



Appeal Decision

Site visit made on 30 November 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/Q1445/W/20/3253193

3 Overhill Way, Brighton BN1 8WP

- 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 Chris Brooks against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00438, dated 10 February 2020, was refused by notice dated 30 March 2020.
 - The development proposed is described as construction of single storey three bedroom dwelling house at bottom of garden to 3 Overhill Way.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council states that its most up-to-date figures show a housing land supply of 4.0 years. Therefore, the presumption in favour of sustainable development contained in Paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
3. In the context of the above, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Overhill Way is characterised by uniformly aligned two storey properties set within mainly long spacious plots of widths generally not much greater than the dwellings themselves.
5. The proposal is for a three bedroom bungalow in the rear garden of No 3 Overhill Way. Access would be provided via a footpath between the side elevation of the host property and the common boundary with the adjacent property No 5.
6. The proposed new single storey dwelling would be of a simple modern design with white rendered walls and grey roof tiles. Thus, in terms of its design and materials it would not relate well to the host property, which is a traditional

1930s two storey brick built dwelling with gable features and a brown tiled roof.

7. In terms of scale, design, materials and plot size, the proposed bungalow would be similar to some of the properties in nearby Audrey Close and Ballards Mill Close. However, the dwellings in these locations form part of infill developments off Old London Road and Overhill Drive respectively. Thus, the proposal, by virtue of it being sited within a rear garden, would not form part of or be readily seen within the context of these neighbouring developments given that they are characterised by dwellings sited in a close layout with their own access roads.
8. Because it would be sited on lower ground to the rear of No 3 the development would not be readily visible in views from Overhill Way. However, in terms of design and materials, the proposal would not be reflective of the traditional two storey predominantly brick built buildings along Overhill Way. Therefore, the proposed bungalow would appear out of place and so would have a localised adverse visual impact in views from the rear of some neighbouring properties.
9. It is acknowledged that to the south and west of the appeal site infill development has resulted in a marked change in the pattern and density of residential development. However, by virtue of its location, the appeal site is much more closely related to the predominantly spacious character of the low density housing along both sides of Overhill Way. So, although No 3 occupies one of the larger plots in the road, the proposal to sub-divide the site and introduce a new independent dwelling would represent a backland form of development out of keeping with the established spacious pattern of development along Overhill Way, which is not characterised by either backland or infill development.
10. Overall, the proposed development within the rear garden of No 3 would result in a dwelling sited within a materially smaller plot than most others along Overhill Way. Consequently, in this regard, the proposal would not respect the prevailing spacious layout of development, nor would it, therefore, relate well to the established urban grain of development in the neighbourhood in which the appeal site is both related to and lies within, as described above. It would also appear incongruous within the context of the traditional design of the majority of the two storey properties along Overhill Way. For these reasons, the proposal would cause significant harm to the character and appearance of the area.
11. Consequently, in this regard, the proposed development would conflict with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One 2016. These policies, amongst other things, seek to raise the standard of architecture and design in the city and require development to respect, reinforce or repair the character and urban grain of neighbourhoods.
12. Although the proposal would represent a more efficient use of land, it would also not relate well to the established urban grain of development in the neighbourhood in which the appeal site lies within. Paragraph 122 d) of the National Planning Policy Framework (the Framework) makes clear that the objective of making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens). In this regard, the proposal does not balance these factors appropriately. Moreover, it would also conflict with paragraph 127 c) of

the Framework which seeks to ensure that developments are sympathetic to local character including the surrounding built environment.

Other Considerations

13. I have taken into account the appellant's point that the appeal site is close to local bus routes linking the city centre and mainline railways station, local schools, shops and, for recreation, the South Downs National Park.
14. I have also taken into account that the proposed dwelling would benefit from an air source heat pump, solar panels and solar gain through the inclusion of full height glazing to the south elevation, thereby reducing the heating demand, and would be built using materials to exceed thermal performances of Building Regulations and to achieve Level 4 of the Code of Sustainable Homes.
15. The proposal would be a windfall development that would seek to boost the supply of housing in the context that the Council cannot currently demonstrate a deliverable five-year supply of housing land. Moreover, the Framework acknowledges at paragraph 68 that small sized sites can make an important contribution to meeting the housing requirements of an area.
16. However, whilst paragraph 59 of the Framework refers to boosting significantly the supply of housing the proposal is for only one new dwelling. Consequently, the very modest contribution that the proposal would make in housing supply terms is a matter that weighs in its favour to only a limited degree.
17. I have no doubt that the occupiers of the dwelling would help to support local facilities and services, although the economic contribution from the occupiers of one dwelling would not in itself be a very significant benefit. Furthermore, the proposal would lead to some employment through the construction of the dwelling, although this would be a short-term benefit.
18. I weigh the aforementioned considerations in the overall planning balance below.

Planning Balance and Conclusion

19. I have found that the proposed development would cause significant harm to the character and appearance of the area. I afford substantial weight to this matter as part of the determination of this appeal noting conflict with both development plan and Framework policies.
20. In conclusion, I find that the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to a sustainable form of development and therefore the appeal is dismissed.

Andrew Bremford

INSPECTOR