



# Appeal Decision

Site visit made on 27 July 2009

by **Elizabeth Lawrence BTP MRTPI**

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:**  
**7 August 2009**

## **Appeal Ref: APP/Q1445/A/09/2099608/WF Land adjoining 353 Ditchling Road, Brighton, BN1 6JJ.**

- 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 Borderstock Limited against the decision of Brighton and Hove City Council.
- The application (Ref BH2008/03531), dated 14 October 2008, was refused by notice dated 7 January 2009.
- The development proposed is described as erection of a two storey detached dwelling and construction of a new vehicular access onto Ditchling Road.

### **Decision**

1. I dismiss the appeal.

### **Main issues**

2. The first main issue is the effect of the scheme on the character and appearance of the street scene. The second main issue is the effect of the scheme on the living conditions of the occupiers of the adjoining properties with particular regard to outlook and privacy. Also whether the scheme would provide adequate private garden space for the occupiers of the proposed dwelling. The third main issue is whether the scheme would make adequate provision for the travel needs of the occupiers of the proposed dwelling.

### **Reasons**

#### *Appearance*

3. The existing dwelling at No.1 Beacon Close does not follow or respect the proportions, height or design detailing of the existing dwellings in either Beacon Close or this part of Ditchling Road. However the elevation of the house facing Ditchling Road includes both strong vertical and horizontal lines, which are similarly evident in the adjacent terrace and the narrow frontage facing Beacon Close reflects the smaller proportions of the dwellings in that road. At the same time generous sized gaps are maintained between the dwelling and the neighbouring properties, with the consequence that it is viewed as quite separate to the neighbouring properties within the street scene. As a result of these factors the existing dwelling blends in with its surroundings.
4. The proposed dwelling would have an uncharacteristic narrow frontage fronting Ditchling Road and the proportions, height and design detailing of the proposed dwelling would fail to respect or reflect that of No.351. This combined with its siting close to No.351 would result in an uncomfortable relationship between

the existing and proposed properties. The development would appear both cramped and incongruous in the street scene. The fact that the proposed dwelling would respect the appearance of the existing dwelling at No.1 Beacon Close would be insufficient to mitigate against the harm caused. Indeed it would erode the setting and separate identity of No.1 Beacon Close.

5. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the adjacent terrace and the street scene. The harm that would be caused would outweigh the benefits of providing an additional dwelling on the site. Accordingly the scheme would conflict with policies QD1, QD2, QD3 and HO4 of the Brighton and Hove Local Plan 2005. Collectively and amongst other things these policies seek to make full and effective use of land whilst ensuring that new developments make a positive contribution to the quality of the environment and take into account local characteristics.

#### *Living conditions*

6. The dwelling at 3 Beacon Close comprises a modest sized bungalow that sits on lower ground to No.1. The west facing windows of the existing dwelling at No.1 look directly towards and over 3 Beacon Close and clearly result in some actual and perceived loss of privacy for the occupiers of No.3. Due to its siting and relative height the proposed dwelling would exacerbate the situation and the occupants of No.3 would be reliant on the survival of a row of mature Leylandi trees for privacy within their rear garden. The overall impact of the proposed house and the existing dwelling at No.1 would be visually overbearing for the occupants of No.3.
7. I am less concerned about the impact of the development on the living conditions of the occupants of 351 Ditchling Road, although there would be some overlooking of their side windows at a slightly oblique angle. In itself this would not amount to a reason for dismissing this Appeal.
8. The garden area to serve the proposed dwelling would be small when compared to the immediately adjacent gardens. However it would have a favourable westerly aspect and would be comparable in size to other rear gardens in the locality. Accordingly whilst its limited size and enclosed nature reinforces my conclusion regarding the cramped nature of the development, the size of the rear garden would be adequate to serve the proposed dwelling. Particularly in view of the proximity of the park to the northeast.
9. I conclude that the living conditions of the occupiers of the proposed house would be satisfactory and that the living conditions of the occupiers of No.351 would not be materially harmed due to loss of privacy or outlook. However the proposed dwelling would unacceptably harm the living conditions of the occupants of No.1 due to loss of privacy and its overbearing visual impact. As such the scheme would conflict with policies QD1, QD2, QD3, QD27 & HO4 of the Local Plan which collectively seek to provide a satisfactory environment and living conditions for residents.

*Travel Demands*

10. Having regard to the accessible location of the site and the limited size of the proposed dwelling I am satisfied that a single on-site car parking space and the provision of secure cycle storage would cater for the day to day parking requirements of the proposed dwelling, without placing undue pressure on the demand for on-street parking in the locality. In addition, cycle storage could be secured through the imposition of a condition. However as required by policy TR1 of the Local Plan proposals should provide for the travel they create and maximise the use of public transport. In line with this policy QD28 seeks to secure off-site highway improvements, etc. through planning obligations.
11. Whilst the Council has set out the reasoning behind the contribution being sought to improve accessibility to bus stops, pedestrian facilities and cycling infrastructure, no details are given of the specific projects such contributions would support and how they would relate to the Appeal proposal. Without such details I am unable to come to a firm conclusion on whether the contribution being sought would satisfy the tests set out in Circular 05/2005.
12. Accordingly I conclude that on the basis of the limited information before me it has not been demonstrated that the development would fail to make adequate provision for the travel needs of the occupiers of the proposed dwelling. As such the proposal would not conflict with policy TR1 of the Local Plan.

**Conclusion**

13. Whilst I have found in favour of the Appellant on some points my conclusions on the first 2 main issues represent compelling reasons for dismissing this appeal which the imposition of conditions could not satisfactorily address.

*Elizabeth Lawrence*

INSPECTOR

