



Appeal Decision

Site visit made on 10 October 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/Q1445/W/21/3289476

1 Wanderdown Road, Ovingdean, Brighton BN2 7BT

- 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 KSD Group Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02172, dated 14 May 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as 'demolition of existing bungalow and replacement with 2.5 storey building containing 5 residential units and associated works'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by KSD Group Ltd against Brighton & Hove City Council. It is the subject of a separate Decision.

Preliminary Matters

3. In error, the Council's officer report and decision notice lists four superseded plans. With the appeal, the appellant submitted the correct plans, as were considered by the Council in making its decision¹. I have determined the appeal on this same basis.
4. At the request of the occupiers of No.3 Wanderdown Road my site visit included assessment of the proposal from the rear garden and some rooms of this dwelling.
5. On 22 October 2022, the Council adopted the Brighton & Hove City Plan Part Two (CPP2). There is agreement that emerging CPP2 Policy DM17 was included in the reason for refusal in error. The main parties have considered emerging CPP2 Policy DM18. In this appeal there is no relevant change to adopted CPP2 Policy DM18. I have given full weight to it in determining the appeal.

Main Issue

6. This is the effect of the proposal on the character and appearance of the area.

¹ Listed in paragraph 5.35 of the Appellant's appeal statement of case

Reasons

7. No.1 Wanderdown Road is a split level detached bungalow on a raised corner plot, set into a hillside. Garaging below the living accommodation gives it a two-storey appearance at the front with a single-storey at the rear. On one side of it is a row of split-level bungalows in this lower end of Wanderdown Road. The opposing row of dwellings in this road include bungalows and chalet bungalows. Some are split level over lower ground at the rear, so are mainly single-storey at the front. On the other side, the site faces a swathe of large, undulating fields on the far side of Ovingdean Road. The careful siting of this housing nestling on the edge of Ovingdean and its purposeful design, with controlled height and form stepping down the hillside is locally distinctive and avoids visual or spatial encroachment with the countryside beyond.
8. The bungalow would be demolished and replaced by a building for five apartments. There is no objection in principle to residential redevelopment of the site. However, a large part of the building would stretch further back, much deeper into the site where there is presently no built form. It would mainly be two-storey, increasing in height above ground level as the ground falls, to be three-storey at the front. While it would be in about the same position as the bungalow at the front and narrower, with a split-level and the same building line, there would be another full storey across most of this significantly bigger building, including on the highest, most open part of the same sized site.
9. Despite articulation of the building, including low pitched or flat roofs with a gap, recessed elevations and variation in external materials, there would nonetheless be a substantial increase in scale, bulk, massing and overall extent of built form on the site, with a significant commensurate reduction in spaciousness. This would also be manifestly at odds with the prevailing pattern and arrangement of nearby dwellings and have a discordant presence that failed to successfully integrate into its immediate context.
10. From Wanderdown Road, the pronounced increase in building height would be prominent seen against the background fields. Due to the effect of perspective, in shorter closing views as the road dips, the building would progressively appear more elevated above a distant ridge line, in stark contrast to the existing bungalow and the more uniform height of the bungalows next to it which follow the falling contour of the road. It would also loom above the dwellings on the opposite side of this road, including in views from both directions in Ovingdean Road; especially from the lower part because the building would appear progressively higher above a crest behind. It would unduly dominate this corner and plainly jar in these respective streetscenes.
11. Some elevated views from the Mount Pleasant bridleway and trigonometry point to the northwest would be distant and downward. The building would not overly protrude into this broad panorama of topography, landscape features and existing or permitted development. However, it would be more intrusive in lower level views as the bridleway closes with Ovingdean Road; in particular, the long, terrace like elevation raised in part on a plinth next to this roadside. The building would appear incongruous and unduly conspicuous in these views.
12. The contemporary architectural style, including roof form and materials, would be in-keeping with some other dwellings in Wanderdown Road and Ovingdean Road or in Longhill Road, which is on lower ground to the south. Some of these other dwellings are also quite large or tall, but they are the exception and, in

Longhill Road, have no meaningful visual or spatial relationship to the appeal site. As such, they do not provide an appropriate context to justify the building.

13. Taking all of the above into account, I find that the proposal would cause significant harm to the character and appearance of the area. Consequently, it conflicts with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One March 2016 (CPP1) and with CPP2 Policy DM18. These policies seek good design with development that contributes positively to sense of place, the visual quality of the environment and respects or reinforces local character having regard to the scale and shape of buildings and space around buildings.

Planning Balance

14. There is agreement that the Council has a 2.1-year supply of deliverable housing sites. It cannot therefore currently demonstrate a 5-year housing land supply. As a result, paragraph 11 d) of the Framework is engaged.
15. In terms of benefits, providing five, 2 and 3-bedroom apartments (net gain four units) with living conditions suitable for family occupation on a sustainably located small windfall site would make an efficient use of land and a notable contribution to housing supply. This would be aligned with objectives of the National Planning Policy Framework (Framework) to significantly boost the supply of homes and meet specific housing needs. The social and economic benefits associated with building and occupying the apartments are factors which I consider have moderate weight in favour of the proposal.
16. The site is not in or next to Ovingdean Conservation Area or near any listed buildings and is at low risk of flooding. Subject to conditions the proposal would be acceptable in terms of highway, parking, drainage, archaeology, ecology, landscape and water and energy efficiency considerations. The absence of harm in these regards and compliance with the Council's development plan or the Framework are neutral factors in my decision.
17. However, the Framework also seeks to achieve well-designed places. The proposal would not be sympathetic to local character, including the surrounding built environment, or maintain a strong sense of place. It would conflict with the Council's relevant development plan policies. These are consistent with aims of the Framework to balance meeting housing needs with these environmental objectives of sustainable development. This is an important factor against the proposal and I give it substantial weight.
18. The adverse impacts of the proposal would, therefore, significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.

Conclusion

19. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. Consequently, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR