



Appeal Decision

Site visit made on 9 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 May 2018

Appeal Ref: APP/Q1445/W/18/3194651 53 Surrenden Crescent, Brighton BN1 6WE

- 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 Ms Mary Lucas against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02586, dated 22 February 2017, was refused by notice dated 1 November 2017.
 - The development proposed is a single-storey two bedroom house with basement level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of its surroundings; and secondly, the effects of the proposed development on the living conditions of its future occupants in terms of its provision of amenity space, natural light and outlook.

Reasons

Character and Appearance

3. Set within predominantly residential immediate surroundings, the appeal site comprises the rearmost portion of the substantial garden of 53 Surrenden Crescent, a corner property, with the side boundary of its back garden addressing the highway. Whilst scales and architectural styles of dwellings in the immediate surroundings are varied they are, on the whole, substantial properties in generous and well-vegetated grounds. Taken together, the generous plotting of the dwellings, the mature street trees and deep grass verges present adjacent to the highway impart a spacious and verdant character to Surrenden Crescent.
4. The appeal scheme would demolish the garage on the site to make way for a dwelling as described above. Whilst the proposed dwelling would have a similar scale above ground level to that existing garage it would feature a basement level including living accommodation, and it would have a deeper and wider footprint. At the front the proposed building would have a single-storey appearance, whilst at the rear, due to the split level of the appeal scheme's back garden the basement level would be visible. Extensive glazing

- would be employed in the front and rear elevations and a flat “green roof” would feature. Gardens would be provided to the front and rear, with car parking, bicycle storage and an area for refuse and recycling receptacles all at the front of the dwelling.
5. The flank walls of the appeal scheme would immediately adjoin the boundaries of the site and its garden to the rear would be of a limited depth and area, with the footprint of the dwelling taking up a considerable proportion of its plot. Taken together these aspects would impart a cramped and shoehorned appearance to the proposed development, which would be further exacerbated by the congested arrangement of cycle and car-parking and bin storage to its front. The cramped arrangement of the appeal scheme would be strongly at variance with the more generous plotting of the generally more substantial dwellings in its immediate environs, and as a consequence it would read as an incongruous addition to the streetscene.
 6. Moreover, the proposed building’s scale and flat roof would be in marked contrast to the more traditional roof designs of the larger dwellings present in its immediate environs, and this would intensify its discordant relationship with the prevailing development pattern. These considerations, taken together, lead me to the view that the proposed development would cause harm to the character and appearance of its surroundings. For these reasons, whilst the proposed development would undoubtedly be contemporary in style, it would not respect the character of the neighbourhood, and as a result would fail to accord with Policy CP12 of Brighton and Hove’s City Plan Part One (adopted March 2016) (the City Plan) in this respect.
 7. I am mindful of the appellant’s view that the scale and flat roof of the proposed building would not be unlike other structures in the area, such as the garage currently present at the appeal site. However, the character of these other small buildings is clearly ancillary in nature and the structures present have not resulted in the sub-division and intense usage of their plots that would be entailed in the appeal scheme. Consequently, the presence of ancillary buildings at the appeal site and its surroundings creates neither a context nor a precedent for the proposed dwelling.
 8. For the reasons set out above, I conclude on this main issue that the proposed development would cause material harm to the character and appearance of its surroundings. As a result, the proposed development would conflict with Policy CP12 of the City Plan insofar as it seeks, amongst other things, to ensure that new development establishes a strong sense of place and respects the diverse character and urban grain of the city’s neighbourhoods.

Living Conditions

9. Aside from the bedrooms to the front of the proposed dwelling the majority of its habitable accommodation would be at the basement level. I readily accept that the employment of lightwells to the front and glazing to the rear could supply natural light to this level. However, whilst the rear elevation of the basement level would include glazing, any outlook available from there would be severely restricted by the limited depth and split level of the garden, and the tall boundary treatments around it. The presence of intervening walls and doors between the habitable rooms of the basement and these rear windows would further restrict the limited outlook that would be available. Consequently, whilst I am mindful of the appellant’s view that the proposed

development would supply an adequate amount of internal space, I consider that a considerable proportion of this space would fail to provide an adequate level of amenity for its future occupants due to the lack of outlook available. Due to the subterranean nature of much of the proposed habitable space, I consider it has not been established that the available outlook would be similar to that of other bungalows in the area.

10. The size and shape of the proposed development's rear garden, combined with its split level and the consequent proportion of it that would be taken up by stairs would supply only a modest area for the placement of garden furniture, drying washing, and to accommodate recreational activities. Whilst there would be a grassed area to the front of the proposed dwelling this would have an intimate relationship with the functional parts of the site in terms of the refuse storage, car and bicycle parking. These aspects of the front space taken together with the limited privacy it would afford due to its adjacency to the street would be likely to limit its attractiveness as a space for recreation. Consequently, it has not been demonstrated that the proposed development would supply private space sufficient to meet the day-to-day needs of its future occupants.
11. Whilst I have found that the natural light available to the proposed development's future occupants would be adequate, I have also found that it would fail to supply them with sufficient outlook and amenity space. In these latter respects the proposed development would cause clearly harmful effects to the living conditions of its future occupants. As a consequence, the proposed development would conflict with Policies QD27 and HO5 of the Brighton and Hove Local Plan (adopted July 2005). Taken together, and amongst other matters, these policies seek to ensure that new developments provide private amenity space appropriate to their scale and character; and that the amenity of the proposed occupiers is protected.

Other Matters

12. The appellant considers that the proposed development could help the Council to meet its requirements in terms of housing supply- and I note also the comment that there is only a limited amount of derelict or vacant land available in the city for redevelopment. The size of the proposed development could also add further variety to the mix present within its surroundings. These matters weigh in favour of the proposed development, but due to its failure to secure adequate living conditions for its future occupants, they attract only very limited weight in the overall planning balance.
13. I am also mindful of the appellant's comment regarding the environmental sustainability features that could be employed in the scheme including the green roof, insulation, its solar orientation, and the development of what is described as "redundant" land. The appeal site is also within an accessible location. Due to the modest scale of the proposed development, however, these aspects, whilst favourable attract only limited weight.
14. I note the appellant's comments about the site visit that was conducted by the Council and its approach to the determination both of a previously refused scheme affecting the site and the application that led to this appeal. These are however, procedural matters and are not determinative in my consideration of the planning merits of the appeal.

15. For these reasons, none of these other matters alter my conclusions in respect of the main issues given above, or outweigh the proposed development's clearly harmful effects and related development plan conflicts.

Conclusion

16. No material considerations have been advanced in favour of the appeal scheme that are of a sufficient weight to justify a decision not in accordance with the development plan, with which, in terms of the policies cited above, it clearly conflicts.

17. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR