



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: 25 January 2021

Appeal Ref: APP/Q1445/W/20/3258811

Land adjacent to 3 Brangwyn Avenue, Brighton BN1 8XH

- 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 Matthew Woods against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/01624, dated 17 June 2020, was refused by notice dated 27 July 2020.
 - The development proposed is a new 3-bedroom, single family dwelling and vehicle crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The present appeal scheme follows a previous appeal at the site for a five-bedroom single family dwelling, which was dismissed on 20 December 2019 (Ref APP/Q1445/W/19/3234728). Whilst I have considered the present appeal on the merits of the case, I must give the previous Inspector's findings significant weight insofar as they are relevant to the matters in dispute.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 3 Brangwyn Avenue, and the future occupiers of the proposed dwelling, with particular regard to the provision of outdoor amenity space.

Reasons

Character and appearance

4. The appeal site comprises an area of land that has been partitioned from the garden of No 3 Brangwyn Avenue by a timber fence. The surrounding area predominantly consists of detached and semi-detached dwellings of varied design, which are set back from the road and situated on fairly spacious plots. Whilst there is some variation of plot sizes in the area, the properties are generally well-spaced at upper floor level. Most properties have pitched roofs that slope away from the side boundaries, which accentuates the sky view and separation between the buildings. These features provide a pleasant spacious character to the area.

5. The front elevation of the proposed dwelling would be stepped back adjacent to No 3, which would respect the stepped building line around the road bend. In this regard, the proposal responds to the previous Inspector's comments. Furthermore, I acknowledge that an area of soft landscaping would be provided in the front garden, which would soften the appearance of the development.
6. Nevertheless, whilst the scale of the proposed dwelling has been reduced compared to the previous appeal scheme, it would be sited close to both side boundaries. Furthermore, the roof of the proposed dwelling is designed with side gables, which would further reduce the degree of space and separation. Consequently, the proposal would appear cramped in the street scene and therefore it would be out of character with the spacious pattern of development.
7. Whilst the roof forms in the area are quite varied, they are generally pitched to the sides and have a ridge apex. The roof form of the proposed dwelling, including side gables and a flat section on top, would appear bulky and out of keeping with the neighbouring properties. Given that the proposed dwelling would be sited forward of No 3 due to the stepped building line, the discordant appearance of the roof would be conspicuous in the street scene. In respect of the front gables, although they would have a different appearance to other gable features in the area due to the catslide form, I do not consider that this aspect itself would appear incongruous, however this would not alter my overall finding.
8. For these reasons, I conclude that the proposed development would be harmful 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, 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 neighbourhood. The proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework), which amongst other things, seeks the creation of high quality buildings and states that developments should be visually attractive and sympathetic to local character.

Living conditions

9. The previous Inspector stated that the sub-division of the plot would result in No 3 Brangwyn Avenue retaining only a very small rear garden, which would not be large enough to meet the typical requirements for gardens as might reasonably be expected based on the size of the dwelling and the likely accompanying character and scale of its occupation. It was also noted that the garden would be divided by an existing rear projection, which would further erode the usability of the space. This led to the Inspector finding that the proposal would have an unacceptably detrimental effect on the living conditions of the occupiers of No 3.
10. In the current proposal, the sub-division of the land would result in No 3 having a retained garden of the same size and configuration as the previous appeal scheme. The appellant has clarified that No 3 is a 3-bedroom dwelling with 2 reception rooms and 2 bathrooms. The scale of the dwelling therefore provides family-sized accommodation.

11. The Council does not operate measurable standards for minimum garden size. Therefore, judgements need to be made in relation to the size and functionality of the garden. In this case, I find that the retained garden would be very small in relation to the size and character of the property. The garden would also be fragmented due to the siting of an existing rear extension, which, together with the stepped levels, would restrict the usability of the outside amenity space. I appreciate that some people may find the garden acceptable for their requirements, however given the size of the dwelling and its potential use for families this may not always be the case. The planning system has a responsibility for ensuring the quality of accommodation and ensuring that the amenities of occupants of a property are reasonably met. This is reflected by paragraph 127 of the Framework, which seeks to ensure that developments provide a high standard of amenity for existing and future users. The size and configuration of the retained garden at No 3 would not meet this objective.
12. I note the appellant's reference to examples of small gardens at neighbouring properties; however, the retained garden would be small compared to the typical garden sizes in the area. The examples of small neighbouring gardens are few and this is not sufficient grounds to justify granting permission for a proposal that would not provide a good standard of amenity for existing occupiers.
13. I acknowledge that the garden has been partitioned by a timber fence, and the appellant indicates that the appeal site is now in separate ownership. However, this would not justify the harm caused by the permanent siting of the proposed dwelling on the land, and the pre-existing situation could potentially be restored.
14. Whilst the garden for the proposed dwelling would be quite small, it would be larger, and its configuration more useable, than the retained garden of No 3. It would provide an acceptable outdoor amenity area for future occupiers.
15. For the above reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of No 3 Brangwyn Avenue, with particular regard to the provision of outdoor amenity space. The proposal would therefore be contrary to saved Policy QD27 of the Brighton and Hove Local Plan 2005, which, amongst other things, states that planning permission for any development will not be granted where it would cause loss of amenity to the existing residents. It would also be contrary to paragraph 127 of the Framework, which seeks a high standard of amenity for existing users.

Other matters

16. 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.
17. 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.

18. 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. Furthermore, I acknowledge that the proposal would provide space for future occupiers of the proposed dwelling to work from home and reduce the need to travel. These factors weigh in favour of the proposal, but the benefits would be limited because only one residential unit is proposed.
19. Set against the above benefits, I have found that the proposed development would be harmful to the character and appearance of the area and would cause harm to the living conditions of the occupiers of No 3 Brangwyn Avenue. These are matters that attract significant weight.
20. 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

21. 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