



Appeal Decision

Site visit made on 8 September 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/Q1445/W/20/3251803

Land to north of 199 & 201 Old Shoreham Road, Hove, BN3 7EA

- 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 BH2020/00516, dated 17 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is demolition of existing garage and erection of 1no detached two storey, three bedroom dwelling house (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 residential area is characterised by early 20th Century semi-detached properties of a uniform pattern, interspersed with some modern infill development. There is a good amount of visual space around these buildings to the front and rear, which contributes to a spacious character.

Bulk and plot layout

4. The proposed building would replace a double garage. The plot would be about half the depth of its immediate neighbour to the north. Whilst the built footprint would increase, the height of the proposed building would be limited, and its bulk above ground floor level would be set well away from the existing houses along the Old Shoreham Road. Whilst the residual gardens for these properties and the garden associated with the new property would be smaller than others in the surrounding area, there would be sufficient visual space around the proposed building to preserve the prevailing spacious character of the area.
5. Inspectors have expressed concerns in previous appeal decisions about the partitioning of the original plots, but these have generally been raised in combination with concerns about bulk. By resizing the building and thus preserving the prevailing spacious character of the area, this issue, as reflected in the Council's first reason for refusal, has been overcome.

Design

6. The building would however be poorly designed. Whilst it tries to blend in with the original estate, the upper floor front bay window would be set awkwardly

close to the roof, rising above the side eaves. This window would appear unduly large and prominent, particularly when compared with the other very small window on the front upper floor elevation. Furthermore, the side addition would elongate the building to such a degree that it does not appear as a visually subordinate element. Its pitched roof would rise at a different angle to the main roof of the dwelling, resulting in a visually awkward intersection. For these reasons I agree that the building, including its roof, would appear squat. It would not be a well-proportioned building and would appear incongruous and contrived from Weald Avenue.

Conclusion – character and appearance

7. Whilst the bulk and plot layout are acceptable there would be significant harm to the character and appearance of the area due to the design approach adopted. The proposal therefore conflicts with policies CP12 and CP14 of the Brighton and Hove City Plan Part One (2016) ("City Plan") which, amongst other things, require that development at a higher density than that typically found in the locality must be of a high standard of design that helps to maintain a coherent townscape. Whilst infill development has been supported by the Council on other occasions, a good standard of design must still be achieved and that would not be the case here.

Other development plan policies

8. There is no conflict with policy CP8 of the City Plan, as set out in the first reason for refusal. This relates to sustainable buildings and these objectives could be secured through planning conditions. 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 and in this respect complies with TR14 and HO5 of the Brighton and Hove Local Plan 2005. However, this does not justify the proposal given the policy conflict identified in the main issue. The proposal conflicts with the development plan, when it is considered as a whole.

Presumption in favour of sustainable development

9. 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.
10. 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

11. 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