



Appeal Decision

Unaccompanied site visit made on 16
March 2010

by **P E Dobsen MA (Oxon) DipTP MRTPI**
FRGS

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

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Decision date:
30 March 2010

Appeal Ref: APP/Q1445/A/09/2113807

1 Meadow Close, Rottingdean, Brighton BN2 7FB

- 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 South Eastern Construction against the decision of Brighton & Hove City Council.
- The application (Ref BH2009/00948), dated 14 April 2009, was refused by notice dated 28 July 2009.
- The development proposed is "construction of 2 semi-detached, 3 bedroom chalet bungalows".

Decision

1. I allow the appeal, and grant planning permission for the construction of 2 semi-detached, 3 bedroom chalet bungalows, at 1 Meadow Close, Rottingdean, Brighton BN2 7FB, in accordance with the terms of the application, Ref BH2009/00948, dated 14 April 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Neither dwelling shall be occupied until space has been laid out within the site [in accordance with drawing No 10750/20] for at least 2 bicycles to be parked.
 - 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; minor artefacts and structures (eg. refuse or other outdoor storage units) and planting with trees and shrubs.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or

enlargement to the dwellings shall be erected without the prior written approval of the local planning authority.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed on the southern elevation of the dwellings without the prior written approval of the local planning authority.

Main issues

2. In the light of the reasons for refusal, and the relevant policies, the 2 main issues are: i) the effect of the proposed development on the character and appearance of Meadow Close and the local area; and ii) whether the proposed dwellings would lack adequate and satisfactory private (outdoor) amenity space for the proposed occupiers.

Reasons

3. The rectangular appeal site, approximately 0.04 ha. in size, lies on the north eastern edge of Meadow Close, a medium-density, suburban cul-de-sac in Rottingdean which takes access from Falmer Road via Meadow Parade. Meadow Close mainly comprises semi-detached and detached bungalows and chalet bungalows, but there are contrasting elements in the nearby street scene such as the 2/3 storey terrace at Court Ord Cottages opposite the site, the shops at Meadow Parade, and various house extensions and varied roof forms.
4. The site contains a single bungalow which would be demolished, and a detached garage to the east which would be retained. The proposal is to build 2 semi-detached chalet bungalows in the central part of the site, somewhat further away from the neighbouring dwelling at No. 3, but also closer to the garage and eastern site boundary. Both would have garden areas at the front and side, and small patio gardens at the rear. One would have the use of the garage while the other would have an off-street parking space with access from Meadow Close.
5. Although the 2 houses together would have a greater footprint than the existing bungalow, their roofs would be slightly lower than its roof ridge, and no higher than the neighbouring bungalows at Nos. 3/5.
6. I have considered the proposals in the light of the relevant saved planning and design policies in the Brighton and Hove Local Plan 2005. I see no need to describe these in detail. I have also paid attention to national design advice in PPS 1, PPS 3 etc. and to the Council's supplementary planning guidance
7. On the first issue, I broadly endorse the grounds of appeal. In particular, I find the overall scheme design and the chosen architectural style and detailing wholly appropriate to the site and its setting; in my opinion, they would enhance the character of the site and the locality, in full accordance with national and local design policies.
8. It seems to me that there is no compelling reason here to replicate the (to my mind) somewhat mundane pattern of mid-twentieth century bungalow

development which is characteristic of Meadow Close, and I consider that the more contemporary style of this pair of houses would make a sympathetic and positive contribution to the appearance of the site and the street scene. The development would not appear out of scale with the surrounding development, and, with appropriate planning conditions limiting permitted development rights, would not have any adverse impacts on any adjoining or nearby dwellings.

9. Turning to the second issue, the Council says that the dwellings would lack sufficient outdoor amenity space for their occupiers, but I note that there are no local plan policies or supplementary planning guidance which specify any minimum standards in this regard. Local plan policy HO5 merely states a rather generalised requirement for amenity space, "appropriate to the scale and character of the development". It seems to me that while each of the new dwellings would have less outdoor amenity space than some other dwellings in Meadow Close, which are more generously endowed, they would still have sufficient space to satisfy many people's requirements and preclude any impression of cramped development. And the space available would be distributed around each dwelling, giving the opportunity to design, lay it out and plant it to create variety in the character, outlook and orientation of the spaces thereby created. Thus I do not consider that there would be any significant conflict, in this issue, with policy HO5.
10. I note and am satisfied by the appellants' document indicating compliance with the Lifetime Homes Standards as set out in the Council's Planning Advice Note 3. I have considered the other matters mentioned in the Council's and in third party representations, but there are none which raise any other determining issues in the appeal. Since I find the proposed development acceptable in all respects, I have decided to allow the appeal. I do so subject to conditions which are based on most of those suggested by the Council, but I have added a condition requiring external materials samples, and amended other draft conditions in accordance with the advice in Circular 11/95, *The Use of Conditions In Planning Permissions*, and other national policy advice.

Paul Dobsen

INSPECTOR

