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## Appeal Decision

Site visit made on 28 July 2020

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2020**

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**Appeal Ref: APP/Q1445/W/20/3250905**

**Land adjacent to 69 Hillside, Brighton BN2 4TF**

- 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 Ms L Nevzorova of Uniquim Homes Developers Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2019/02450, dated 15 August 2019, was refused by notice dated 6 November 2019.
  - The development proposed is demolition of existing garage. Erection of new attached 3 bed dwelling with parking space using existing access. Creation of new access and parking area to serve existing dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect on the character and appearance of the area
  - The effect on the living conditions of occupants at 69 Hillside, with respect to light and outlook.

### Reasons

#### *Character and appearance*

3. Hillside is characterised by semi-detached and terraced houses on steeply sloping land on an estate developed during the interwar period as public housing. Houses are of brick or render with pitched tiled roofs with forward facing gables at either end. There has been a small amount of infill on the estate, and some changes to buildings including the use of coloured render and reroofing, but otherwise it remains largely as originally developed.
4. The proposed development would add a new dwelling to the end of a pair of semi-detached houses. The building would be positioned against the side boundary, without leaving a gap of at least 1m as recommended in the Council's Design Guide<sup>1</sup>. This would appear cramped and out of character with other dwellings on the estate where the blocks of semi-detached or terraced houses all have a degree of space between them. The space between 67 and

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<sup>1</sup> Brighton & Hove City Council supplementary planning document 12: design guide for extensions and alterations, June 2013

- 69 Hillside is wider than average for the area, but if a development similar to that proposed in the appeal were to take place alongside the neighbouring house, the gap would be lost.
5. In terms of design I also have concerns with the front projection being wider than the projections on the existing pair of houses, and that the projection would be hipped rather than gable fronted. This would introduce a discordant note into the street scene and would contrast unfavourably with what is otherwise a coherent estate design with projections on each building group being of the same size and gable fronted. This includes the central gable projections on a terrace of four dwellings nearby which, although of a different design to the end projections, are still gabled and of the same size to one another.
  6. The appellant has drawn to my attention an extant permission for an attached dwelling at 31 The Crescent on the same estate. This dwelling has a different design to the appeal scheme but is also positioned against its side boundary. I do not have details of the original permission for this site, so I do not know if there were any specific reasons why permission was granted in that case, but I acknowledge the similarities between the two schemes in respect of its separation from the boundary.
  7. Notwithstanding the decision at 31 The Crescent, I am concerned that if permission were granted for two storey side extensions on the estate that were positioned against their side boundaries, the spacing between building groups would be eroded leading to blocks potentially merging together visually. This would be to the detriment of the character and appearance of the area, where views between buildings, in particular those which allow views out across the valley, are an important feature of the estate layout. I therefore place greater weight on the advice in the Council's Design Guide on maintaining spacing between buildings and their side boundaries than the example granted permission at 31 The Crescent.
  8. I have no objection to the use of a covered passageway to access the rear gardens as this would be partly concealed between the two flanking projections and is in any case a feature used on the existing terraced blocks on the estate.
  9. I also do not object in principle to elongating the semi-detached pair of dwellings, as groups of more than two dwellings are common on the estate. I noted on my visit a dwelling that has been added adjacent to 40 Hillside and which in my judgement assimilates well into the area. In contrast to the appeal proposal, space is maintained on its open side because of an existing accessway.
  10. While I raise no objection to some aspects of the proposal's design, I conclude that because of the lack of space at the side of the dwelling, and the discordant design features noted above, the development would harm the character and appearance of the area and would therefore conflict with policies CP12 and CP14 of the Brighton & Hove City Plan Part One and policy QD14 of the Brighton & Hove Local Plan, which promote good design that respects local context. It would also conflict with the Council's Design Guide for the same reasons.

### *Living conditions*

11. The proposed dwelling would project beyond the rear wall of the host dwelling. The longest two storey element would comply with the 45° guideline as recommended in the Council's Design Guide when taken from the principal kitchen window of 69 Hillside, although it would fail when taken from the smaller secondary kitchen window. As this room gains light and outlook through both windows, I do not consider it would be harmfully overshadowed or be dominated by the proposed structure.
12. The shallower part of the two storey element would fail the 45° guideline but because it projects only a short way beyond the rear wall of 69 Hillside, it would not be apparent in views from any of the windows and therefore would not have an overbearing effect or appreciably reduce light to the host dwelling's rear elevation.
13. The single storey element projects out further but is lower in height than the two storey element and again would not be harmful in terms of light or outlook. Other windows in the rear elevation of 69 Hillside are either further away or higher than the kitchen windows and would therefore be affected less.
14. Being positioned to the south of 69 Hillside, the proposed building would reduce sunlight to the host dwelling's rear elevation and to a lesser extent its garden. However, the buildings would be of a similar scale to one another, and with adequate daylight and an otherwise open aspect to the rear garden I do not consider the loss of sunlight to be harmful to the enjoyment of the adjoining dwelling.
15. Although not included in its reason for refusal, the Council has criticised the impact on the other half of the existing semi-detached pair of houses at 71 Hillside. As this property would be further away from the proposed building than 69 Hillside and affected less, I do not consider the living conditions of its occupants would be harmed.
16. I conclude that the proposed development would not have a harmful effect on the living conditions of occupants of the adjoining property at 69 Hillside with regard to light or outlook and would therefore comply with policy QD27 of the Brighton & Hove Local Plan, which resists loss of amenity to existing and adjacent occupiers.

### **Other Matters**

17. The Council acknowledges that there is a shortfall in housing land supply. In such circumstances, paragraph 11 of the National Planning Policy Framework advises that applications involving the provision of housing should be granted permission unless certain criteria apply.
18. I consider the harm caused to the character and appearance of the area would significantly and demonstrably outweigh the limited benefit of adding one additional unit to the City's housing stock, when assessed against the policies of the Framework taken as a whole. The proposal therefore fails the second criterion of paragraph 11 of the Framework, and the presumption in favour of sustainable development is not triggered in this case.

## **Conclusion**

19. Although I have found no harm to the living conditions of neighbouring occupants, I have concluded that the development would harm the character and appearance of the area, and therefore conflict with the Development Plan as a whole. Consequently, I conclude that the appeal is dismissed.

*Guy Davies*

INSPECTOR