



Appeal Decision

Site visit made on 1 February 2010

by **E C Grace** DipTP FRTPi FBEng PPIAAS

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

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Decision date:
15 February 2010

Appeal Ref: APP/Q1445/A/09/2111270 12 Hornby Road, Brighton BN2 4JL

- 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 Miss S Brand against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03736, dated 31/7/08 was refused by notice dated 2/3/09
- The development proposed is construction of a detached 2 storey dwelling.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this case are whether the proposal would: a) be out of keeping with the character and appearance of the locality; b) cause harm to the living conditions of residents in neighbouring dwellings and/or c) result in an inadequate area of amenity space for both the new and existing dwellings. A fourth refusal reason relating to making provision for requisite transport infrastructure has been addressed to the Council's satisfaction by the submission of a Unilateral Undertaking by the appellant.

Reasons

3. The proposal is to sever a plot from the garden of 12 Hornby Road and erect a detached dwelling thereon. The site is within a residential area where the predominant house types are semi-detached 2 storey houses dating from the middle of the last century. They are set in spacious plots with generous gaps between them. I note that a previous outline application for a similar proposal was refused by the Council in 2002 and a subsequent appeal was dismissed.
4. The locality has a steeply undulating topography which strongly influences its character, layout and the inter-relationships between buildings. The property from which the plot is proposed to be severed is one of a pair of semi-detached houses that are set at an angle to the highway. It also steps down the slope from its neighbour and the proposed new dwelling would be set lower still on the site of its former garage. The proposed plot would be much smaller than the norm for the area whereby the building would appear incongruous and extremely cramped due to the relatively short distances between the structure and all its boundaries. Also, it would be alien to the grain of development hereabouts being narrow and deep compared to the relatively wide but shallow buildings around it. I thus find it would be out of keeping with the character and appearance of the locality and result in harm to the street scene.

5. The second and third issues are inter-related. The proximity of the proposed dwelling to the host property, combined with the difference in levels between them and the ensuing relatively compact garden areas, would result in a considerable degree of overlooking between both houses and gardens at close quarters. This is not only the case between the proposed house and No 12 but also with No 14 whose plot would stand just 7.5m away from its rear elevation at a still higher level. Moreover, the new dwelling would result in a significant loss of daylight and sunlight to the residual garden area of No 12.
6. These factors lead me to concur with the Council that the proposal would result in an inadequate area of amenity space for both the new and existing dwellings with a consequential unsatisfactory diminution of living conditions for residents in neighbouring dwellings and the proposed house itself due to a combination of overlooking and loss of light.
7. For the reasons given above I conclude that the proposal would contravene Policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton and Hove Local Plan and that the appeal should be dismissed.

Edward Grace

Inspector