



Appeal Decision

Site visit made on 23 October 2018

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th January 2019

Appeal Ref: APP/Q1445/W/18/3199643 **75 Lyndhurst Road, Hove BN3 6FD**

- 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 Mrs Luisa Morelli against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02900, dated 25 August 2017, was refused by notice dated 21 February 2018.
 - The development proposed is the construction of a one bedroom single storey dwelling house as a replacement for the consented two bedroom.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development differs between the application form and the Councils decision notice. The Council has referred to the proposal as the demolition of an existing garage and erection of 1no. one bedroom single storey dwelling (C3), which more accurately describes the proposed development and it is on that basis that I have determined the appeal.
3. I have been advised that there has been a previous appeal on the site for which no substantive evidence has been provided to me. I have considered only the merits of the appeal proposal before me and I have not been bound by the Inspector's decision on the previous appeal.
4. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. The new version was published and came into effect on 24 July 2018. In light of this I have sought the views of both parties in writing and taken any subsequent responses into account in reaching my decision.

Main Issues

5. The main issues of this appeal are:
 - The living conditions of future occupiers with particular regard to space, outlook and light; and

- The effect of the proposed development on the character and appearance of the area.

Reasons

6. The proposal is for a single storey one bedroom dwelling to be developed on part of the rear garden of No75 and on the site of the existing garage. It would broadly follow the building lines and footprints of development to the north east of the appeal site and would be accessed from Silverdale Avenue.

Living Conditions

7. Whilst the design is intended to be sustainable, its layout, position of fenestration and very close proximity to boundary walls would result in a poor outlook from the proposed dwelling. The cramped form of development within the site would also result in a distinct lack of significant outdoor space. This would create a sense of enclosure and a cramped form of accommodation to the detriment of the living conditions of future occupiers of the proposed dwelling.
8. Further, whilst I note that the Council does not have an adopted policy on minimum room sizes, my attention has been drawn to the Government's 'Technical housing standards – nationally described space standard' (THS). The total floor space of the proposed dwelling is stated by the Council to be 39m² with the illustrated double bedroom to be 7.3m², and I note that these figures are not contested by the appellant. The proposed floor space falls significantly below the level of acceptable space standards set out in the THS, which states that a single storey, one bedroom property providing two bed spaces should have a total floorspace of at least 50m² above 1.5m head height and the double bed space area should have a minimum floor space of 11.5m². Therefore, the standard of accommodation proposed would not meet THS standards and would result in unacceptable living conditions for the future occupiers of the proposed dwelling
9. I therefore conclude that the proposed dwelling would result in a cramped form of development and unacceptable living conditions for the future occupiers. Therefore, the proposal would be contrary to Policy QD27 of the Brighton and Hove Local Plan 2016 (Local Plan) which seeks to safeguard the amenity of future occupiers. It would also be contrary to the Framework, which promotes health and well-being, with a high standard of amenity for existing and future users and which makes reference to the use of technical standards to justify the need for an internal space standard.

Character and Appearance

10. The properties along Lyndhurst Avenue and Silverdale Avenue are of mixed character which includes three storey pitched roof dwellings to the north and a single pitched roof bungalow adjoining No75 on Silverdale Avenue. Properties have gardens of varying sizes to the front and rear.
11. The appeal proposals would result in a compact form of development, with a roof height slightly lower than its immediate neighbour on Silverdale Avenue and its front elevations with front door and window would be largely obscured by the front boundary wall. The side elevations, which would have no

fenestration, would be largely obscured by boundary walls to neighbouring properties and therefore would not be visually intrusive.

12. Therefore, in my opinion, the proposed dwelling would not result in a harmful effect to the character and appearance of the area and whilst of a more contemporary design, it would not be incongruous in a street scene which has a mix of architectural styles. On this main issue it would not be contrary to Policy CP12 of the Brighton and Hove City Plan 2016 (the City Plan) in respect of urban design. It would also comply with the Framework with regards to achieving well designed places.

Other Matters

13. I have had regard to the matters raised by the appellant in relation to the benefits of the proposed dwelling including its sustainability, design in relation to the geometry of the site and its ability to provide an affordable style of living. However, as the appeal is being dismissed on the main issues these benefits do not outweigh the harm that has been identified.

Conclusions

14. I have therefore concluded that whilst the proposals would not cause harm to the character and appearance of the area, it would be harmful to the living conditions of future occupiers of the proposed dwelling and be contrary to the development plan as a whole and the Framework which seek to secure a high standard of accommodation. The appeal is therefore dismissed.

Paul Wookey

INSPECTOR

