



Appeal Decision

Site visit made on 17 December 2025

by **B. Johnson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2026

Appeal Ref: APP/Q1445/W/25/3374591

11 Dean Gardens, Portslade, Brighton & Hove, BN41 2FW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr I. Guile against the decision of Brighton & Hove City Council.
 - The application reference BH2025/01206, dated 9 May 2025, was refused by notice dated 31 July 2025.
 - The development proposed is 1No. new dwelling consisting of 1 bedroom with associated landscaping, bin storage and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 11 Dean Gardens, with regard to outdoor amenity space.

Reasons

Character and appearance

3. Located in a prominent and elevated position at the corner of Dean Gardens and Dean Close, the appeal site comprises a three-bedroom bungalow at 11 Dean Gardens, and its existing garden. The garden of no.11 narrows towards the corner of Dean Gardens and Dean Close and is surrounded by timber fencing. There is a notable increase in levels across the site and the surrounding land from east to west. The surrounding area has a consistent pattern of bungalows and 2 storey terraced dwellings laid out in line with prevailing topography, which increases significantly along Dean Close to the rear of the appeal site.
4. The appeal proposes the erection of a 2 storey 1 bedroom residential dwelling situated on garden land currently associated with no.11.
5. While there is a pattern of 2 storey dwellings in the immediate area, there is a high degree of uniformity to these given they are part of a regular terraced form within larger plots, and they include consistent design features. These aspects taken together create a defined local character. The appeal proposal would introduce a detached 2 storey dwelling on a compact site in a prominent corner location. The proposal would appear very cramped in relation to its immediate confines and

would be a dominant incongruous addition within the wider streetscene, disrupting the rhythm of development along Dean Gardens in particular. As such, the proposal would fail to be informed by the scale, form, layout and appearance of other dwellings locally.

6. Although the existing bungalow at no.11 has a somewhat uncharacteristic plot size and width relative to its immediate neighbours, this relates well to the bungalows on the opposite side of Dean Gardens and perhaps reflects the topography and narrowness of this part of Dean Gardens. The plot layout of the existing bungalow at no.11 would not justify the introduction of a cramped dwelling within the bungalow's garden. Although the current site is bounded by timber fencing which is a relatively dominant feature within the streetscene, the proposed dwelling would be a significantly more dominant addition than the fencing.
7. The proposal aims to match the eaves height of adjacent dwellings. However, this design ambition is undermined by the 2 storey bay window feature which breaks the eaves line and means that the proposed building would read as a taller element within the wider streetscene. The prominence of the corner location amplifies this, as it is a more visible location that would garner more attention. Accordingly, the design and detailing of the proposal would neither reflect nor respond appropriately to the surrounding streetscene.
8. The appeal site is, in principle, a suitable location for residential development and would make efficient use of land. However, the compact nature of the site, along with its prominent position in the wider streetscene, create significant challenges in achieving an appropriate design solution to ensure that adverse impacts on local character and appearance are avoided. Although the appellant has recognised these challenges, their proposed design solution does not successfully address them.
9. The appellant has drawn my attention to an application permitted by the LPA in June 2021 at 4 the Parade, Valley Drive, Brighton, which they consider shares similar characteristics with the proposal. However, Valley Drive has a more mixed-use residential and commercial context, with that site immediately abutting a parade of shops with residential uses above. The Valley Drive permission therefore has a very different character to the appeal site and has only limited weight in my determination.
10. I conclude that the proposal would have a detrimental impact on the character and appearance of the local area. This would conflict with Policies CP12 and CP14 of the Brighton & Hove City Council City Plan Part One (BHCCP1), adopted in 2016, and Policy DM18 of the Brighton & Hove City Council City Plan Part Two (BHCCP2), adopted in 2022. These policies together seek a high standard of design for all new development proposals, which includes requirements relating to housing density and responding positively to local context.
11. The National Planning Policy Framework (December 2024) (the Framework) section 12 aims to achieve well-designed places. Paragraph 135 promotes increased densities but this needs to be balanced against impacts on local character. In this case, the proposal also conflicts with the Framework.

Outdoor amenity space

12. The proposal includes outdoor amenity space at the front and rear of the new dwelling. However, as the proposal involves the subdivision of an existing site, it would result in the reduction of outdoor amenity space for the existing dwelling at no. 11.
13. The proposal would lead to a significant reduction in amenity space for no. 11, and while it is suggested that the size and shape of the resulting space would be suitable for a range of activities, I have no tangible evidence or equivalent standards to support this assertion. The space that would be lost is green space, whereas the space to be retained to the rear of no. 11 is hardstanding. This would reduce the functionality of the outdoor amenity space by reducing the opportunity for specific activities such as gardening and planting.
14. The appellant argues that the resulting arrangement at no. 11 mirrors a similar arrangement elsewhere on the street, but I consider that this does not in itself make the proposal acceptable; it must be assessed on its own merits.
15. I conclude that the proposal would cause harm to the living conditions of occupiers of no. 11 Dean Gardens, with regard to outdoor amenity space. This would conflict with BHCCP Policies DM1 and DM20. These policies require all new residential development to provide useable private outdoor amenity space appropriate to the scale and character of the development, and state that permission will only be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.

Other Matters

16. The proposal accords with policies in the development plan and the Framework which encourage the supply of new housing in sustainable locations and promote and support the development of under-utilised land. The Framework is also clear that small sites can make an important contribution to housing delivery, which means that I ascribe significant weight to the provision of one additional home.
17. As the proposal is for development on an existing residential garden, this would not classify as brownfield/previously developed land when assessed against the definition in the Framework, which specifically excludes land in built-up areas such as residential gardens. Therefore, I have not considered paragraph 125(c) of the Framework in my determination.
18. The appellant identifies benefits to the construction industry, and to the vitality and viability of local services and facilities within the local area from spending by future occupiers. However, such benefits have not been quantified and therefore only have limited weight.

Planning balance

19. The main parties agree that the five-year supply of deliverable housing land (5YHLS) currently stands at 1.4 years, which is a very significant shortfall. Where a 5YHLS cannot be demonstrated, paragraph 11(d) of the Framework means that the policies which are most important for determining the application are out-of-date, and that permission should be granted unless the circumstances in paragraph 11(d)(i) or (ii) apply. In this case, paragraph 11(d)(i) is not engaged as there are no policies in the Framework related to areas or assets of particular

importance that would provide a strong reason for refusing the proposed development.

20. With regard to paragraph 11(d)(ii), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
21. The proposal would cause harm to character and appearance and with regard to provision of outdoor amenity space for occupiers of no.11. This would conflict with relevant policies outlined above. I afford these harms and conflicts significant weight individually.
22. The housing supply benefits of the proposal are afforded significant weight, while the social and economic benefits have limited weight. The appellant cites a planning permission from elsewhere in the LPA area which I have afforded limited weight.
23. The adverse impacts on character and appearance and outdoor amenity space would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other material considerations which indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

B. Johnson

INSPECTOR