



# Appeal Decision

Site visit made on 6 April 2010

by **Rob Huntley BSc MRTPI**

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

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**Decision date:**  
**28 May 2010**

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## Appeal Ref: APP/Q1445/A/09/2117929 2, Forest Road, Brighton BN1 9GP

- 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 Mr Tim Harding against the decision of Brighton and Hove City Council.
- The application Ref BH2009/01910, dated 31 July 2009, was refused by notice dated 2 October 2009.
- The development proposed is the erection of a new dwelling.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issues are the effect of the proposed development on;
  - i) the character and appearance of Forest Road; and
  - ii) the living conditions of the occupants of the adjoining residential property, 2 Forest Road, in terms of outlook and light.

### Reasons

#### *Character and Appearance*

3. Forest Road is a short and quite steep length of road connecting Coldean Lane to the north with Rushlake Road to the south, within the built up area of Brighton, close to its northern edge. The adjoining part of Rushlake Road is characterised by pairs of semi-detached houses fronting the road, but with those on either side of the junction with Forest Road angled across the corner plots.
4. The footprint of the Rushlake Road houses, and of those turning the corner into Forest Road including No 4 adjacent to the appeal site, are approximately square, with the depth of the houses being similar to their width. As a result of their semi-detached configuration the character is of buildings whose street-facing frontage is approximately twice its depth from front to back, with substantial separation between adjacent pairs. A similar character is apparent at the northern end of Forest Road, with the semi-detached pairs of similar scale, but different design, also being positioned diagonally.

5. The pairs of houses on either side of the appeal site (60 Rushlake Road and 4 Forest Road to the south, and 38 Coldean Lane and 2 Forest Road to the north), lie approximately perpendicular to each other, as a result of their angled orientation. The separation between Nos 2 and 4 Forest Road that results from this alignment of buildings, contributes to a spacious character in Forest Road. This spaciousness is mirrored on the opposite side of Forest Road between Nos 1 and 3, and on both sides of the road the gap between the angled semi-detached pairs at either end responds to and reflects the substantial change in levels, rising from north to south.
6. The introduction of a detached building, fronting Forest Road, into the space between Nos 2 and 4, would appear cramped and would unacceptably disrupt the established pattern of development in Forest Road. Although, in the design of the proposed building, an attempt has been made to respond to the constrained width of the site and the significant level changes between it and the adjacent properties, including by lowering the eaves line and excavating into the site, the result would be an incongruous addition to the street scene exhibiting an unsatisfactory relationship with the buildings on either side, particularly No 2. As a result, I conclude that the proposed development would unacceptably harm the character and appearance of Forest Road. The proposed development would, as a consequence, conflict with policies QD1, QD2, QD3 and HO4 of the Brighton and Hove Local Plan 2005 (Local Plan), which seek to ensure that development respects local scale, layout and townscape and is of a high standard of design.

#### *Living Conditions*

7. The flank wall of the proposed dwelling would project significantly beyond the rear façade of No 2 and be angled towards that property, at a distance of about 1m from the mutual boundary. As the ground floor of proposed dwelling would be raised about 1.5m above that of No 2, these characteristics would, in combination, give rise to an unacceptably overbearing and enclosing effect, harmful to the living conditions of the occupants of No 2 in terms of outlook. Although I have not been provided with details of the effect on sunlight, I consider that the position of the proposed dwelling to the south of No 2, coupled with the extent of its rearward projection and raised level, would be likely to obstruct sunlight to that property to an unacceptable degree. This would add to the harm to living conditions of the occupants of No 2.
8. I note that the present occupant of No 2 raises no objections on these grounds but, for the reasons I have given, I conclude that the proposed development would harm the living conditions of the occupants of 2 Forest Road in terms of outlook and light. This would be in conflict with Local Plan policy QD27, which seeks to ensure that development does not give rise to material loss of amenity to occupiers of adjacent properties.

#### *Other Matters*

9. In reason for refusal 3, the Council suggests that, in the absence of measures to secure a contribution towards local sustainable transport infrastructure, there would be conflict with local plan policies TR1, TR90, SU15, QD28 and HO7, and with its Supplementary Planning Guidance Note 4 "Parking

Standards" (SPG). However, I have not been provided with any explanation of the measures to which any such contribution would be applied, how these would relate to the development proposed, or any reasons why the development would be unacceptable without such a contribution. I am therefore unable to conclude that the development would unacceptably conflict with the provisions of the Local Plan or SPG.

10. In view of its location within the built up area and accessibility to a frequent bus service, I accept that the location is one where residential development would be acceptable in principle. I acknowledge that elements incorporated into the design, including measures to minimise water and energy use, the incorporation of on-site renewable energy generation, compliance with the "Lifetime Homes" standards and achieving level 3 of the Code for Sustainable Homes, would be positive features of the proposed development. In these respects the proposed development would be consistent with aspects of the objectives of several Local Plan policies, including SU2 and HO13. However, the positive findings in these respects do not outweigh the harm that I have found in terms of the 2 main issues.
11. I have considered all other matters raised and, for the reasons I have given, I conclude that the appeal should be dismissed.

*Rob Huntley*

INSPECTOR

