



Appeal Decision

Site visit made on 30 August 2011

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 22 September 2011

Appeal Ref: APP/Q1445/A/11/2153010

Land rear of 75 Tumulus Road, Saltdean, East Sussex BN2 8FR

- 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. M. Trower against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/02879, dated 26 July 2010, was refused by notice dated 16 November 2010.
 - The development proposed is '1 no. new bungalow'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. The first is the effect of the proposal on the character and appearance of the area and the setting of the adjacent South Downs National Park. The second is the effect on the living conditions of the occupiers of No 75 Tumulus Road.

Reasons

3. The site lies within the built-up area boundary defined in the Local Plan. It is within an established area of residential development. The site currently forms part of the garden area of No 75 Tumulus Road. No 75 is a bungalow situated on the corner of Tumulus Road and Wivelsfield Road which curves around the corner. One of the most noticeable characteristics of the locality is the distinctive and strong building line of properties in Tumulus Road and Wivelsfield Road which have gardens that back onto and adjoin the open countryside which forms part of the South Downs National Park (SDNP).
 4. The subdivision of this prominent corner plot into two smaller plots would be at odds with the prevailing pattern and character of development. Although the proposed bungalow would take its access from, and front, Wivelsfield Road rather than Tumulus Road, it would be prominent from a number of viewpoints. Whilst there is another dwelling, No 64 Wivelsfield Road, to the opposite side of the road, this reads as part of the existing townscape because it follows the curvature of the road and is situated between Nos 71 and 73 Tumulus Road and a pair on the corner of Wivelsfield Road. Therefore whilst No 64 is opposite the SDNP, it clearly reads as part of the built-up area. In contrast, the appeal proposal would read as an isolated and prominent building inserted
-

- onto a small sub-divided plot which would poorly relate to its neighbours and not reflect the prevailing grain and pattern of development around it.
5. This unfortunate effect would be exacerbated by the site's location on the edge of the built-up area adjacent to the SDNP and the change in land levels. Its position would not physically encroach into the SDNP, but it would harm its setting bringing built development much closer to its boundaries in an unacceptable way as the land rises up and away from the appeal site. Furthermore this would reduce the important visual separation between properties and the SDNP created by the garden areas.
 6. In addition whilst some properties nearby have a similar site size, the smallness of this particular site's proposed amenity area and its orientation would not reflect the typical garden or plot sizes of its neighbours and relate poorly to No 75. The unsuitability of the development is further illustrated by the proposed siting of the bungalow, closer to the road and close to a common boundary with No 75.
 7. On the first issue, the proposal would have a harmful effect on the character and appearance of the area and the setting of the adjacent SDNP. This would not accord with Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (LP) 2005 which, amongst other things, require development of a high standard of design which takes account of local characteristics and makes a positive contribution to the visual quality of the environment and LP Policies NC7 and NC8 which resist development which would have an unacceptable impact on the SDNP.
 8. Turning now to the second issue, the flank wall of the proposed bungalow would extend across much of the useable garden area left for No 75 which would be close to the road. At some points it would appear that the two properties would only be some four metres away from each other. This would be very close, leaving little space around No 75 and have a harmful impact on the living conditions of the occupiers of No 75 by creating a far greater sense of enclosure and overbearing effect contrary to LP Policy QD27 which seeks to protect the amenities of neighbouring occupiers.
 9. There are also changes in land levels across the site and whilst one of the plans indicates the proposed new bungalow would be situated higher than No 75 which would exacerbate the harmful impact, there is insufficient detail on how the land levels would be dealt with. In addition a replacement garage for No 75 is shown on the plan, but no elevational details are provided. This lack of information adds to doubt and uncertainty about how the changes in land levels would be dealt with not just in order to determine the impact on neighbouring properties, but also the adjoining SDNP and are too important to be satisfactorily dealt with by way of condition. This therefore adds to my concerns about the proposal.

Other Matters

10. The Council has also raise concern about whether the proposal would achieve lifetime homes standard in accordance with LP Policy HO13 and level 5 of the Code for Sustainable Homes (CfSH). LP Policy HO13 requires new dwellings to be built to lifetime homes standard. LP Policy SU2 states that permission will be granted for proposals which demonstrate a high standard of efficiency in the
-

use of energy, water and materials. Supplementary Planning Document (SPD) 08 *Sustainable Building Design* has been adopted by the Council and sets out various recommendations including the need for schemes of this nature to achieve CfSH level 5. In this case, it would not be appropriate to seek compliance with such a high level because the Code is voluntary and the Supplement to Planning Policy Statement (PPS) 1 *Planning and Climate Change* states that any local requirements, such as this, must be set out in a development plan document rather than a SPD. In any case, whilst the appellant has indicated a willingness to accept conditions to require both these elements, there is insufficient information at this stage to persuade me that lifetime homes standard could be met or that a lower CfSH rating could be achieved and therefore this adds to my overall concerns about the proposal.

11. The appellant has drawn my attention to a number of other properties in the locality and No 57 Falmer Road in Rottingdean, a neighbouring village and I saw this site after the appeal site visit. The development at No 57 Falmer Road is in a very different context to the appeal site, is for a terrace of properties and for these reasons is not directly comparable to the appeal proposal. In any case each application and appeal must be considered on its own merits.
12. I have also had regard to the advice in PPS1 *Delivering Sustainable Development* and PPS3 *Housing*. Since the changes to PPS3, the appeal site is no longer defined as previously developed land. That said PPS3 indicates that efficient and effective use should be made of land, but both PPSs make it clear that development which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of the area should not be accepted. This proposal does not reflect the high standard that national planning policy requires. Accordingly the proposal should be resisted in line with PPS1 and PPS3 and the development plan policies outlined above.
13. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

Ann Skippers

INSPECTOR

