34 and 35, but these would be oblique, partially screened by trees and would reflect the existing relationship established by the linear nature of Raphael Road and Modena Road. These would therefore not be harmful.
16. The site lies to the north of the No 34, which has a single storey flat roof element with a significant glazed roof lantern. This separates the first-floor windows of No 34 from the boundary. Given this relationship, separation and orientation the proposal would not have a harmful impact on the living conditions of the neighbouring occupiers. It would therefore be acceptable in this regard. However, it would not outweigh the harm I have identified.
17. Although I have not found the proposal to be harmful in respect of Nos 34 and 35, for the reasons explained above, I conclude that the development would not provide acceptable living conditions for neighbouring occupiers at Nos 150, 152 and 154 and conflict would arise with Policy QD27 of the LP. This seeks to protect the amenities of future occupiers.

Other Matters

18. The Council has referenced CP8 of the City Plan in its decision notice, which relates to sustainable buildings. However, the Officer report confirms matters could be conditioned if the development were to be allowed. I have no reason to disagree with this and as such do not consider the development to be contrary to CP8.

19. I recognise that the proposal complies with CP14 in so far as it relates to the use of brownfield land. However, this is an element of the policy and for the reasons given above I do not consider it to comply with Policy CP14 and its objectives overall.

Planning Balance

20. The Council has confirmed that it cannot demonstrate a five year housing supply as required by the Framework. The appellant does not dispute the Council's more recent evidence that there is around a 4.5 year supply. I have no reason to arrive at a different view. The proposal would result in the provision of an extra dwelling which would make a positive contribute to this shortfall and to the mix of dwelling sizes, and which the appellant considers to be viable and sustainable. However, as a single unit of accommodation, this would have a modest benefit.
21. I have taken into account the letter of support for the proposal. This letter considers that the proposed development would enhance the neighbourhood. However, for the reasons given above I have concluded that the proposal would harm the character and appearance of the surrounding area and would not therefore enhance the neighbourhood.
22. The appellants state that the proposed redevelopment of the site would limit anti-social behaviour, such as fly tipping on the site. Whilst I recognise an additional dwelling would increase the level of surveillance in the area, I do not have all the information relating to the level of such behaviour, or whether this could be achieved through other methods. I therefore give this limited weight.
23. I recognise that the redevelopment of the brownfield site may add to the economy through the creation of additional construction jobs and the site would be in an accessible location. However, the scale of development the benefits derived from a single dwelling in this case would be modest.

Conclusion

24. I have found that the proposal would result in significant harm to the character and appearance of the area and in respect of the living conditions of neighbouring occupiers and I give this significant weight. I recognise that the proposal would have the benefits of contributing towards housing land supply and the economy. However, the harm identified would be significant and long-lasting and the benefits modest.
25. Having regard to these matters, I conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. For these reasons, I conclude that the appeal is dismissed.

L Crouch

INSPECTOR