



## Appeal Decision

Site visit made on 5 January 2011

**by Simon Miles BA(Hons) MSC MRTPI**

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

**Decision date: 19 January 2011**

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### **Appeal Ref: APP/Q1445/A/10/2137272**

#### **Land rear of Regency Court, London Road, Brighton BN1 6XZ**

- 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 Anstone Properties Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2010/01214, dated 22 April 2010, was refused by notice dated 5 July 2010.
  - The development proposed is the erection of 1 No chalet bungalow with associated car parking.
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#### **Decision**

1. I dismiss the appeal.

#### **Procedural Matter**

2. The description of the proposed development, as given above, is taken from the Council's decision notice, as this provides a more accurate description than that given on the application form.

#### **Main Issue**

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

#### **Reasons**

4. The appeal relates to a small parcel of land to the rear of the existing flats in Regency Court and Manhattan Court. The surrounding area comprises mainly residential development, including a number of purpose built apartment buildings. The site is accessed by means of an existing access road serving a series of garages arranged to the rear of Manhattan Court. The rear of the site adjoins a steep railway embankment. The site is tapering and overhung by trees.
  5. In my opinion the proposed chalet bungalow would not relate well to the flatted form and layout of existing surrounding development, which is built at a considerably larger scale and has clearly been designed to positively address the main street frontages. The appeal scheme would be unrelated to the
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established street pattern and, being located at the far end of a garage block, would appear as a visually incongruous and contrived form of development. Because of the small and confined character of the site, this would also lead to a cramped form of development, with little space around the building and a frontage dominated by car parking.

6. For these reasons I conclude, on the main issue, that the proposed development would cause significant harm to the character and appearance of the area. It follows that saved Policies QD1, QD2, QD3 and HO4 of the adopted Brighton and Hove Local Plan 2005 are not satisfied, insofar as these policies seek to ensure that development makes a positive contribution to the visual quality of the environment, taking account of local characteristics and the layout of streets and spaces, whilst avoiding town cramming.
7. In other respects, the Council questions the appropriateness of accessing a residential dwelling through the existing garages. I agree that this does not provide an ideal environment in terms of the outlook from the proposed dwelling. However, whilst not ideal, this matter is not sufficiently serious to cause the appeal to fail. Problems such as fly tipping, which the appellant advances as a reason to allow the appeal, could be addressed by other means, such as the provision of secure fencing or security surveillance. As the Council points out, previous proposals have been refused and dismissed at appeal. However, this scheme is of a different design and I have therefore based my assessment on the merits of the proposal now before me.
8. Overall, the harm that I have identified above is significant and over-riding. This harm is not outweighed by the need to make full and effective use of previously developed land, because this objective should be achieved without compromising the quality of the environment. Similarly, the contribution that a single dwelling would make to the local housing supply is not of sufficient benefit to outweigh the objections to the scheme. Therefore, for the reasons given, the appeal does not succeed.

*Simon Miles*

INSPECTOR