



Appeal Decision

Site visit made on 14 December 2021

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JANUARY 2022

Appeal Ref: APP/Q1445/W/21/3275698

Garages adjacent to Cowdray Lodge, 60-64 New Church Road, Hove BN3 4FL

- 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 Nick Swirling against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/00132, dated 14 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is Demolition of existing garages and erection of 1no one-bedroom dwelling (C3)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Sackville Gardens Conservation Area;
 - the effects on the living conditions of neighbouring properties in terms of overlooking; and
 - the effects on the living conditions of future occupiers in terms of amenity.

Reasons

Character and appearance

3. There is some variety in the style and design of properties along the southern side of New Church Road but generally they are of substantial proportions incorporating robust gable features and full height projecting bays, which provide a clear sense of balance and symmetry to the street scene. These features as well as the spaciousness of plot arrangements add considerably to the significance of the designated Sackville Gardens Conservation Area (SGCA).
4. The introduction of a narrow single storey dwelling squeezed within the remaining space between the neighbouring properties of 64 New Church Road and Windsor House would unbalance the appearance of these properties and remove the sense of symmetry and spaciousness. It would appear as a development that has been shoehorned into the majority of the available space

that exists between the neighbouring houses of elegant architectural quality. As such, it would fail to reflect the prevailing character that exists within the SGCA.

5. I appreciate that a few examples of infill development have occurred elsewhere along New Church Road. However, these fall outside the designated conservation area and I am not aware of the particular circumstances in those cases. However, in any event I must consider the appeal scheme on its own merits.
6. The existence of other schemes even of a similar nature in the locality does not justify the harm that I have identified, and on this basis, the proposed development would fail to preserve or enhance the character or appearance of the SGCA. The proposed development would also conflict with Policies HE6 of the Brighton and Hove Local Plan; CP12, CP14 and CP15 of the Brighton and Hove City Plan Part One. Collectively, these policies seek to ensure that new developments reflect the scale and character of the area through the creation of a coherent townscape.

Living conditions – existing occupiers

7. Abutting the rear gardens of adjoining properties, the Council's concerns relate both to the impacts from potential overlooking from the high-level lounge windows and from the single bedroom window at first floor. I agree with the appellant that ordinarily, high level windows do not have the same impact as full height windows in terms of overlooking and that bedroom windows are expected features within suburban settings. However, in this particular instance, the intimate relationship that would be created by a dwelling having no private rear garden area means that the perception of overlooking from both sets of windows coupled by the direct overlooking of existing rear garden areas from the proposed first floor window would detract unacceptably from the living conditions of neighbours with respect to privacy.
8. As such, the proposed development would be contrary to Policy QD27 of the Brighton and Hove Local Plan which sets out amongst other things to protect the amenity of adjacent occupiers caused by changes in overlooking and privacy.

Living conditions – future occupiers

9. The proposed development would marginally fail to meet the Nationally Described Space Standards with respect to internal floorspace serving a two-storey dwelling although would exceed the standards for a one bedroom, two-person dwelling. Although the Council points to the limited internal height and space available to the double bedroom, I would agree with the appellant that overall, the appeal scheme would provide reasonable standards of accommodation.
10. That said, the sides and rear of the proposed dwelling would be built very close to the site boundary with little opportunity to provide any realistic private amenity space. A front garden area in full view of passers-by would fail to provide an acceptable level of privacy whilst outlook would be similarly compromised. The appellant's reference to flatted developments having little private outdoor space is noted; however, modern flat developments would normally have shared private amenity space of useable quality and utility.

11. To conclude on this matter, the proposed development would constitute an overdevelopment of the site which would result in future occupiers not experiencing acceptable living standards in terms of amenity, outdoor space provision and outlook. This would be contrary to Policy QS27, which requires inter alia that future occupiers are provided with adequate levels of amenity.

Conclusion

12. For the above reasons I conclude that the appeal is dismissed.

Gareth W Thomas

INSPECTOR

