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## 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: 17 August 2018

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**Appeal Ref: APP/Q1445/W/17/3191374**

**Meadows, 18 Roedean Way, Brighton BN2 5RJ**

- 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 Pybus against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/02221, dated 30 June 2017, was refused by notice dated 21 September 2017.
  - The development proposed is the demolition of existing garages and creation of a new dwelling on land to the east of Meadows.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published, which I have taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal, and I am satisfied that no interested party has been prejudiced by my approach.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The pattern of development in this section of Roedean Way is distinctive for the spacious arrangement of large houses on large plots, with generally consistent building heights, frontages and front building lines. It has a broad grain of development with front gardens generally laid to lawn with shrubs, reflecting the expansive, green space opposite.
  5. In this context, the proposed subdivision would result in an uncharacteristically narrow plot for a narrow house which would lack the distinctive landscape characteristics shared by its neighbours. It would have a greater plot coverage than is typical in this section of Roedean Way, and its frontage would be substantially narrower than the others. It would fill much of the gap between the existing house and its neighbour, which contributes to the spacious character of this section. Planting in the front would be confined to narrow strips alongside the side boundaries, which would be at odds with the
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- landscape character derived from the broader front gardens of the neighbouring houses.
6. The width of the house would be but a fraction of the width of the houses in this section, and the more vertical proportion of its street elevation would appear incongruous with the more horizontal proportions of its neighbours. It would be set substantially back from the prevailing front building line of the houses in this section. Its width and siting would be more akin to the garages of the houses in this section of the street, rather than the houses themselves.
  7. I can see no harm from the height of the house given the heights of neighbouring roofs. The access ramp would rise before descending to basement level which would diminish any effect of a void in the street scene. There appeared to me to be no single style of building in this section, in which context the flat roof form and the large and small openings of varying proportions of the house and its use of white render and zinc would not be at odds.
  8. Notwithstanding this, in this spatial context, the proposed development would lack the defining characteristics of the houses in this section, the distinctive, and spacious pattern of development of which it would disrupt. It would not hold its own spatially as a house, crowding its confined boundaries.
  9. I have taken into account the existing built footprint over the appeal site, however, it appears as a single storey extension to the house rather than as an individual house of 4-storeys. The dimensions of the gaps between the houses on Roedean Way vary, however, where the gaps tighten this appears to be as a result of side extensions or ancillary buildings rather than additional dwellings. No 17 and other houses in this section have a 2-storey structure between the house and its boundary; however, they appear as subservient extensions of the houses rather than as an additional house.
  10. I acknowledge the appellant's and Council's density calculations. However, the aspects of this proposal which I have found incompatible with the surrounding pattern of development concern the physical effect of development. While the density of this scheme may fall within the range suggested for the development of the miniature golf course nearby, that is a largely undeveloped site, whereas this site is part of an established street scene, with a distinctive character. While paragraph 127 of the Framework says that decisions should not prevent appropriate change such as increased densities, this should be sympathetic to local character in the built environment and landscape setting.
  11. I saw the smaller, older cottages to the west. However, these are a substantial distance from this site, and form a terrace which has a distinctly different pattern of development. The houses on Roedean Path have little direct frontage to the street, whereas this site is part of a long row of houses facing directly towards the street. The consented house there has a quite different context to this site. These examples do not change the different context of the appeal proposal which is firmly in the more modern section of development in this area. While the proposal would enable the occupiers to move to a smaller house, there is no substantive evidence that this could not be achieved without the proposed development.
  12. The appellant considers that Policy CP12 of the Brighton & Hove City Plan Part One 2016 (CP) does not relate to plot width. However, part 2 of the policy

indicates that development will be expected to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. It defines urban grain as the general layout, pattern and footprint of buildings and streets as viewed overhead in plan form. In my view, plot width is encompassed by that definition.

13. While the Council's Urban Design Framework may not be adopted, CP policy CP12 sets out clear design expectations. I acknowledge that the proposal would meet the other expectations of the policy; however, it would be at odds with the distinctive pattern of development in the area and would result in substantial harm to its character and appearance. This places it in conflict with part 2 of CP policy CP12. The development would also run against the design advice in the Planning Practice Guidance<sup>1</sup> which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

### **Planning balance**

14. The proposed development would provide a modest, social benefit of one additional house to local housing supply. It would bring economic benefits too, 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 public transport which would have environmental advantages. However, it would result in substantial harm to the character and appearance of the area, which would place it in clear conflict with the development plan, and the environmental objective of sustainable development as set out in paragraph 8 of the Framework.
15. The appellants have referred to a recent appeal decision<sup>2</sup> in which the Inspector concluded that the Council was unable to demonstrate a 5-year supply of housing land, indicating a shortfall of at least 200 dwellings, which is not refuted by the Council. However, even if I were to conclude that there is a shortfall in the 5-year supply of deliverable housing sites of this scale, and that the policies which are most important for determining the application are out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR

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<sup>1</sup> Planning Practice Guidance, para 007, ID 26-007-20140306

<sup>2</sup> Appeal Ref: APP/Q1445/W/17/3177606

