

# Appeal Decision

Site visit made on 12 August 2024

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

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

**Decision date: 2<sup>nd</sup> September 2024**

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## **Appeal Ref: APP/Q1445/W/24/3340695**

### **2 Baden Road, Brighton BN2 4DP**

- 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 Gary Ablewhite against the decision of Brighton & Hove City Council.
  - The application Ref. is BH2023/02643.
  - The development proposed is the erection of a new detached building containing two self-contained flats (C3).
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### **Decision**

1. The appeal is dismissed,

### **Main Issues**

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, and (ii) the effect on the living conditions of occupiers of flats in No. 2 Baden Road as regards outlook.

### **Reasons**

3. On the first issue, the proposed building would be positioned in the garden / amenity area of No. 2 Baden Road, a building of substantial size which has been sub-divided into four self-contained flats. The site rises steeply from west to east and has a boundary with Coombe Road, from which it is clearly visible. The Council's objection on this issue is that the development would jar with the established character of the area.
  4. Whilst the proposed building would be accommodated on the site in a satisfactory relationship with the adjoining property in Coombe Road (it would have a similar eaves height and a standard flank to flank separation), I concur with the Council's assessment that the same cannot be said of the street scene view of the development in relation to No. 2 Baden Road.
  5. There would be a 'something and nothing' gap that would not have the benefit of the open skyline and pleasingly longer views of the gardens of the houses in Bevendean Road and their associated greenery that the site currently provides. And because of the steep gradient, the new property with its much higher eaves and ridge lines would form an uncomfortable juxtaposition with the donor building, with the further disadvantage of a clear view of 'the featureless flank wall'.
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6. This particular arrangement of rear to flank elevations of buildings is not one that would normally arise from the established building patterns in this part of the city, as the Council confirms in paragraph 10 of its Statement. It would appear as somewhat contrived, and with both secondary elevations in clear public view have an adverse impact on the street scene.
7. I acknowledge that the existing sloping and heavily overgrown garden of the Baden Road flats is not particularly attractive, but I am in little doubt that the main reason for this and indeed for residents of the four flats not using it, is that no effort has been made to make it an attractive and usable amenity area. For privacy it would require some boundary screening along the Coombe Road 'frontage', but again there is no sign of this ever have been attempted.
8. For these reasons I find on the first issue, that the proposed development would have an unacceptably harmful effect on the Coombe Road streetscene and would thereby be in conflict with Policies CP12 & CP14 of the Brighton & Hove City Plan Part 1 2016 and Policies DM18 & DM19 of the City Plan Part 2 2022.
9. On the second issue, the Refusal Notice refers to the proposed building resulting in a significant loss of outlook with its associated sense of enclosure and additionally a loss of light. As regards the latter, the appellant has provided evidence with the appeal that this would not in fact occur. However, on the first point there are two bedroom windows in the rear elevation of No. 2 that would have their outlook affected, one on the ground floor and one on the first. Whilst the appeal includes diagrams of the extent of view in the outlook, these do not take into account the steep rise in the land which would result in the proposed building being at a higher level and overbearing in the aspect from No. 2.
10. This would inevitably result in a noticeable increase in the sense of enclosure in views from the bedrooms and also from the retained garden area. As this area is within the ownership of the applicant it should in my view have been included within the red line of the application and the subject of meaningful improvements, so as to some degree counter the adverse effects of the development on occupiers of the existing flats.
11. On the second issue, I conclude that the appeal scheme would harm the living conditions in terms of outlook for occupiers of the flats at No. 2, in conflict with Policy DM20 of the City Plan Part 2 and with paragraph 135f) of the National Planning Policy Framework December 2023 ('the Framework').

### **Other Matter and Conclusion**

12. The Officer's Report refers to the Council being unable to demonstrate a five-year housing land supply and that accordingly paragraph 11 of the Framework is engaged. However, whilst given the scale of housing shortfall in the city I recognise that the principle of an infill scheme on the site may be acceptable, the adverse impacts of the development in this appeal significantly and demonstrably outweigh the benefits.
13. For these reasons, and having had regard to all other matters, the appeal fails.

*Martin Andrews*

INSPECTOR