



Appeal Decision

Site visit made on 18 August 2008

by **David Green** MRICS DipTP MRTPI

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

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Decision date:
10 September 2008

Appeal Ref: APP/Q1445/A/08/2072630

44 Windlesham Close, Portslade, Sussex, BN41 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by G Earl Esq against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04343, dated 22 November 2007, was refused by notice dated 4 March 2008.
- The development proposed is construction of an additional dwelling house.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be:
 - 1) the effect of the proposed development on the character and appearance of the area;
 - 2) whether the proposed development would result in the creation of satisfactory living conditions for occupiers of the proposed house in terms of private usable amenity space;
 - 3) whether the proposed development would provide accommodation capable of adaptation without major structural alterations to meet the needs of people with disabilities; and
 - 4) whether the proposed development would be efficient in the use of energy, water and materials and would make provision for refuse and recycling facilities.

Reasons

3. The original outline planning application was submitted on the basis of all matters being reserved for subsequent approval. However, the appellant has indicated that the proposed house would comprise an extension to the existing terrace comprising Nos 38-44 Windlesham Close and would be of similar size and appearance to its neighbours.
 4. I noted during my site visit that this part of Windlesham Close is characterised by semi-detached houses with reasonably proportioned gardens for the locality. The appeal site is approximately triangular in shape and is located on the inside of a bend in the road. It comprises the larger part of the garden available to No 44.
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5. On the first issue that I have identified, it is clear that, due to the position and shape of the site, the erection of an additional house would result in a building extremely close to both the public highway and an adjoining area of allotments. In my judgement, the proposed development would appear excessively cramped on its plot and would appear as an unduly dominant feature in the street scene.
6. Furthermore, by severing the appeal site from the curtilage of No 44, that house would lose the vast majority of its garden area. Although the appellant has drawn my attention to the very small curtilage at No 23a, I do not find that to be characteristic of this part of Windlesham Close.
7. I have therefore concluded that the erection of an additional house on the appeal site would constitute an intrusive overdevelopment that would be harmful to the character and appearance of the area. Accordingly, I find the proposed development contrary to the aims of policy QD1, QD2 and QD3 of the *Brighton & Hove Local Plan 2005* (LP).
8. On the second issue, given the nature of the site and the form of development advanced by the appellant, the amount of amenity space that could be provided would be severely limited. It would be restricted to small triangularly-shaped areas to the front, side and rear of the new house. In my judgement, those disjointed areas would be of little benefit to occupiers of the new house in terms of usability or privacy, due to their size, shape and position.
9. I note that LP policy HO5 does not quantify the amount of amenity space that should be provided in new development. However, for the reasons given above, I am of the opinion that the scheme before me would be seriously deficient in private usable area. I have therefore concluded that the proposed development would result in the creation of unsatisfactory living conditions for occupiers of the proposed house.
10. On the third and fourth issues, I note that LP policy HO13 reflects the requirements of the Disability Discrimination Act 2005 and that policy SU2 is consistent with advice contained in both *Planning Policy Statement 1: Delivering Sustainable Development* and *Planning Policy Statement 22: Renewable Energy*. I regard these issues as important, but they are matters that could reasonably be dealt with at the reserved matters stage. Accordingly, had I decided to allow this appeal and grant outline planning permission for the proposed development, I would have imposed appropriate conditions to address these matters.
11. I have had regard to all other considerations arising in this case, including the appellant's references to the sustainable location of the site and the requirement of LP policy QD3 to make efficient and effective use of land. I have also taken account of his submission that no harm would result to the living conditions of neighbouring residents in the context of LP policy QD27. However, I have found nothing of sufficient weight to change my conclusions.

David Green

Inspector