

Appeal Decision

Site visit made on 7 September 2020

by C Jack BSc MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/Q1445/W/20/3251312

Land adjacent 42 Rosebury Avenue, Brighton BN2 6DE

- 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 Graham Card against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01518, dated 22 May 2019, was refused by notice dated 6 January 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicated the applicant to be Mr Kevin Reeves. Correspondence confirms that this was an administrative error and that the applicant was, and appellant is, Mr Graham Card. Mr Reeves, agent for the application, has confirmed that the appeal should proceed on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the setting of South Downs National Park.

Reasons

4. The appeal site is situated at the end of Rosebury Avenue, at the edge of the built-up urban area, where it is identified by the Council as Urban Fringe for the purposes of Policy SA4 of the Brighton and Hove City Plan Part 1 2016 (the CP). The boundary of the South Downs National Park (SDNP) runs adjacent to the site, with open, rolling downland extending beyond. The site consists of a mainly grassed area, enclosed by fencing and mixed vegetation but clearly visible from the Drove Road public byway that runs between the site and the downland beyond. The site is situated at the end of a strip of open land between the byway and the urban area, where, with its generally open character, the site contributes positively as part of a modest transition area between the built-up area and SDNP. As such, it is a small but significant element of the setting of SDNP in this locality.
5. The chalet bungalow would be modest in scale and appearance and, from the byway and in views from SDNP, it would be read in the context of the adjacent urban area, including those dwellings in Downland Road which are positioned in similar proximity to the byway and partially screened by vegetation. Nevertheless, and while it would relate reasonably well to the varied dwellings

in Rosebury Avenue, it would introduce significant built-form and increased residential character into this part of the open area. This would erode the positive transition effect of this area and thus it would also adversely affect the setting of SDNP, particularly given the elevated position of the site and its ready visibility in public views. Therefore, the development would fail to meet the aims of Policy SA4 relating to the wider landscape role of land within the urban fringe in protecting and enhancing the setting of SDNP.

6. The National Planning Policy Framework (the Framework) confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, which is consistent with the statutory purposes of National Parks. CP Policy SA5 sets out that proposals in the setting of the SDNP must have regard to the impact on the National Park, and its purposes. For the reasons given, and despite the relatively modest scale of the single dwelling proposed, the development would fail to adequately respect the setting of SDNP. Given the proximity of the site to SDNP, and its visibility, the adverse effect of the development on the SDNP setting would be highly significant.
7. I conclude that the proposed development would harm the character and appearance of the area, including the setting of South Downs National Park, contrary to Policies SA4 and SA5 of the CP, the relevant requirements of which are set out above.

Other Matters

8. The Council advises it has a shortfall in deliverable land for housing, with about 4.5 years' current supply. As such, the development plan policies that are most important for determining the application are out-of-date for the purposes of this appeal. The setting of a national park is not listed in footnote 6 to Framework paragraph 11 and the 'tilted balance' applies. There would be a positive contribution to housing supply, with adequate internal and external living space proposed, but the overall benefits from one unit would be modest.
9. The harm to the character and appearance of the area, particularly the SDNP setting, would be highly significant, and the development would conflict with the aims of the Framework for conserving and enhancing the natural environment. In this case, the adverse impacts of the development would significantly and demonstrably outweigh the modest benefits arising from one new dwelling, when assessed against the Framework taken as a whole. The relevant requirements of CP Policies SA4 and SA5 are also consistent with the Framework's aims.
10. The proposal would be smaller than the outline proposal in the earlier appeal, but this does not alter my findings based on the merits of the case before me.

Conclusion

11. There would be harm to the character and appearance of the area and there are no material considerations of sufficient weight to indicate a decision other than in accordance with the development plan. The appeal is dismissed.

Catherine Jack

INSPECTOR