

Appeal Decision

Site visit made on 27 March 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2017

Appeal Ref: APP/Q1445/W/16/3159351 148 Valley Drive, Brighton BN1 5LG

- 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 & Mrs P Cloherty against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02066, dated 3 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is the erection of a new dwelling on land to the rear of 148 Valley Drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on:
 - (a) The character and appearance of the area; and
 - (b) The living conditions of existing and future occupiers.

Reasons

The character and appearance of the area

3. The area is predominantly residential in character comprising a mix of bungalows and detached two-storey dwellings that, in the main, have long rear gardens, although I acknowledge there are a few properties around the junction of Green Ridge, Valley Drive and Glen Rise that have smaller gardens. The appeal property has a less conventional arrangement to that of surrounding properties in that its associated rear garden is positioned alongside Green Ridge. Nonetheless, this two-storey dwelling with its garden maintains the rhythm of plot sizes and long gardens of the properties in the area.
 4. I observed that although the architectural styles of properties vary, there is a general continuity of road frontage development in the area. The width of the new plot and the space between the proposed house and its side boundaries and the separation with adjoining properties would be similar to that of other properties within the vicinity of the appeal site. Although of modern design and materials, I consider the size and appearance of the proposed dwelling
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- would be acceptable when viewed within the streetscene to this side of Green Ridge.
5. Nonetheless, the sub-division of the site and resulting plot for the proposed dwelling would be significantly smaller than those in the area, including those properties around the junction of Green Ridge, Valley Drive and Glen Rise. The proposed dwelling would be constructed in close proximity to the southern boundary of the site and would provide only a small garden area for the new dwelling. I acknowledge the appellant has made an assessment of the sizes of the plots in the vicinity of the appeal site. However, the proposed dwelling with small area of outdoor space would be out of keeping with the size of gardens and overall plot sizes in the area. The appellant has highlighted that, unlike some other Authorities, the Council does not have local guidance in place relating to density levels and it has not referred to the Council's Urban Capacity Study. Nonetheless, I consider the sub-division of this plot without an appropriately sized amenity area would create a cramped development that would represent an overdevelopment of the site.
 6. For the above reasons the proposed development would be harmful to the character and appearance of the area, and would be contrary to Policy CP12 Brighton and Hove City Plan Part One which seeks development to have a strong sense of place and to respect the general layout, pattern and footprint of buildings and streets, amongst other matters. The proposal would also conflict with paragraphs 17, 53, 56 and 58 of the National Planning Policy Framework (the Framework) that aim to ensure development responds to local character and resists inappropriate development of residential gardens where it would cause harm to the local area.

The living conditions of existing and future occupiers

7. The proposed dwelling would be within close proximity to the existing dwelling, No 148 Valley Drive. I observed this dwelling has rear windows that serve habitable rooms which have outlook toward the proposed dwelling. There is also a large conservatory at the rear of this existing property, albeit I acknowledge the appellant's intention is to replace it with a new conservatory of smaller size, although again positioned at the south western end of the rear elevation. The proposed dwelling, due to its elevated siting, height, mass and close proximity to the existing dwelling, would be particularly prominent and dominate in the outlook from the habitable rooms of this existing dwelling. This would be harmful to the living conditions of the occupiers.
8. Furthermore, the elevated positioned of the new dwelling with windows serving habitable rooms would provide outlook toward the existing dwelling. The proposed plans indicated the windows of the first floor study would be obscure glazed. This would prevent observation from the study occurring. I accept that a boundary enclosure would prevent observation toward the ground floor living accommodation and outdoor area, but it would not prevent observation toward the first floor windows, some of which serve habitable living space. For this reason, I consider the proposed dwelling would harm the living environment of the existing occupiers.
9. With regard to the occupiers of No 150 Valley Drive I observed that there are trees and vegetation along the dividing southern boundary which would significantly reduce the effect of the proposed dwelling upon the occupiers of

this property. I do not consider that their living conditions would be unduly compromised as a result of the proposed development.

10. The sub-division of the plot would result in two smaller plots being created. The existing property is a large family sized dwelling. Although not particularly valuable in townscape terms, the existing garden remains important for use by the occupants of this house as an outdoor amenity space. Such space would normally be used by occupants for sitting out, drying clothes, storing bicycles, general outdoor recreation, and so on. The appellant advises that, following the sub-division of the plot, an existing small area of garden to the south side of No 148 would become the main outdoor amenity space for the occupiers of this existing dwelling. However, the loss of the existing rear garden area and retention of only a small area of garden would not provide adequate outdoor space for the occupiers of the existing family dwelling.
11. With regard to the proposed dwelling, a small area of private outdoor space would be provided to the sides and rear. I do not consider that the proposed dwelling would be provided with adequate outdoor amenity space to accommodate sitting out, clothes drying, storage and general recreational space for what would be a family dwelling.
12. Whilst the appellant may consider the acceptability of the standard of amenity space to be a matter for future occupiers to decide and that the appeal site is in easy access to public amenity spaces and the South Downs National Park, this does not justify or make it acceptable to design and create poor living environments. Although houses in other parts of the City may have smaller private amenity spaces this does not justify the creation of small outdoor amenity areas in this particular location.
13. For the above reasons the proposed development would be harmful to the living conditions of both existing and future occupiers and would be contrary to Policies HO5 and QD27 of the Brighton & Hove Local Plan. These policies seek development to make provision for private usable amenity space in new residential development and to prevent the loss of amenity to existing occupiers, amongst other matters. The proposed development would also be contrary to paragraph 17 of the Framework that seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

14. Paragraph 49 of the Framework states that housing should be considered in the context of sustainable development. Policy SS1 of the Brighton and Hove City Plan Part One reinforces this principle. Accordingly I have considered whether the appeal proposal would be consistent with the social, economic and environmental dimensions of sustainable development, as set out in paragraph 7 of the Framework noting that the Council has indicated that it has a five year supply of housing sites. Paragraph 8 of the Framework specifies that these three elements of sustainable development need to be considered together and are mutually dependant and should be sought jointly.
15. I have found that the proposed development would harm the character and appearance of the area and the living conditions of both existing and future occupiers, placing it in conflict with the environmental dimension of paragraph 7. Whilst the principle of residential development may be acceptable in this urban location, which is accessible to services and public transport, the positive

housing supply benefit, even if contributing to an historic shortfall in housing delivery, does not outweigh the environmental harm that I have identified above. Furthermore, the harm arising from the development leads me to conclude that there is conflict with the development plan as a whole and I find the scheme is not sustainable development.

16. I accept there may be a demand for three bedroom dwellings such as this of open-plan layout incorporating office space to enable homeworking in the City. I also acknowledge that the site is not Listed nor falls within a conservation area and there are no tree preservation orders or contamination issues pertaining to the site. Cycle and car parking would also be provided. However, these matters do not alter my findings that the scheme is not sustainable development.
17. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusion on the main issues, there is no need for me to address these in the current decision.

Conclusions

18. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR