



Appeal Decision

Site Visit made on 21 January 2021

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/Q1445/W/20/3261384

1 Bramber Avenue, Hove BN3 8GW

- 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 S Dziura against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02140, dated 31 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is erection of 1no one bedroom single storey dwelling with basement attached to existing dwelling (C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed building would be similar to that of an unimplemented permission for a side extension to 1 Bramber Avenue (ref. BH2017/03666). The description of development is taken from the Council's decision notice rather than the application form as it is not possible to have a change of use of a side extension that has not yet been constructed.

Main Issues

3. The main issues are (a) the effect of the development on the character of the area and (b) the adequacy of living conditions for future occupiers in relation to floor area, outlook and outdoor amenity space.

Reasons

Character

4. The appeal relates to a semi-detached house paired with 11 Henfield Way on a splayed plot set at an angle to adjacent housing to face a road junction. The surrounding area is residential in character comprising mainly similar semi-detached houses with either gable or hipped roofs and also some short terraces of two storey houses. There is often a recessed wall or single storey side extension infilling the gaps between the houses.
5. The proposed building would be sited forward of the front wall to an existing extension that would be replaced. Its siting and profile as a built structure would not be out of keeping with the appearance of the street scene, but its use as an independent dwelling and its narrow curtilage would significantly depart from the prevailing character of two storey dwellings set in large plots. Whilst there are house extensions similar in appearance nearby there are no comparable dwellings. The proposal would be an incongruous and cramped form of development out of keeping with the character of the area.

6. It would thereby conflict with Policy CP12 of the Brighton and Hove City Plan Part One (2016) on urban design which requires all new development to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. The proposal would not be compatible with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires planning decisions to ensure that developments will function well, adding to the quality of an area and are sympathetic to local character including the surrounding built environment.

Living conditions

7. The proposed dwelling would be arranged over two floors with a combined floor area of about 38 sqm. As the Nationally Described Space Standards (NDSS) require a two-storey unit to have a minimum floor area of 58 sqm the proposed unit would be substantially short of this specification. It would be a cramped form of accommodation with a living/kitchen area and shower room all contained within an area of about 24 sqm. The bedroom in the basement would be served by two narrow windows facing a front lightwell. Whilst these would provide adequate natural lighting, the poor outlook from the bedroom would contribute to oppressive living conditions.
8. The area to the front of the building could provide outdoor amenity space but this would be much smaller than neighbouring front gardens and would not be a private space being overlooked from the street. A tapering strip of land about 9m in area taken from the host building's back garden would provide a more private area subject to the provision of high fences; but its limited size and elongated shape would constrain the attractiveness and usefulness of this area.
9. The proposal would be contrary to Saved Policies QD27 and HO5 of the Brighton & Hove Local Plan (2005) which seeks to ensure a satisfactory level of amenity for future occupiers with the provision of useable private amenity space. There would also be conflict with Paragraph 127(f) of the Framework which requires developments to provide a high standard of amenity for existing and future users.

Other Matters

10. The Council cannot currently demonstrate a five year supply of housing land. The proposal would result in the benefit of one modest dwelling in relation to this shortfall. Nonetheless, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR