
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: 22 January 2021

Appeal Ref: APP/Q1445/W/20/3257023

140 Carden Avenue, Brighton BN1 8NH

- 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 & Mrs Smith against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00650, dated 24 February 2020, was refused by notice dated 23 June 2020.
 - The development proposed is demolition of existing house and construction of two 2 bedroom flats, and one two bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development shown on the Council's decision notice and the appellant's appeal form is different to that shown on the planning application form. There is no information before me to show that an amended description had been agreed by the appellant, therefore I have determined the appeal on the basis of the description shown on the planning application form.
3. The Council's decision notice dated 23 June 2020 sets out a refusal to grant planning permission, however no reasons for the decision are shown. The Council states that this was an administrative error. The Council's officer report and appeal statement show that the Council's concerns relate to the effect of the proposal on the character and appearance of the area.

Main Issue

4. Based on the information before me, I consider that the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located in a predominantly residential area, comprising mainly 2 storey dwellings of varied architectural design that are set within reasonably generous plots. The set-back of the dwellings from the road, together with the spacing of the buildings and the size of the gardens, provides a spacious character. The appeal site is a corner plot located adjacent to the junction of Graham Avenue and Carden Avenue. The orientation of the existing dwelling and its offset position from the road provides a sense of openness

- around the road junction, which makes a positive contribution to the character and appearance of the area.
6. The proposed development would involve the demolition of the existing detached dwelling and garage and the erection of 2no 2-storey buildings to provide one 2-bedroom house and 2no 2-bedroom flats. The main entrances for the house and the flats would be accessed from Carden Avenue and Graham Avenue respectively. One on-site parking space would be provided, which would be accessed from Graham Avenue.
 7. The current appeal scheme follows a previous proposal for the erection of a building to provide 5 flats, which was dismissed at appeal on 22 August 2019¹. The previous Inspector stated that *"the nature of the sloping land means that the scale and bulk of the building, within this relatively constrained plot, would result in a building that would be highly prominent and at odds with others in the area"*. Furthermore, the Inspector commented that the proposal would appear overly prominent, especially when viewed from Carden Avenue.
 8. I appreciate that the appellant has sought to address the previous Inspector's concerns by proposing 2 smaller buildings. In this regard, the individual scale of the proposed buildings would respect neighbouring properties in the area. Furthermore, given the varied appearance of properties in the vicinity, I find that the design of the proposed buildings, and the proposed materials, would provide an acceptable appearance. I do not share the Council's concerns with respect to the juxtaposition of the gabled and pitched roofs as this is not unusual in the street scene.
 9. Nevertheless, the proposed 2 storey house would be sited considerably closer to the road junction than the north-western facing elevation of the existing dwelling, and I also note that its side wall would be forward of the 2 storey front wall of No 142 Carden Avenue. As a result, the proposal would appear overly prominent in the Carden Avenue street scene. Whilst the individual scale of the proposed buildings would be acceptable, the collective amount of built development on this constrained plot, with limited undeveloped space around the buildings, would be cramped. It would therefore erode the spacious character of the area.
 10. The appellant has drawn my attention to a planning permission at 19 Sunningdale Avenue, which was granted by the Council². Furthermore, reference is made to developments at Kingsway, Hove and Kingsway/Roman Road, Brighton. The plans and full details of the circumstances that led to planning permission being granted are not before me. Nevertheless, I have considered the appeal scheme on its own planning merits having regard to the context of the site.
 11. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CP12 and CP14 of the Brighton and Hove City Plan Part One 2016 (the City Plan), which, amongst other things, expect new development to raise the standard of architecture and design in the city; respect the diverse character and urban grain of the city's neighbourhoods; and be of a density that is appropriate to the identified positive character of the

¹ Appeal reference: 3218072

² Council reference: BH2019/03086

neighbourhood. The proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework), which amongst other things, seeks to ensure that developments are sympathetic to local character.

Other Matters

12. The information before me shows that the Council has a housing land 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.
13. The proposal would make a contribution of 3 dwellings 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 and Policy CP14 of the City Plan promote the effective use of land, this is subject to proposals safeguarding the environment.
14. The proposal would also bring temporary economic benefit from the construction process, and the long-term economic benefit from the boost to local services from the new residents.
15. The above factors weigh in favour of the proposal, but the benefits would be limited because of the small number of dwellings proposed. Set against the above benefits, I have found that the proposed development would cause significant harm to the character and appearance of the area.
16. I find that the identified adverse effect 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

17. 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