



Appeal Decision

Site visit made on 11 June 2018

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2018

Appeal Ref: APP/Q1445/W/18/3196605

43 Lenham Avenue, Saltdean, Brighton BN2 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Tracy John Buckland against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02190, is dated 29 June 2017.
 - The development proposed is the demolition of the existing dwelling and erection of a pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the existing dwelling and erection of a pair of semi-detached dwellings is refused.

Main Issues

2. Though the Council did not determine the application, from its evidence and the representations of interested parties, I consider the main issues in the appeal are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of surrounding occupiers, with particular regard to outlook and privacy at 45 Lenham Avenue.

Reasons

The character and appearance of the area

3. One of the defining characteristics of the pattern of development around this site is the generally detached nature of the houses. While there is variation across the houses in terms of their forms, their materials and their height, an apparently consistent feature of this section is their detached nature.
 4. This has a significant effect on the appearance of the houses, which reinforces the attractive character of space and dwelling. In this respect, this development of a pair of semi-detached houses would appear at odds with the prevailing pattern of development of the area, and in particular, with one of the characteristics that gives it some coherence in its appearance.
 5. I can see no harm from the height of the houses which would be within the range of the heights of the eaves and ridges of the houses on the high side of the street. The street-facing, half-gables would be staggered at the party wall
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which would soften their symmetry; these would not look out of place alongside the large, street-facing gables close by. I saw numerous examples of front, side, and back dormers in the area, some larger than those proposed here and less sensitively sited, in which context the side dormers proposed would not appear incongruous. The gaps from the flank walls to the side boundaries would be similar to those in the area, and the combined footprint would reflect those on this side of the street.

6. The second floor openings would be large, but not out of scale with the remaining wall area. The first floor deck and central stair would not be out of place where neighbouring houses also use stairs and terraces to maximise views to the east. The existing house has rendered walls and it is a common material in the street. I did not see examples of oak boarding, or zinc as finishes in this area, though I note these are incorporated in limited areas. The plain, blue slate proposed for the main roofs appeared to me to be at odds with the more profiled roof finishes of clay or concrete in this street, however, this could be resolved by condition.
7. The frontage would retain planted areas to the side boundaries which would reflect the layouts of some of the front gardens I saw in the street. The extent and levels of the rear terrace would appear similar to the present arrangement, with the only doors in the rear elevation opening onto the lowest level. I acknowledge the care and imagination which has gone into designing an interesting and attractive building which would meet the high aspirations of policy CP12 part 1 of the Brighton & Hove City Plan Part One 2016 (CP) in raising the standard of design in the city.
8. However, in this street, the appearance of the houses being detached is a critical part of their architectural coherence. The positive aspects above do not outweigh the harm that would be caused by the strongly paired, semi-detached appearance of the development to the architectural character of the street scene derived from its common, house typology which is detached. For this reason, the proposed development would conflict with part 2 of CP policy CP12 which requires development to respect the urban grain and character of the neighbourhood.

The living conditions of surrounding occupiers

9. I noted a number of clear-glazed, ground floor windows in the flank of No 45 which appeared to serve habitable rooms. Whilst the building would have an effect on outlook from these rooms, when taking into account the height and proximity of the existing house, against the proposal, the separation that would be retained, and the planting on the side boundary, the change would not result in harm to the outlook from inside No 45 or from its back garden or side area.
10. The dormer windows would serve stairways which would not cause material loss of privacy by overlooking. There may be some overlooking of rear gardens from the houses but this would be no more than is commonly accepted in the built-up area.
11. The outline of a bridge is indicated from the back of the house to the rising back garden in the 1:200 ground floor plan. Without more information than 2 dashed lines it is difficult to tell if it would cause overlooking into No 45. It appears to be a remnant of a previous iteration as it would no longer fit with

the arrangement shown on the other drawings. The appellant confirms it was included in error. Were I allowing the appeal, an appropriate condition could ensure that the bridge did not form part of the planning permission.

12. Given the gable form of the existing building facing the side boundaries there would be no harmful loss of daylight to neighbours. There may be a marginal increase in overshadowing towards No 45, however, given the effect from the existing house, and the planting on the boundary, there is no substantive evidence that any increase would be harmful to the enjoyment of the garden or rooms within the house.
13. I have had regard to the levels of the proposed development and the location of its openings and terraces; however, given its separation from neighbouring houses, the slope of the land and the planting along the boundaries of the back garden, I can identify no harm to the living conditions of other occupiers.
14. I conclude on this issue that the proposed development would not harm the living conditions of surrounding occupiers, with particular regard to outlook and privacy at 45 Lenham Avenue. There would be no conflict with saved policy QD27 of the Brighton & Hove Local Plan which protects the amenity of adjacent occupiers.

Planning balance

15. The proposed development would provide a modest social benefit on one additional house to local housing supply to which paragraph 47 of the National Planning Policy Framework (the Framework) anticipates a significant boost. It would bring economic benefits too, both from its construction and from the spending in the local economy of the future occupiers. It would also have access to a range of local amenities and services and public transport which would have environmental advantages. However, it would result in harm to the architectural character of the area, which would place it in clear conflict with the development plan.
16. The appellant suggests there is a shortfall of housing but does not indicate the degree of shortfall in the 5-year supply of deliverable housing sites, whereas the Council claims it has a 5.6-year supply. However, even if I were to conclude there is a shortfall in the 5-year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the proposal does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

