
Appeal Decision

Site visit made on 6 November 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019.

Appeal Ref: APP/Q1445/W/19/3234728

3 Brangwyn Avenue, Brighton BN1 8XH

- 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 Matthew Woods against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01215, dated 23 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is a new five bedroom, single family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council referred to Saved Policy HO5 of the Brighton and Hove Local Plan, 2005 (LP) in regard to the existing dwelling at No 3 within the reasons for refusal. However, Saved Policy HO5 refers to new dwellings and is not directly relevant to the existing dwelling at No 3. Saved Policy QD27 of the LP, which refers to existing amenity is referred to by the Council within the Officer's Report and by the Appellant. As such, both parties have clear knowledge of this policy and have had an opportunity to comment on its relevance to this appeal. The National Planning Policy Framework is also of relevance. I have, therefore, taken these into consideration when reaching my conclusions on this issue.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 3 Brangwyn Avenue with particular regard to amenity.

Reasons

4. The appeal site is an area of vacant land which has been fenced off and separated from No 3 Brangwyn Avenue. The land was previously part of the curtilage and garden area of No 3.
5. No 3 Brangwyn Avenue is a two-storey, semi-detached dwelling set back from the road behind an area of hardstanding surrounded by vegetation and a low level brick wall. Brangwyn Avenue is a residential road which is characterised by detached and semi-detached dwellings in a variety of designs.

Most are set back from the road and sit comfortably within fairly spacious plots contributing to the positive character of the area.

6. The proposal is to construct a five bedroom dwelling (though the plans and documentation indicate that bedroom five could have an alternative use as a study). The master bedroom and an en-suite bathroom would be situated within the roof space of the building and the rest of the accommodation would be laid out over the two main floors of the building.

Character and appearance

7. The proposed dwelling would be of a considerable size and would be sited close to the side boundaries of the plot. The dwelling would be sited forward of No 3 and would occupy a substantial proportion of the site. There would be a fairly small garden area to the rear and an area of hardstanding at the front to allow for a parking area. Though I note that the building has a staggered frontage with the aim of aiding the transition of the building line, the dwelling would be notably closer to the road than is typical of dwellings in the vicinity of the appeal site.
8. I note that plot sizes in the area vary and some are more substantial than others. However, whilst sizes vary, the dwellings appear to be designed in such a way that they sit comfortably within their plots and a sense of spaciousness is created. As a result of the scale of the proposed dwelling, its proximity to the boundaries and smaller setback it would not reflect that same spacious character and appearance and would, rather, appear as a cramped addition to the street scene which would fail to respect the existing pattern of development.
9. Properties in the area have a largely traditional character and appearance, particularly in respect of design and materials. The proposed dwelling would introduce a roof level window on the front gable of the property which would appear as an alien feature and would not reflect the design of other nearby buildings. The design of the proposed dwelling would also include little soft landscaping at the front which would lead to a harsh appearance; out of keeping with the front garden areas along the street. Furthermore, the proposed dwelling would use materials, such as a zinc roof, which would appear incongruous in the context of the very traditional materials found elsewhere.
10. Whilst I acknowledge the attempt to introduce a modern dwelling which would not simply mimic the established street-scene, I find that the detailed design of this particular proposal would create a development of unduly incongruous appearance.
11. Consequently, the dwelling would not assimilate effectively with the street scene and, as such, would cause harm to the character and appearance of the area. The proposal would, therefore, fail to accord with Policies CP12 and CP14 of the Brighton and Hove City Plan Part 1, Brighton and Hove City Council's Development Plan, March 2016 (DP). Amongst other things these policies state that residential developments should be of a density that is appropriate to the identified positive character of the neighbourhood and expect new development to raise the standard of architecture and design in the city and respect the character and urban grain of the city's neighbourhoods.

12. The proposal would also fail to accord with the National Planning Policy Framework (The Framework) which similarly promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

13. In order to create a plot large enough to accommodate a dwelling of the size proposed, the sub-division of the plot would result in the host dwelling retaining only a very small rear garden area. In this instance, the proposed garden area would not be large enough to meet the typical requirements for gardens as might reasonably be expected based on the size of the dwelling and the likely accompanying character and scale of its occupation.
14. According to the plans provided, the retained garden area would appear to be divided by an existing rear projection at No 3 which would further erode the usability of the space.
15. I accept that the existing hedgerows in the rear garden of No 3 could be removed to create a larger usable space. Nevertheless, the garden would remain small and would, in my view, still be insufficient for the dwelling it is proposed to serve.
16. I note that the plots have already been subdivided and the garden area of No 3 already reduced. The existing sub-division is not consistent with the established pattern of development in the local area and, it seems to me that, the previous situation has the potential to be restored.
17. The appellant makes reference to the existence of other properties with similarly sized or smaller gardens, however, each case must be determined on its individual merits and the circumstances in each case are likely to be different. In any event, the existence of other examples is not sufficient reason to justify permitting a development which would, based on its individual circumstances, provide an inadequate level of amenity provision.
18. I acknowledge the appellant's suggestion that many people do not want or need large gardens. However, in my view, due to the size of the dwelling and its current or potential future use as a family home this may not always be the case in this instance. Moreover, the planning system has a duty to ensure that the homes it delivers provide a certain standard of amenity. This duty is reflected by The Framework which states that developments should create a high standard of amenity for existing and future users. The proposed development would fall short of this expectation.
19. For the reasons set out above, the development would have an unacceptably detrimental effect on the living conditions of the occupiers of No 3 Brangwyn Avenue with particular regard to amenity.
20. The proposal would therefore fail to accord with The Framework and with Saved Policy QD27 of the LP. Amongst other things Saved Policy QD27 states that planning permission will not be granted where it would cause a material loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.

Other Matters

21. There is no dispute that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of a new dwelling which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. This benefit includes potential implications for the future affordability of the housing stock in the area. I also note that the proposal would have other benefits including the economic benefits of engaging local professionals, trades and suppliers.
22. I acknowledge that the dwelling would make efficient use of land in a location well served by existing facilities and infrastructure. I also recognise that the proposal would potentially provide some, limited, benefits for example by providing a space for the occupiers of the proposed dwelling to have the opportunity to work from home.
23. However, this scheme is for the addition of one dwelling and any benefits would be limited by this small number. Therefore, I find that the harm I have identified above would significantly and demonstrably outweigh the cumulative benefits associated with an additional dwelling.
24. I have noted a number of other issues raised; including the effect on the living conditions of other nearby residents, the potential for the proposal to set a precedent and the effect on traffic and parking. However, as this proposal is unacceptable for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.
25. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached regarding the harm to the character and appearance of the area and living conditions at No 3.

Conclusion

26. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above and having considered all other matters raised I conclude that the appeal should fail.

L J O'Brien

INSPECTOR