



Appeal Decision

Site visit made on 12 October 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/Q1445/D/21/3276473

20 Hardwick Way, Hove BN3 8BQ

- 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 Joe Prodger against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/00660, dated 24 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is a Retrospective application for the erection of a timber home office / garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Reason for Refusal cites the Emerging Brighton and Hove City Plan Part Two (CPP2) which when adopted would replace the saved policies of the Brighton and Hove Local Plan 2005 (LP). In my application of paragraph 48 of the National Planning Policy Framework (the Framework), whilst the CPP2 is not part of the adopted development plan, it is at an advanced stage within the examination and has been subject to comments from the examining Inspector. I am also mindful that the examining Inspector may wish to re-open the examination to hear further evidence and as such could result in further changes and additions to emerging policies and accompanying text. Based upon this, I will afford the CPP2 limited weight in this appeal decision.
3. The outbuilding was already constructed and in situ upon my site visit. As such I have made my determination on this basis.

Main Issue

4. The main issue is the effect of the development upon the appeal property and the character and appearance of the locality.

Reasons

5. The appeal property is located on the corner of Hardwick Way and Hardwick Road, and is part of a speculative housing development of semi-detached and terraced properties in groups of 3-4 properties which appear to date from the late twentieth century. The dwellings contain similar design elements being two stories with pitched, gabled and hipped roof forms with brown brick and a concrete tiled roof. The placement of dwellings is quite regimented with similar setbacks, and open and undeveloped front gardens with grass and vegetation

which contribute to a sense of spaciousness and openness within the street scene. This together with the similar design elements reinforces the qualities which make up the local distinctiveness and character and appearance of this particular location.

6. In undertaking alterations within the garden of dwellings, the Council has published the Design Guide for Extensions and Alterations Supplementary Planning Document (SPD) which seeks that development reflect the scale, mass, height, siting, character, choice of materials and spacing. The SPD supports the City Plan Part 1 (CP) Policy CP12 which seeks that new development establish a strong sense of place and raise the standard of architecture by respecting diverse character.
7. The applicant in their Statement of Case (SoC) has drawn my attention to two properties¹ in the nearby locality which contain outbuildings within their front garden. However, there is no information supplied in the appeal to detail whether these buildings benefit from planning consent and how the considerations between the schemes are similar to the appeal site. Despite this, on my site visit both of these locations the outbuildings in my opinion do have a disruptive presence to the openness to spaces in and around the dwellings and would not provide adequate justification for the development at the appeal site.
8. Taken as a whole, and in conclusion of this matter, the outbuilding as constructed causes unacceptable harm to the local distinctiveness, character and appearance of the locality. Consequently, the proposal is contrary to the CP Policy CP12 which is supported by the SPD as described above.
9. The Reason for Refusal in the Council's Decision Notice refers to saved policy QD14 of the LP. This policy concerns extensions and alterations to existing dwellings which is not relevant to the consideration of an outbuilding within the garden of the dwelling. As such, this policy is not relevant to this appeal.

Conclusion

10. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR

¹ 172 Hangleton Road & 33 Goldstone Crescent