



Appeal Decision

Site visit made on 8 September 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/Q1445/W/20/3251467
25 Wheatfield Way, Brighton, BN2 4RQ

- 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 Oliver Dorman of Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03417, dated 14 November 2019, was refused by notice dated 21 February 2020.
 - The development proposed was originally described as change of use of a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on the character and appearance of the area and the living conditions of neighbouring residential occupants, with particular regard to noise and disturbance.

Reasons

3. Wheatfield Way is comprised of modest sized semi-detached bungalow style properties, of which the appeal site is an example. As a cul-de-sac, it exhibits a particularly quiet and suburban character. In visual terms, the open gaps between each pair on the western side of the road and low front boundary treatments also contribute to a degree of uniformity and a spacious character.
4. The existing occupancy limit of 6 adults has been supported previously at appeal. The various noise dampening and insulation measures now proposed would reduce noise leakage from the building and its rear garden. In doing so, they seek to address issues specifically identified by a previous inspector in relation to direct impacts on immediate neighbouring properties¹.
5. However, these measures would not entirely screen the additional comings and goings arising from more than 6 independent adults occupying this building, which is the fundamental issue with this proposal. Whilst other houses may be occupied by large families, they would not normally generate anything like the levels of activity, particularly pedestrian and vehicular movements to the front of the property, associated with 7 or 8 independent adults living in the same house. The resultant noise and disturbance would detract significantly from the quiet character of the road, and would harm the living conditions of neighbouring residential occupants.

¹ APP/Q1445/W/17/3191860

6. In other respects, the proposed acoustic fencing would not for the most part be unexpected or visually intrusive. However, its positioning in the centre of the open gap to the property to the south would depart from the prevailing layout of properties along this road, where this space is normally left open. As a consequence of its height, it would detract from the prevailing uniform and spacious character of this estate, particularly when viewed from the road from where it would be clearly visible. This adds to the harm identified.
7. Consequently, there would be unacceptable harm to the character and appearance of the area, and also to the living conditions of existing residents on this road through noise and disturbance. The proposal conflicts with policies QD27, SU10 and QD14 of the Brighton and Hove Local Plan 2005, and CP12 of the City Plan Part One 2016 which seek, amongst other things, to achieve good design and avoid loss of amenity to existing residents.
8. There would be public benefit from housing two adults in good quality living accommodation in an appropriate location, easing the housing pressure in Brighton, but this does not outweigh the harm identified. The proposal conflicts with the National Planning Policy Framework, which requires development to achieve places with a high standard of amenity for existing users.
9. In conclusion, the proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR