

Appeal Decision

Site visit made on 17 August 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary

Decision date: 14th September 2023

Appeal Ref: APP/Q1445/W/23/3317618

Land to the rear and side of 48 Lockwood Crescent, Brighton, BN2 6UG

- 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 Russell Glover against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/02956, dated 17 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is the erection of a single storey two-bedroom dwelling (C3) adjoining existing house, with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for is the erection of a single storey two-bedroom dwelling (C3) adjoining existing house, with associated works on land to the rear and side of 48 Lockwood Crescent, Brighton, BN2 6UG in accordance with the terms of the application, Ref BH2022/02956, dated 17 September 2022, subject to the conditions on the attached schedule.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the locality; and
 - living conditions for future residents and neighbours.

Reasons

Character and appearance

4. The proposed building plot is the side garden and part of the rear garden of the host property which has now been fenced off and lies at a level lower than the street, more so towards the rear. Number 48 lies on a corner plot, fronting Lockwood Crescent with its return parallel to the rising Nolan Road. The area is in established residential suburban use with generally semi-detached homes and intermittent flatted development such as the dominant 3 storey blocks facing the front of the appeal site. The visual qualities of the properties and the wider estate might be described as pleasant but unremarkable. The proposal is as described above and would be a flat, green, roofed structure set at low level running alongside and attached to the side of the host property and
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then, with its 'L' shape, turning behind that property beyond a retained almost square part of rear garden for the current home.

5. The Council is concerned that with positioning and prominence the proposed structure would be incongruous, run contrary to the spacious character of the area, and generally appear as over-development.
6. The existing site includes a garage which with its form and ground level adds nothing positive to the scene; quite the opposite and its planned removal would be a visual benefit. The scheme would be relatively close to boundary fencing but given appreciably lower plot levels, the green roof, and the single storey nature I am not persuaded this would look overly tight. The roads and footways are of good width and verges help set any development back within any vista. I note also that Nolan Road has a staggered building line in any event. There is some appreciably large development found locally in the form of the nearby flats and these plain buildings stand out in the scene very much more than anything would relating to the appeal scheme.
7. I accept that garden scale would not be reflective of the mathematical norm but that is not something which would jar in the streetscene and I deal with practicality of garden space under the second main issue. I am not sure that two dimensional plans do the scheme justice but I am satisfied that when constructed as planned the overall development will not appear as over-development or ungainly; the scheme will be relatively innocuous and when it is glimpsed or viewed would add interest rather than visually detract. This home would be different from those around but that does not automatically make it unacceptable.
8. In summary the appeal scheme would be an example of an aesthetically reasonable, innovatively designed, and effective modest development to bring about the productive creation of a new home having regard to the attributes of local character and appearance.
9. Policies SA6, CP12 and CP14 of the Brighton & Hove City Plan Part One are relevant. Taken together, and amongst other matters, they seek well designed sustainable development that should add to the quality of neighbourhoods, protect their character and generally have architectural merit. I conclude that the proposal would not conflict with these policies; it would not be inappropriate and harmful to the site, street scene or wider area.

Living conditions

10. The Council is concerned that the scheme would result in the loss of garden space to the host property, such that living conditions of that family unit would be compromised, and also that the proposed new dwelling would not have adequate private amenity space.
11. I examined the space which would remain available to the host property and was impressed by its level surface, regular shape, immediate accessibility, degree of privacy, and orientation. It would certainly be smaller than many of the gardens around but it would be an extremely useful part of the host property and to my eyes quite adequate to meet the needs of a household within this attached home. Meanwhile, the proposed dwelling would have a

more complex garden arrangement but would offer private rear space with varied orientation, some interesting level changes, and, overall, enough suitable outside space for a small new home. In passing I did notice the useful proximity of Woodingdean Central Park for wider amenity purposes.

12. A residential amenity issue of concern to the Council is its view that the new home would be overbearing and unneighbourly in the sense of enclosure and loss of outlook for host property residents. This might appear to be the case when seen on layout plans but in my opinion the ground levels, the restricted height of the new building, the proposed boundary treatment, and the overall form of the proposed property would mean that, in reality, there would not be undue hemming-in or loss of outward views.
13. Finally, on the amenity front, the Council is concerned with north facing bedroom windows for the proposed dwelling which would be fairly tightly positioned relative to outside space. I would agree that this arrangement would not be ideal but I do feel given the amenity qualities embedded within the rest of the home, the reasonable scale of the bedrooms, the possible ability to borrow extra light from the corridor, and the inherent privacy which the planned window arrangement would ensure, that on balance these rooms would offer satisfactory bedroom facilities.
14. Policies DM1 and 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 not run contrary to these policies.

Other matters

15. The Council acknowledges it does not have a five-year housing land supply and I would add that I have considered the planning history and a previous appeal decision relating to this site (Ref APP/Q1445/A/07/2051151). I would comment that the form of the current appeal proposal varies appreciably from the two storey 2007 scheme, the City Plan was not in place, and the housing supply situation did not appear to be suboptimal as it presently stands. I am therefore led to reach a different decision from my colleague in 2007.

Conditions

16. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans is put forward; I would agree to provide certainty. External materials need to be agreed in the interests of amenity. Refuse and recycling arrangements should be fixed in the interests of residential amenity as should cycle parking in the interests of encouraging sustainable travel. Green roof treatment and general landscaping agreement should be reached to protect visual amenity and help with the provision of good quality living conditions. In the interests of resilient and sustainable development I shall apply suggested conditions relating to porous hard-surfacing and maximum water consumption. I shall not apply a condition relating to 'EPC' rating as this is covered by other legislation. I agree with the Council's proposition on bee brick provision in the interests of biodiversity.
17. I would concur with the Council that 'permitted development' rights ought to be removed appropriately in the interests of visual and residential amenity. This is such an unusual site arrangement with its restrictive nature, relationship to

roads and other buildings and potential for prominence that exceptional controlling circumstances should apply.

18. On occasions I include some variation from the wording set out by the Council in order to aid precision and accord with national guidance and legislation.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality or on living conditions for future residents or neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (11)

1. The development to which this permission relates shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0001, 0102, 0110, 0111, 0131, 0132, 0133, 0134, 0135, 0136, 0137, 0138, 0141, 0142, 0151, 0152 & 0153
3. Before any above ground works associated with the dwelling hereby approved, samples of materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development and thereafter so retained.
4. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
6. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this

permission shall be carried out without planning permission obtained from the Local Planning Authority.

7. The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations).
8. At least one bee brick shall be incorporated within the external wall of the dwelling hereby approved and shall be retained thereafter.
9. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.