
Appeal Decision

Site visit made on 12 January 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/Q1445/W/20/3257359

47 Springfield Road, Brighton BN1 6DF

- 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 Miss Justine Golding against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01922, dated 27 June 2019, was refused by notice dated 13 July 2020.
 - The development proposed is construction of a new two bedroom house on rear garden land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the Preston Park Conservation Area (the CA), (ii) the living conditions of future occupiers, with particular regard to the provision of outdoor amenity space, and (iii) the living conditions of the occupiers of No 47 Springfield Road, with particular regard to the provision of outdoor amenity space.

Reasons

Conservation Area

3. The northern side of Springfield Road predominantly consists of a linear arrangement of late 19th Century buildings, which have rear gardens that adjoin the gardens of properties in Florence Road. The sizeable back-to-back separation of the dwellings in Springfield Road and Florence Road, and the trees and greenery in the gardens, provides a spacious and verdant character which contributes positively to the character and appearance of the CA. Whilst I note the appellant's statement that the appeal site is separated from No 47 Springfield Road, it provides openness and greenery in a garden setting to the rear of the built frontage.
4. The proposal would introduce a dwelling to the rear of No 47. Whilst the proposed dwelling would be single storey in scale, it would amount to an overly large building in context of the modest neighbouring garden outbuildings. The proposed dwelling would be sited close to the side and rear boundaries, and it would cover a large proportion of the site. Because of the lack of undeveloped space to be retained around the proposed dwelling and the uncharacteristic

- proportion of its site coverage compared to the surrounding housing, the proposed development would be cramped and would fail to respect the prevailing pattern of development.
5. The proposal would also result in the loss of 2no sycamore trees. Whilst the size and position of these trees limits their amenity value, they nevertheless contribute to the verdant character. The cramped nature of the proposed development, together with the loss of trees and green space would be harmful to the spacious and verdant character of the area. I appreciate that additional planting could be provided, however this would be limited given the lack of undeveloped space and it would not mitigate the harm that would be caused by the proposal.
 6. The appellant has drawn my attention to examples of backland development in the area. I am not aware of the full circumstances of those developments. Nevertheless, the predominant pattern of development in this part of the CA consists of a linear arrangement of dwellings fronting the road with rear gardens, including modest outbuildings. In this context, the proposed dwelling to the rear of the built frontage would be out of keeping with the prevailing character of the area. It would appear as an isolated and incongruous feature that would be poorly related to the existing development within the CA.
 7. Due to the cramped nature of the proposal, the front elevation would have a large expanse of solid wall where it would adjoin the rear garden of No 47. This would appear particularly stark, and there would be a general lack of architectural interest on the external elevations. The design of the proposal would appear rudimentary, and it would not provide a high standard of appearance. There is little before me to show that the proposal would respond to the design and form of surrounding buildings in the CA.
 8. I acknowledge that the proposal would have little bearing on the street scene, nevertheless, it would be visible from neighbouring properties and gardens within the CA. The lack of visibility from main roads does not obviate the need to achieve good design and respect local character.
 9. Consequently, the proposal would be harmful to the character and appearance of the CA. Given the small-scale nature of the proposed development, I find that the degree of harm to the CA would be less than substantial. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), any harm should be weighed against the public benefits.
 10. The proposal would deliver some public benefits in terms of adding to the overall provision of housing in the area and contributing to the local economy. However, the small scale of the proposal limits the weight that I give to these factors, which I consider in greater detail later in this decision.
 11. Paragraph 193 of the Framework states that "great weight should be given to the [designated heritage] asset's conservation". I find that the public benefits would not outweigh the harm to the character and appearance of the CA. The proposal would therefore be contrary to the historic environment policies contained within the Framework.
 12. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CA. The proposal would conflict with saved Policies HE6 and QD16 of the Brighton and Hove

Local Plan 2005 (the Local Plan) and Policies CP12 and CP15 of the Brighton and Hove City Plan Part One 2016, which, amongst other things, seek to raise the standard of architecture and design in the city, and preserve or enhance the character or appearance of conservation areas.

Living conditions of future occupiers

13. The Council does not operate measurable standards for minimum garden size. However, Policy HO5 of the Local Plan states that the Council will require the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Therefore, judgements need to be made in relation to the size and functionality of the garden.
14. The plans show that a private garden of around 32 square metres would be provided to the rear of the proposed dwelling. The shape of the garden would be useable, and it would be large enough to accommodate outdoor seating, recreation and clothes drying. In this regard, I find that the size of the garden would be large enough to meet the needs of future occupiers.
15. Nevertheless, the modest garden would be dominated by the large neighbouring trees. The trees, along with the siting of the rear and side walls of the proposed dwelling, would cause significant enclosure of the garden, which would result in a gloomy and oppressive space that would not provide an acceptable outside amenity area for future occupiers.
16. For these reasons, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal would therefore be contrary to saved Policies HO5 and QD27 of the Local Plan, which, amongst other things, require the provision of private useable amenity space in new residential development and state that planning permission for any development will not be granted where it would cause loss of amenity to the proposed residents. It would also be contrary to paragraph 127 of the Framework, which, amongst other things, seeks a high standard of amenity for future users.

Living conditions of No 47 Springfield Road

17. A rear garden would be retained for the existing occupants of the flats at No 47 Springfield Road. There would be no windows in the front wall of the proposed dwelling that would directly overlook the garden, and so there would not be a significant loss of privacy to the neighbouring occupiers. There is no substantive evidence before me to show that the size and configuration of the retained garden would not provide an appropriate outdoor amenity area for the existing residents.
18. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No 47 Springfield Road. The proposal would therefore accord with saved Policy QD27 of the Local Plan, which states that planning permission for any development will not be granted where it would cause loss of amenity to existing residents.

Other matters

19. The information before me shows that the Council has a housing supply of 4.0 years. As such, as the Council cannot demonstrate a deliverable 5 year housing

land supply, the relevant policies for the supply of housing are out-of-date in accordance with footnote 7 of the Framework. In these circumstances, paragraph 11(d) ii of the Framework is engaged.

20. The proposed dwelling would be in an accessible location and would make a small contribution towards addressing the significant shortfall in housing land supply. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. Whilst the Framework promotes the effective use of previously developed land, this is subject to proposals safeguarding the environment.
21. The proposal would bring temporary economic benefit from the construction process, and the long-term economic benefit from the boost to local services from the new residents. The above factors weigh in favour of the proposal, but the benefits would be limited because only one residential unit is proposed.
22. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA, and it would be harmful to the living conditions of future occupiers. These are matters that attract significant weight.
23. I find that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR