



Appeal Decision

Site visit made on 9 May 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/Q1445/W/21/3287597

57 Birdham Road, Brighton BN2 4RX

- 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 Craig Dwyer-Smith of C & L Dwyer-Smith Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02318, dated 23 June 2021, was refused by notice dated 28 October 2021.
 - The development proposed is erection of 1no. two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) whether the development would provide satisfactory living conditions for its occupants, with reference to privacy within the external amenity space.

Reasons

Character and appearance

3. Birdham Road contains a mix of semi-detached and terraced houses of similar design with pitched roofs and regular fenestration. Most of the buildings are closely spaced, and there is a consistent building line where properties are set back from the road. Corner plots are generally occupied by pairs of semi-detached houses and these are orientated at an angle to the road. There are larger gaps between these dwellings and the side elevations of adjoining properties. These gaps vary in size but they are an important characteristic of this residential estate.
4. The appeal site has been fenced off, but it was once the side garden belonging to 57 Birdham Road. This property occupies a corner plot and the site forms the break between this semi-detached house and properties in the main row.
5. The proposed dwelling would be attached to the side elevation of No 57 but it would face onto Birdham Road. This form of development, comprising a terrace of three houses turning a corner, would be discordant with the pattern of development in the immediate locality. The use of similar materials, roof form and fenestration would not distract from the incongruity of the layout.

6. A gap of approximately 6.7 m would remain to the side of No 55. The appellant argues that this would be sufficient to satisfy the concerns of a previous appeal Inspector¹ in relation to an earlier scheme on the site. Although the spacing of Nos 55 and 57 would be greater than that which typically exists between the buildings on Birdham Road, it would be significantly less than exists currently and would erode the distinctive pattern of development in the area.
7. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the area. There would be conflict with Policy CP12 of the Brighton and Hove City Plan Part One (2016) insofar as this policy seeks to establish a strong sense of place by respecting the diverse character and urban grain² of the City's identified neighbourhoods.

Living conditions for future occupiers

8. The proposed dwelling would have an L-shaped garden wrapping around the front and side of the property. This area was visible from the road at the time of my visit, but the plans show the reinstatement of a hedge along the roadside boundary. Once established, this would protect the garden from overlooking by passers-by.
9. There would be views into the garden from patio doors and a first floor stairwell window in the side elevation of 55 Birdham Road. However, this would be no different to the situation which would have existed when the site was in use as garden for No 57. Although the slope of the land would necessitate the construction of retaining walls to create useable garden, I have seen no evidence to persuade me that this is not possible. A reasonable level of privacy could be secured through imaginative garden design and boundary treatment. A hard and soft landscaping scheme could be secured by planning condition.
10. I conclude that future occupants of the development would enjoy acceptable levels of privacy within their garden. There would be compliance with Policies HO5 and QD27 of the Brighton and Hove Local Plan 2005 in relation to the provision of private useable amenity space in new residential schemes.

Planning Balance and Conclusion

11. The parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. Great weight should therefore be attached to the need for new homes. However, in this case the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of delivering a single dwelling. Consequently, the proposal would not constitute sustainable development in terms of the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, including the lack of objections from consultees and local residents, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

¹ Appeal Reference W/4000174

² Defined in footnote 209 of the Brighton and Hove City Plan Part One as 'general layout, pattern and footprint of buildings and streets as viewed overhead in plan form'.