
Appeal Decision

Site visit made on 9 June 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 JUNE 2021

Appeal Ref: APP/Q1445/W/21/3271367
70 Mile Oak Road, Portslade BN41 2PL

- 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 Richard Plank against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02755, dated 28 September 2020, was refused by notice dated 9 March 2021.
 - The development proposed is described in the application form as “proposed single storey three bedroom eco-home”.
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Decision

1. The appeal is allowed and planning permission is granted for proposed single storey three bedroom eco-home at 70 Mile Oak Road, Portslade BN41 2PL in accordance with the terms of the application, Ref BH2020/02755, dated 9 March 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. No 70 is a detached dwelling house with a large rear garden which slopes away from the front of the site. The existing dwelling is an anomaly when viewed in the context of the pattern of surrounding development as it is an unusually large plot. The surrounding area is characterised by smaller semi-detached dwellings, blocks of flats and bungalows set within modest gardens. The proposal would split the rear garden of No 70 Mile Oak Road, retaining a good size garden for No 70 in keeping with the general size of gardens within the area, and an area for the proposed dwelling and associated amenity and parking. The subdivision of the site would not appear discordant as the resulting size plots would reflect the prevailing character of the area.
4. The appeal site would be surrounded to the side and rear by development, the proposed dwelling would be an L-shaped bungalow, located as a tandem form of development to No 70 Mile Oak Road. It would be situated to face towards the highway, accessed by the existing driveway to the rear of the site. The prominence of No 70 would be maintained at street level due to the proposal’s single storey element set within the existing slope of the site. The proposal would be very modest in views from the street and would appear as a comfortable addition to the urban grain of development.

5. The area has evolved naturally in respect of architectural style and there are clusters of more modern infill development set within the wider linear grain of built form. The design of the proposed dwelling would incorporate the use of more contemporary materials to include render, with elements of cladding and dark aluminium. This would reflect the more modern developments in the area, and the modest scale of the proposal would ensure that this influx of modernism within the site would provide a discrete nod to the variation in architecture found more widely. The dwelling as proposed would nestle comfortably within the appeal site and as part of the wider pattern of development.
6. I find that the proposal would be an efficient use of the site, providing a good sized dwelling that would respect the character of the area and spatial pattern of development. It would comply with Policies CP1 and CP12 of the Brighton & Hove City Plan Part 1 which collectively promote efficient use of land and sites across the city and require development to raise the standard of architecture in the city.
7. The National Planning Policy Framework identifies that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. It also encourages development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. Having found that the proposal would comply with the development plan and be an efficient use of a site that is currently an anomaly when viewed within the wider character of the area, I am satisfied that the proposal would comply with the guidance set out in the Framework.

Other matters

8. In limiting the dwelling to a single storey there would be no loss of privacy to surrounding occupiers, the existing level of mutual overlooking between the rear elevation of properties on Mile Oak Road and Drove Crescent would not be exacerbated. The proposed dwelling would have a gross internal floor area (GIA) of 97sqm which would be an acceptable level of floorspace, and the garden would be similar to surrounding properties.

Conclusion and Conditions

9. I have found that the proposal would comply with the development plan and accordingly the appeal should succeed. I have considered the Council's suggested conditions and have amended them where necessary to ensure that they meet the requisite tests. I have specified the plans for certainty. I have included a condition relating to materials to ensure that the proposal complements the character of the area. I have included conditions to secure cycle parking, and energy efficient standards to ensure that the proposal is sustainable and makes efficient use of energy and water consumption.
10. For the reasons above and having regard to all other matters raised I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location and Block Plan Ref A.001 Rev C
Proposed Drawing Ref A.002 Rev C
Proposed Drawing Ref A.101 Rev B
Proposed Drawing Ref A.201 Rev C
Proposed Drawing Ref A.202 Rev C
Proposed Drawing Ref A.203 Rev B
- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard-surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of all other materials to be used externally.Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
- 5) The residential unit hereby approved shall not be occupied until the residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
- 6) The residential unit hereby approved shall not be occupied until the residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

END OF SCHEDULE