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# Appeal Decision

Site visit made on 28 February 2011

**by David Hogger BA MSc MRTPI MCIHT**

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

**Decision date: 14 March 2011**

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**Appeal Ref: APP/Q1445/A/10/2136787**  
**48 Inwood Crescent, Brighton BN1 5AQ**

- 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 Reefsouth against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/01792, dated 2 June 2010, was refused by notice dated 9 August 2010.
  - The development proposed is two dwellings on land to the rear of 48-50 Inwood Crescent, both with rear patios and associated refuse and recycling areas.
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## Decision

1. I dismiss the appeal.

## Preliminary Matter

2. I have been given a Unilateral Undertaking (UU) by the appellant dated 24 November 2010 with regard to the construction of a footpath along the frontage of the site. However, the wrong application number has been referred to in the section sub-titled 'Interpretation' – the reference is to application BH2010/00083. I consider this to be a significant error and can therefore attach little weight to the obligation.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the character of the area;
  - the adequacy of the proposed amenity space; and
  - highway safety.

## Reasons

### *Character of the Area*

4. The appeal site, which is currently not well maintained, lies on land that slopes down from Inwood Crescent to The Drove. From the front the host property (which I was told is used as flats) has the appearance of a single storey building but from the rear it appears as a four storey property. There are buildings of a similar scale and appearance on both sides of the host premises. Immediately adjacent to the site in The Drove is a detached two storey dwelling and in terms of the street scene I consider that development on this

- site would relate primarily to the more traditional scale of housing as found in The Drove.
5. The roof-line of properties on the south side of The Drove reflects the changing topography and although the proposed dwellings would appear taller than the neighbouring property at No15 they would respect the general appearance of the street scene in terms of height and stepping up. The building would not include a traditional pitched roof, as can be found elsewhere in The Drove, but in terms of design I consider it would provide a successful transition between the domestic scale of The Drove and the larger scale flats in Inwood Crescent.
  6. The proposed materials and the architectural detailing, including the front wall, would result in a significant improvement to the street scene. Existing trees would be retained and there would be the opportunity for some additional planting.
  7. Planning Policy Statement 1: Delivering Sustainable Development advises that originality of design should not be stifled and that opportunities for improving the character and quality of an area should be taken, provided the design is appropriate to its context. This proposal reflects that advice and on the first issue I conclude that the requirements of saved policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (LP), which seek to ensure that new development would be of an appropriate design, contribute to the quality of the environment and make efficient and effective use of sites, would be met.

### ***Amenity Space***

8. The proposed dwellings would have very small paved areas to the rear and the configuration of the space to the back of the western property in particular would be cramped and awkward to utilise beneficially. These areas would be bounded to the south by a retaining wall, on top of which the appellant states would be additional screening/balustrading. This feature together with the proximity of the significant buildings in Inwood Crescent would contribute to a very poor quality environment.
9. To the front would be very small garden areas which because of their orientation and the presence of the tree to the front of the eastern property, would also be of a relatively low quality in terms of potential use. Balconies are proposed to the front at second floor level but these are accessed through a bedroom and are north facing, so again the quality and 'usability' of the space would be compromised.
10. In terms of privacy I note that the appellant acknowledges that the amenity areas to the back have the potential to be overlooked from the properties to the rear and I agree. In topographical circumstances such as this, it is inevitable that some overlooking may occur and bearing in mind there is some amenity space to the front (albeit of poor quality), this is not a matter on which my decision has turned. It does however add weight to my conclusion on the second issue.
11. Although Planning Policy Statement 3: Housing advocates the effective and efficient use of land, one of the considerations to be taken into account is the provision of private outdoor space. The Council does not have any amenity space standards and each proposal must be assessed on its own merits. I also acknowledge that the marketing judgement of the developer is a consideration. Nevertheless in this case I conclude that the proposed amenity space would be

inadequate in terms of size and quality for two 2 bedroom properties. The requirements of LP saved policies HO5 and QD27, which seek the provision of private usable amenity space which would not be overlooked, would not be met.

### **Highway Safety**

12. The Council's third reason for refusal relates to the lack of a footway to the front of the site. The existing footway from the east stops before it reaches the site and bearing in mind the width and gradient of the road I consider that for highway safety reasons the footway should be extended to the front of the appeal site. The appellant has confirmed that it would be the intention to continue the existing footway.
13. Although (as referred to above) the UU to secure this improvement is flawed I consider it would be possible to secure the provision of the footway by the imposition of an appropriate condition. In that way I could be confident that the works would be undertaken.
14. In these circumstances I conclude that the requirements of LP saved policies TR7 and TR8, which seek to ensure the safety of highway users and pedestrians, would be met.

### **Other Matters and Conclusion**

15. I have taken into account the concerns raised by residents, for example about increased traffic, parking, construction works and structural damage. However, I am satisfied that the traffic and parking implications of the proposal would not cause significant harm and that issues related to construction could be dealt with through the imposition of appropriate conditions.
16. I have found that the character of the area would not be harmed by the proposed development, that highway safety would be improved and that the concerns of residents on other matters carry little weight or could be satisfactorily addressed. However, these findings are outweighed by my conclusions with regard to the inadequacy of the amenity space which would be provided for the dwellings. Therefore for the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*David Hogger*

Inspector

