



Appeal Decision

Site visit made on 22 September 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/Q1445/W/22/3296408 39A Shanklin Road, Brighton BN2 3LP

- 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 Ms Sarah Goodfellow against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/04547, dated 24 December 2021, was refused by notice dated 23 March 2022.
 - The development proposed is the construction of a garden building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was able to undertake a satisfactory unaccompanied site visit to this property. This was by means of walking on the elevated bank to the rear, with the landowner's permission, and viewing the host property and adjoining gardens over the mid-height rear boundary wall.
3. The appeal papers include a revised plan dated 3 April 2022 which appears to show the footprint of a garden building of reduced scale. However, the full detailed plans I have before me are on drawings dated 24 December 2021. I have to make my assessment on these 2021 drawings. This is because that was the scheme considered by the Council and made available to neighbours and my remit is to determine an appeal on the Council's Decision Notice (DN) without prejudice to any party and based on material formally submitted and adjudged within that DN.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the host property and the locality and b) living conditions for future residents and neighbours.

Reasons

Character and appearance

5. The appeal property is a ground floor flat within a terraced property divided into two flats. The appeal flat benefits from a modest rear garden across half of the width of the property, mirroring the other flat's garden, split from the back wall of the building to the rear boundary down the centre. The proposal is as described above; the structure would be, almost, flat roofed with a roof light.
6. This outbuilding would be highly unusual in that it would take up most of the rear garden area of the appeal premises. This built anomaly would look markedly at variance from the norm of largely open areas to the rear of these terraced properties. It would not reflect the character or the grain of the area and would be visually jarring to all who looked in its direction. The scene would be of incongruous over-development; the outbuilding would simply be too large for its context. The scheme would not represent good design.
7. Policies QD14 of the Brighton and Hove Local Plan (LP), CP12 of the City Plan Part One (CP1) and DM21 of the City Plan Part 2 (CP2) are relevant. Taken together and amongst other matters, these policies seek well designed and suitably scaled development that should protect the character and visual quality of buildings and the local distinctiveness of their wider area. In all the circumstances I conclude that the appeal scheme would conflict with these planning policies. I should add that whilst policies refer to 'extensions and alterations' I am satisfied that it is reasonable to apply their objectives to the outbuilding case before me bearing in mind that the appeal scheme would be so closely physically and functionally related to the home; in most ways it would be tantamount to an extension.

Living conditions

8. I appreciate there are fencing possibilities one could undertake and I recognise the results of the light assessment exercise but the very presence of this scale of building in proximity to neighbours would be unsettling and enclosing. Gardens locally are tight and, in a sense, there is mutual amenity gain along the row in terms of outlook and the provision of some openness within this dense area. There is amenity logic in not having abutting boundaries feeling overly dominant as would occur along most of both sides of this structure.
9. Whilst I appreciate it is to an extent the Appellant's life-style choice I am also concerned that the structure would unduly impinge upon the outlook from inside the appeal flat due to its proximity and would diminish outside amenity space to an almost negligible quantum. I have to protect the amenity of the appeal premises for the long term and for future residents and regrettably the scheme would not accord with that objective.
10. LP Saved Policy QD27 and CP2 Policy DM20 are relevant. Taken together and amongst other matters they seek to protect residential amenities. This is also a key aim of the Council's 'Supplementary Planning Document on Extensions and Alterations SPD12' (SPD); this document touches on

outbuildings albeit it cannot be expected to cover every eventuality. Given the foregoing I would conclude that the appeal scheme would run contrary to these policies and the SPD.

Other matters

11.I do understand the Appellant's wish provide office space to ease working from home and I can see that thought has been given to the use of materials and seeking to minimise height. I sympathise that there does appear to have been some mis-understanding between the Appellant and the Council on issues during the processing of the planning application. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.

12.I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

13.For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the host property and the locality as well as on living conditions for future residents and neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR