



Appeal Decision

Site visit made on 2 June 2008

by **Andrew M Phillipson** BSc CEng FICE
MIHT

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
12 June 2008

Appeal Ref: APP/Q1445/A/07/2055861

Land adjoining 1 Mayfield Crescent, Brighton BN1 8HR

- 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 Modan Properties Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02429, dated 4 June 2007, was refused by notice dated 16 August 2007.
- The development proposed is construction of a detached chalet bungalow.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are (i) the effect the proposal would have on the character of the area and the Mayfield Crescent street scene; (ii) the effect the proposal would have on the occupiers of 1 Mayfield Crescent; and (iii) whether the proposal would comply with the development plan policy requiring new homes in the City to be lifetime homes compliant.

Reasons

Effect on the Character of the Area and the Street Scene

3. The appeal site is located to the side of 1 Mayfield Crescent. Its depth and area are smaller than that of most other plots nearby, but its width is similar and it seems to me that it would accommodate a single dwelling without appearing unduly cramped, providing that, as proposed, the new building is set back broadly in line with its neighbours and gaps are maintained between the properties.
4. As to the appearance of the dwelling, chalet bungalows are, as the Council note, not found in the immediate locality. Several of the bungalows at the western end of Mayfield Crescent and nearby in Braybon Avenue have had dormers and roof lights added, however, including Ennis which is next to the appeal site. One of the bungalows on the opposite side of Mayfield Crescent has also had a small front dormer added. None that I saw have front dormers of the size proposed for the appeal dwelling. However, I do not take the view that this should render the design unacceptable. Plainly, as a bespoke dormer bungalow, its style would be different to other dwellings nearby; but the area carries no designation as a conservation area or similar and it seems to me that, given the new dwelling's location in the road, it would fit comfortably

within the street scene. To my mind it would, as the architect responsible for the plans suggests in his design statement, “form a transition” between the two-storey dwellings that characterise most of Mayfield Crescent and the bungalows that are found at the western end of the road and on Braybon Avenue.

5. I accordingly conclude on the first matter that the proposal would not adversely impact on the character of the area or the street scene. In this regard I find no conflict with the development plan.

Impact on No 1 Mayfield Crescent

6. The proposed new dwelling would be located approximately 1m from the flank wall of No 1 Mayfield Crescent. There are several windows in this wall, but two of these serve only a larder and a WC and I am satisfied that the loss of light which these would suffer would not materially affect the living conditions of the occupiers of the house. Similarly, I am satisfied that, given the window’s purpose, size and location, the impact on the landing window would not be unacceptable.
7. The fourth window on the flank elevation serves the kitchen. It looks out towards the original garden area of the house and, so far as I could see from my site visit, provides the main source of natural light to that room (the only other source being a half glazed door at the rear of the property). The impact that the proposed new dwelling would cause on this window would, in my estimation, be severe; the sunlight which currently reaches the window in the latter part of the day would be blocked, and daylight to the room greatly reduced. The outlook would be to a blank wall at close quarters. To my mind, there is no doubt that the effect would be wholly unneighbourly, and clearly contrary to the aims and intent of policy QD27 of the Brighton and Hove Local Plan.

Compliance with Lifetime Homes Standards

8. Whilst the Council in their reasons for refusal suggest that the internal layout of the proposed dwelling would not comply with the lifetime homes standard required by policy HO13 of the Local Plan, I am satisfied that any modifications necessary to bring the design up to the required standard would be relatively minor and could be secured by an appropriate condition.

Conclusion

9. In conclusion, I find no reason to refuse planning permission on account of the proposal’s effect on the character of the area or the street scene, or with regard to its compliance with the lifetime homes standard. I nonetheless find the effect on the kitchen window of the adjoining house at No 1 Mayfield Crescent would be such as to cause a material loss of amenity to residents of that house. In this regard I conclude the proposal would be clearly contrary to the development plan.

Andrew M Phillipson

Inspector