
Appeal Decision

Site visit made on 15 December 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/Q1445/W/20/3258630

Garages at Southdown Avenue, Portslade BN41 1XE

- 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 Johnathan Wood against the decision of Brighton & Hove City Council.
 - The application BH2020/00918, dated 25 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is the erection of a two storey, detached, two bedroom dwelling house replacing existing garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have adopted the description used by the Council in the banner heading above as a more accurate summary of the proposed development.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of future residents, with regard to garden space
 - The character and appearance of the area.

Reasons

Living conditions

4. Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. In this case, as a two bedroom house, the appeal scheme is capable of housing a family and should have enough garden area to allow for at least modest outdoor activity in a private and secure garden area.
5. The only outdoor space assigned to the proposed dwelling would be a narrow strip of land in front of the building, which would also serve as the front entrance and a bin store. This area would be bounded by a dwarf wall but would be otherwise open to public view from the road.
6. The limited outdoor space associated with the development would fail to achieve the requirement of policy HO5. It is of insufficient size to allow for even

modest outdoor activity, and importantly is neither private nor secure. As a result, I conclude that the lack of adequate garden space would harm the living conditions of future residents and would conflict with policies HO5 and QD27 of the Brighton & Hove Local Plan, which resist development with inadequate amenity space.

Character and appearance

7. Southdown Avenue is a narrow road with a row of terraced houses along one side and a boundary fence to a motor dealership on the other. The southern end of the road is flanked by a small parade of shops fronting onto Victoria Road. Southdown Avenue is residential in character although the wider area is more commercial in nature.
8. The building would be of a similar height, alignment and scale to others in the road. Its pitched roof would follow the line of roofs of the adjacent terrace and it would have a projecting tiled canopy over part of the ground floor windows, that would echo similar canopies on the terraced properties. External materials of brick, render and tiles would match those used on the adjacent buildings.
9. Although sited on a very limited plot size, the lack of depth to the plot would not be immediately apparent from Southdown Avenue or Victoria Road. In all other respects the building would reflect the prevailing character of the area in terms of its design and appearance and would retain sufficient space to either side to avoid appearing cramped.
10. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area, and would therefore comply with policies CP12 and CP14 of the Brighton & Hove City Plan Part One, in so far as they promote good design and an efficient use of land.

Conclusion

11. While I have found that the proposed development would not harm the character and appearance of the area, I have found that it would have inadequate outdoor garden space, which would be harmful to the living conditions of its future occupants.
12. For that reason, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR