



Appeal Decision

Site visit made on 17 November 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Q1445/W/22/3296829

159 Ringmer Road, Brighton BN1 9JA

- 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 K Levey against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/04343, dated 8 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the erection of one-bedroom single storey detached eco dwelling (C3) in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Character and appearance

3. The appeal site includes a semi-detached two-storey house in use as a 5-bedroomed small House in Multiple Occupation (HMO) (C4). The area is of established suburban character, with mainly two-storey dwellings set in relatively spacious surroundings coming together to provide a locality of generally pleasing and relatively uniform appearance. The proposal, as described above, is to use the far part of the relatively long rear garden for the new building and its garden, with pedestrian access to this planned home down the side of the host property.
 4. The urban grain, the relationship of houses fronting roads, the generous nature of gardens, and the type of housing structures are indisputably clear cut in this locality. Local character and visual identity of the neighbourhood stems from this. Regrettably the appeal proposals would run markedly contrary to all of these factors. The piecemeal severance of the rear half of a garden, with contrived pedestrian access only, to a small single-storey single-orientation property tight to three shared boundaries would be indisputably alien. It would represent poor urban design which took little from local context and through its incongruity would impinge upon the
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established aesthetic attributes and characteristics of this immediate locality.

5. Policies CP1, CP12 and CP14 of the Brighton and Hove City Plan Part One and Policy HO5 of the Brighton and Hove Local Plan (LP) are relevant. Taken together and amongst other matters, these policies seek well designed development in terms of built form and space around with respect for urban grain and local character, along with protecting and maintaining local distinctiveness and sustainable communities. In all the circumstances I conclude that the appeal scheme would conflict with these planning policies.

Living conditions

6. There would be some intervisibility between the planned and existing properties but given distances and levels I would be less concerned about this than the Council. Taken in isolation amenity for future residents of the scheme could be reasonable. However, on the neighbourly front I am troubled by the routing of the pedestrian access both terms of its immediate proximity to an HMO bedroom window but also through the general coming and going alongside the host and the adjacent dwelling. Furthermore, the properties locally have long back gardens. People would expect to be able to enjoy peace and quiet towards the ends of these rather than be faced with a dwelling immediately on their boundaries with associated main garden activity and the paraphernalia of a further home alongside. The relationship of the planned home to the adjoining gardens would at the very least make it uncomfortable for neighbours with a new household imposed upon their present established and spacious domain.
7. LP Policy QD27 and Policy DM20 of the City Plan Part Two are pertinent. Taken together they seek to protect residential amenities. Given the foregoing I would conclude that the appeal scheme would run contrary to these policies.

Other matters

1. I recognise the 'green credentials' that are embodied within this scheme. I also do take the point about the housing supply shortfall and I appreciate that the scheme would add to numbers and the considerable policy thrust which is applied to this. However, the addition to the stock would be very minimal and it is important that matters of character, appearance and amenity are carefully considered and not set to one side by a housing provision argument being unduly over-riding. Whilst this is an accessible location, I would not deem this proposal to be sustainable development because of the environmental issues I have cited. I note that no objections were lodged against the appeal scheme but I must protect amenity for the long term and future neighbours. I have carefully considered all the points raised by the Appellant but these matters are significantly and demonstrably outweighed by the harm relating to the main issues identified above.
8. 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

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

D Cramond

INSPECTOR