

# Appeal Decision

Site visit made on 19 May 2022

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 June 2022**

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## **Appeal Ref: APP/Q1445/W/21/3283005**

### **Garages rear of Nos. 148 to 166 Portland Road, fronting Raphael Road, Hove BN3 5QQ**

- 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 Tony Froude against the decision of Brighton and Hove City Council.
  - The application, Ref. BH2021/00225, dated 14 December 2020, was refused by notice dated 12 April 2021.
  - The development proposed is a proposed single storey two-bedroom dwelling.
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## **Decision**

1. The appeal is dismissed.

## **Main Issues**

2. The appeal proposal seeks to change the design, positioning and layout of the dwelling approved on the site in June 2020 under reference BH2020/00664. The main issues in this appeal are (i) the effect of the amended scheme on the living conditions for adjoining occupiers as regards their outlook and light, and (ii) the effect on the character and appearance of the area.

## **Reasons**

3. On the first issue, the approved dwelling takes the form of a linear single storey 2-bedroom house on an east / west axis with its north elevation hard up to the boundary of the rear gardens of Nos. 150, 152 & 154 Portland Road. The building has a shallow mono pitched roof which slopes away from these adjoining properties.
  4. However, the current appeal scheme proposes a dual pitched roof with a ridge set at 1.7m above the height of the existing garages. In addition, there would be a full height gable to facilitate the L-shape of the building. Even with the main part of the roof plane sloping away from Nos. 150-154, I consider that with their very short gardens (in at least one case less than 5m in length) the outlook from the ground floor windows and the outside space of Nos. 150-154 would be subject to a sense of undue enclosure as a result of the proposed building tight on the boundary.
  5. As regards light, in the absence of an analysis based on the BRE report 'Site layout planning for daylight and sunlight: a guide to good practice (BR209)', it is difficult to accurately predict the amount of shadow that would result from
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the erection of the proposed dwelling. However, from the submitted plans I am satisfied that it would occur to some degree in the late afternoons and (summer) evenings. And again, with such limited garden areas at the affected properties almost any shadowing is likely to have a significant impact on the residents' enjoyment of their outdoor amenity area. This would be in harmful conflict with Policy QD27 of the Brighton and Hove Local Plan (Retained Policies March 2016) and paragraph 130f) of Government policy in the National Planning Policy Framework 2021 ('the Framework').

6. Turning to the second issue, I regard the appeal scheme to be a significant improvement on the approved scheme as regards design and layout. I have noted the Inspector's comment in a dismissed appeal against the refusal of an application for a two-storey dwelling (Ref: BH2018/00169) that a projection of a new building forward of the front elevations of the remaining garages on the site would be a harmful departure from the existing linear arrangement.
7. The Council correctly regarded this as an important material consideration in the subsequent application. However, in my view the retention of any of these unsightly, dilapidated, outdated and potentially dangerous (from asbestos) structures within the land edged red on the submitted plans (the application site) would significantly diminish the quality of a development proposal. It is therefore axiomatic that any scheme should also not take a lead from the siting of the garages.
8. Furthermore, in terms of the 'urban grain' referred to by the Council, the narrowness of the site in itself dictates that any redevelopment would be sufficiently linear in character. And by requiring the footprint of the approved dwelling to be in line with the remaining garages the outcome of the approved application has been one of a contrived dwelling with the appearance of an outbuilding - incongruous in its setting at the rear of the three storey Portland Road buildings and of no design merit. In this context I agree with the appellant that the approved scheme emphasises the narrow nature of the site, whereas the current proposal with its L-shaped footprint would give the impression that the site is wider than it actually is, thereby mitigating any perception of overdevelopment.
9. On this issue I find no harm would be caused to the character and appearance of the area in conflict with Policies CP8, CP12 & CP14 of the Brighton City Plan Part One 2016 and Section 12: 'Achieving Well-Designed Places' of the Framework. However, my favourable conclusion for the appellant on this issue does not outweigh the harm I consider would be caused by the building's current siting to the living conditions for the occupiers of Nos. 150, 152 & 154 Portland Road as regards outlook and light.
10. For these reasons and having had regard to all other matters raised, I dismiss the appeal.

*Martin Andrews*

INSPECTOR