

Appeal Decision

Site visit made on 20 October 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/Q1445/W/21/3269243

98 Warren Road, Woodingdean, Brighton BN2 6BA

- 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 M Jones against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02619, dated 15 September 2020, was refused by notice dated 22 January 2021.
 - The development proposed is demolition of rear existing extension and outbuilding (E) and construction of new rear single storey ground floor extension to form 1no two bedroom residential unit (C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the planning application. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were provided with the opportunity to comment on this matter as part of the appeal process, and I have had regard to the revised Framework in determining this appeal.
3. The description of the development as detailed on the application form has been amended in subsequent documents. I have adopted the description included on the appeal form, which sets out precisely the proposal before me.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings.

Reasons

5. Located within an area of mixed character, the appeal site comprises a semi-detached property which, like other buildings along this frontage, includes commercial premises at ground floor level, with residential accommodation above. There is a hospital, a care home and a school on the opposite side of the road, but the wider area is otherwise primarily in residential use.
6. As part of the proposal, the existing rear extension and outbuildings which are proposed to be demolished would be replaced with a single storey extension to create a self-contained residential unit. The appellant's submissions suggest

that the extension and outbuildings have been in situ for more than 10 years, but in the absence of clear evidence to the contrary, there are doubts over the lawfulness of these structures which, in any event, it is not a matter for me to determine in the context of this appeal.

7. The site coverage of the new addition relative to the size of the rear garden would be significant, particularly as it would cover a larger area than the structures which are proposed to be demolished. The extended built form would be as deep as the plot along its eastern boundary, and would also spread across the full width of the site. Despite its single storey scale, the proposal would appear somewhat hemmed in and confined within its plot. It would also lack subservience and represent a disproportionate addition to the existing property.
8. Furthermore, and whilst the design of the development is not in itself objectionable, the extension would fail to reflect the style of the host building and its immediate surroundings. It is accepted that a large part of the proposal would be screened by the existing building, but the side extension would nevertheless be visible within the street scene and from neighbouring properties. Consequently the proposal would result in a cramped and piecemeal form of development, which would detract from the prevailing pattern of development in the area.
9. Although it is suggested that backland development is typical in this area, limited information has been presented to substantiate this statement. Aerial photographs of the area indicate that there are a number of existing structures in the rear gardens of some of the properties fronting Warren Road. I understand that the Council has approved a number of planning applications for the erection of single storey rear extensions and garages within the appeal site's vicinity, but having regard to the available information, there is no certainty that these particular approvals represent a direct parallel to the proposal before me.
10. Concerns have also been raised by the Council regarding the effect of the development on nos 96-98 Warren Road, by reason of the increased height of the proposed built form, which would be immediately adjacent to the boundary shared with this neighbouring property. However, it is accepted by both parties that the ground floor premises of this neighbouring site are in office use. Provided that the outside space is not used as residential amenity space, I am satisfied that there would be no harm to living conditions as a result of the proposed development.
11. By reason of its siting, design and footprint, the appeal scheme would lead to a cramped form of development, which would cause unacceptable harm to the character and appearance of the site and its surroundings. It would therefore conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 (Policies retained on adoption of the Brighton and Hove Plan Part One – March 2016). This policy notably requires development proposals to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Planning Balance

12. There is no dispute between the main parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. As

Brighton and Hove is one of the areas which contain the largest proportion of the 20 most populated cities and urban centres in England, a 35% uplift now has to be applied as part of the standard method for assessing local housing need. Taking the cities and urban centres uplift into consideration, the Council has approximately 2.2 years of housing land supply, which constitutes a significant shortfall.

13. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 8, requires the policies which are most important for determining the application to be considered out-of-date. This means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The appeal site lies within a relatively accessible area, and the proposed development would make a contribution towards housing supply and choice, and support the local economy to some degree. However, against that, I have found that the appeal scheme would cause unacceptable harm to the character and appearance of the site and its surroundings, and conflict with the development plan.
15. Accordingly, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits which would be derived from the proposal. Taken as a whole, the appeal scheme does not constitute sustainable development which the Framework carries a presumption in favour of.

Conclusion

16. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR