
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

Appeal Ref: APP/Q1445/W/20/3250380
83 Mile Oak Road, Portslade BN41 2PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Sharon Drewett against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00211, dated 21 January 2020, was refused by notice dated 23 March 2020.
 - The development proposed is demolition of single 2 bed bungalow and constructing 3 no. 3 bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of neighbouring occupants in respect of overlooking, overshadowing and loss of sunlight; highway safety; and the character and appearance of the area.

Procedural Matter

3. The application is made in outline with all matters reserved. It is accompanied by detailed drawings showing how 3, 3-bedroom houses could be provided on the site. As the application is made in outline, I have taken these as being for illustrative purposes only and I have considered them in that context.

Reasons

Living conditions of neighbouring occupants

4. The site is a tight one with limited depth. A development of 3, 3-storey dwellings would have to be positioned very close to the rear boundary. This would bring them in close proximity to the neighbouring properties in Brasslands Drive. Notwithstanding the difference in land levels, and assuming a flat roofed form of design shown on the illustrative drawings, the height and bulk of the proposed buildings combined with the limited separation would in my view cause them to appear overbearing to the neighbouring properties, with attendant overshadowing and loss of sunlight.
5. I am also concerned that the proximity between the site and the properties in Brasslands Drive would cause overlooking between habitable room windows. Although the design of the dwellings shown on the illustrative plans limits the amount of rear fenestration, I note that there are kitchen windows at first floor

level that would look out towards the rear. These windows would cause a harmful degree of overlooking because of the short separation distance and direct relationship. It may be possible to design dwellings that did not have any habitable room windows above ground level that faced north, but I am not persuaded that is possible with the amount of development proposed.

6. I acknowledge that the townhouses in Hillcourt Mews have similarly short rear gardens. However, the separation between these dwellings and their immediate neighbours at 8, 10 and 12 Brasslands Drive is greater than that between the appeal site and their immediate neighbours at 12a and 14 Brasslands Drive. A substantial outbuilding to the rear of 12 Brasslands Drive provides further screening which is not present to the rear of the appeal site. I therefore consider the relationship between the two sites and the neighbouring properties to the north to be materially different.
7. I also consider that the relationship between the dwellings in Brasslands Drive and the houses being built at 20 Rowan Way and the terrace of houses at the end of Rowan Close differ from the appeal proposal in that they have somewhat longer rear gardens and therefore a greater degree of separation between opposing windows and are less overbearing on the neighbouring properties.
8. I conclude that because of its height, bulk and proximity, the development would have a harmful impact on the living conditions of properties in Brasslands Drive in respect of overshadowing, loss of sunlight and overlooking, and would conflict with policy QD27 of the Brighton & Hove Local Plan, which resists development that would cause material nuisance and loss of amenity to adjacent occupiers.

Highway safety

9. Access would be gained from the existing single width drive from Mile Oak Road. Because of the small site area and the amount of development proposed, I am concerned that there would be inadequate space within the site for vehicles to manoeuvre so that they can enter and leave in forward gear. A demonstration of this is shown on the illustrative drawings, where the westernmost house would have great difficulty in turning a vehicle, and vehicles associated with the other dwellings would have to manoeuvre using land within adjoining curtilages.
10. Without adequate room to turn within the site, vehicles would have to reverse into or out of the drive onto Mile Oak Road. I consider this would be hazardous to vehicles and pedestrians using that road, and hazardous for the occupiers of Hillcourt Mews, who also use the drive. As such, the development would harm highway safety and conflict with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One, which support safe transport systems and resist development that increases danger to highway users.

Character and appearance

11. The site lies in what is now a predominantly residential neighbourhood. 83 Mile Oak Road is one of the original dwellings in the area, but redevelopment has taken place around it so that it now occupies a backland position.

12. The redevelopment that has and is taking place around the site has changed its character and the relationship between dwellings. This includes the two and three storey town houses at Hillcourt Mews, the residential flat conversion at Rowan House, a recently built single storey flat roofed dwelling on the southern side of the access, and the neighbouring site to the west at 20 Rowan Close being redeveloped with two storey houses.
13. Having regard to the surrounding redevelopment, I see no objection in principle to a higher density development on the appeal site, nor to the use of a more modern design, such as that used in Hillcourt Mews or Rowan House. In terms of its visual impact on the limited public views that would be available of the site, I do not consider that the proposed development would harm the character or appearance of the area as it would be seen in the context of the recent surrounding development. It would not therefore conflict with policies CP12 and CP14 of the Brighton & Hove City Plan Part One, which seek to promote good design and require new development to be of a density that is appropriate to the neighbourhood.

Conclusion

14. While I have found that the development would not harm the character or appearance of the area, I do consider that a development of the height and massing proposed would have a harmful impact on the living conditions of the properties in Brasslands Drive to the north of the site. I also consider that inadequate turning space would be provided for a development of this size within the limited area of the site, thereby leading to vehicle manoeuvres that would cause a reduction in highway safety. For those reasons, I consider the proposal would be an overdevelopment of the site in conflict with the Development Plan overall.
15. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR