



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: 17 June 2022

Appeal Ref: APP/Q1445/W/21/3288043

1 Falmer Gardens, Brighton BN2 6NE

- 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 Colin Drewitt-Barlow of Bluestone Property Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02945, dated 5 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is erection of a detached three storey dwelling (Mono pitch roof with three levels one being below ground level).
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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;
 - b) the effect on the living conditions of the occupiers of 2 Falmer Gardens, with particular reference to outlook and sunlight; and
 - c) whether the proposed parking arrangements are adequate.

Reasons

Character and appearance

3. Falmer Gardens is characterised by bungalows, several of which have had dormers and loft conversions. Some of the properties at the southern end of the street are split level to take advantage of the slope of the land, but these have a single-storey appearance from the road.
4. The appeal site was formerly part of the rear garden belonging to 1 Falmer Gardens and has a boundary onto a link road between the main street frontage of Falmer Gardens to the east and Falmer Road (B2123) to the west. Historically, this stretch of road would not have had any dwellings facing onto it, but that character has altered over the years with the erection of three new homes in back gardens. These properties vary in age and design, but they mostly have the appearance of single-storey buildings. No 53 Falmer Gardens is a dormer bungalow, but this building has modest eaves and its scale is broadly comparable to other dwellings in Falmer Gardens.

5. The site benefits from an extant permission¹ for a detached dwelling of single-storey appearance with basement. Externally, the approved development would be in keeping with the recent development at 44 Falmer Gardens opposite. The current application seeks to maintain the same footprint of development, but to extend the dwelling upwards to make it two-storey above ground level. The new building would have a mono-pitch roof similar to that already permitted, although from the front it would give the impression of having a flat roof.
6. The new dwelling would have a boxy appearance and it would have significantly greater scale and bulk relative to those properties surrounding it, and others in Falmer Gardens to the east. The proximity of the building to the road would make it a dominant and visually intrusive feature in the street scene, despite the local topography placing the site at the base of a dip in the road. No 44 has demonstrated that contemporary design can work in the neighbourhood, but in this case the height and mass of the building would be overly assertive and at odds with the established character and appearance of the area. I therefore find 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 grain of the City's identified neighbourhoods.

Living conditions

7. The proposed dwelling would be sited alongside the rear garden of 2 Falmer Gardens. The boundary is defined by tall hedging which would screen lower sections of the building from the adjoining garden. The future retention of this hedge cannot be assured, but even if it could the new building would project above the top of the hedge.
8. The appellant contends that the proposal would be acceptable in terms of its impact on the occupants of No 2. This is on the basis that the building would be set in from the boundary and sited in the far-most corner of the plot, thereby ensuring unobstructed south facing views from the majority of the neighbours' rear garden space. It is suggested that the mono-pitched roof would reduce the overall size of the proposed building on the neighbours' side.
9. I have taken account of these arguments, but consider that the scheme does not satisfactorily address its impact on neighbouring occupiers. The new dwelling would run parallel to a large section of the boundary with No 2. The structure would be a tall and overbearing feature when viewed from the adjoining garden and it would reduce the pleasant open aspect and create a harmful sense of enclosure. The inclusion of high level window openings in the north elevation would not adequately mitigate the harm.
10. Furthermore, I have seen no technical evidence to support the assertion that overshadowing would be negligible. Given the position of the development due south of No 2, there is a high probability that the proposal would result in loss of sunlight for users of the neighbouring garden. That some parts of the garden may be unaffected does not justify the harm.
11. Overall, I conclude that the proposal would have an unacceptable adverse impact on the living conditions of the occupants of 2 Falmer Gardens. There would be conflict with Policy QD27 of the Brighton and Hove Local Plan 2005 (BHLP) which seeks to prevent loss of amenity to adjacent residents.

¹ Ref BH2019/03393

Parking

12. The Council's requirements for car parking are set out in Supplementary Planning Document 14: Parking Standards (2016) (SPD14). This document applies a zonal approach which takes account of accessibility by public transport and access to local facilities and services. The site lies within the Outer Zone where the maximum standard for 4 bed dwellings is 1 space per unit and 1 visitor space per 2 dwellings for visitors.
13. Although the submitted plans show provision for a total of 3 parking spaces, 1 of these spaces lies outside the red line site boundary and is intended as a replacement for a garage, now demolished, which served 1 Falmer Gardens. This leaves a pair of spaces for the proposed dwelling. The appellant contends that this level of provision is compliant with SPD14 on the grounds that the second space is for visitor use. However, since the proposal here is for a single dwelling and not two, the need for visitor parking is not triggered.
14. The over-provision of parking by 1 space carries some weight against the proposal. However, it is a relatively minor transgression in the context of development within the Outer Zone where it is acknowledged that there are lower levels of public transport accessibility. It should not be determinative in the overall balance. Although the SPD14 standards are not met, there is no demonstrable conflict with the development plan. The Council has cited Policy TR14 of the BHLP but this relates to cycle parking and not car parking.

Planning Balance and Conclusion

15. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. According to the officer report, the current supply is 2.2 years, representing a shortfall of 6,604 units. The National Planning Policy Framework indicates that in such circumstances permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.
16. The scheme would conflict with the development plan in respect of its impact on the character and appearance of the area and the living conditions of neighbours. Cumulatively, these adverse impacts would significantly and demonstrably outweigh the benefits of delivering a single new home.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR