



Appeal Decision

Site visit made on 8 September 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/Q1445/W/20/3251735

Land to the east of 18 Davigdor Road, Hove, BN3 1TT

- 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 Grand Avenue Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00515, dated 17 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is 2 storey 2 bedroom detached dwelling (C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. This side of Davigdor Road exhibits large, individually designed detached and semi-detached residential buildings. They rise to a similar height above the road, thus helping to create a roofline of consistent height. The new building would sit within a gap between No.16 and No.18. It replicates architectural features found on both of these buildings including the use of render, cornice detailing, hipped roof form and a projecting front gable element. Considered in isolation, it would appear as a well-proportioned, individually designed and complete composition. None of the features appear unbalanced or out of scale.
4. However, the building would appear significantly lower in height than each neighbour due to its siting on land below the adjacent pavement, manifesting itself in significantly lower eaves. It would also breach the established building line at this point, being sited significantly forward of both neighbouring properties. For these reasons, the new building would appear awkward and at odds with its immediate surroundings, harming the character and appearance of the area. It would not therefore achieve the requirement, set out in policy CP12 of the Brighton and Hove City Plan Part One (2016) ("City Plan") that new development should be well-designed.

Previous appeal decisions

5. There have been several previous appeals, dealing with different design approaches to this challenging infill site. A new set of issues now arise due to the design approach taken, as discussed above. The forward siting of the

building was not previously identified as a significant issue but is before me now. It contributes to the harm, particularly as the building otherwise attempts to visually blend in with the two neighbouring properties.

Other development plan policies

6. By providing an additional house in an existing built up area close to public transport links, the proposal would help achieve the aims of other development plan policies including CP1, CP9 and CP19 of the City Plan. It would also provide adequate parking and amenity space in accordance with policies TR14 and HO5 of the Brighton and Hove Local Plan 2005. However, these considerations do not overcome the harm that would arise to the character and appearance of the area and associated conflict with policy CP12 of the City Plan. The proposal conflicts with the development plan, when it is considered as a whole.

Presumption in favour of sustainable development

7. The Council cannot demonstrate a 5-year housing land supply. Consequently, the provisions of footnote 7, paragraph 11 d) ii. of the National Planning Policy Framework should be applied. The proposal would deliver a house with good quality living conditions in an existing built up area, close to services and facilities including public transport links. The Framework provides that great weight should be given to development of suitable sites within existing settlements for homes and is therefore strongly supportive of the principle of such development. This small site could be delivered quickly with economic benefits including through construction work. However, as the proposal would only deliver one house, it would have minimal overall effect on the supply of housing and the benefits derived from its location would also be small.
8. The proposal would also fail to achieve a well-designed place, which is another important policy objective of the Framework. Indeed, the creation of high-quality buildings and places is fundamental to the planning and development process. Because the proposed development would be poor in this respect I attach very significant weight to the harm that would arise. Therefore, even taking account of the established shortfall in housing land supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when considered against the policies in the Framework as a whole. The presumption in favour of sustainable development does not therefore apply.

Overall conclusion

9. The proposal conflicts with the development plan and there are no other considerations, including national planning policy, that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR