



Appeal Decision

Site visit made on 28 February 2012

by **L Rodgers BEng (Hons) CEng MICE MBA**

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

Decision date: 1 March 2012

Appeal Ref: APP/Q1445/A/11/2164093

71 Lustrells Crescent, Saltdean, Brighton, BN2 8FL

- 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 Paul Sheehan against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/02227, dated 25 July 2011, was refused by notice dated 17 October 2011.
 - The development proposed is the construction of a two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring and future residents.

Reasons

Character and appearance

3. The proposed dwelling would face onto Saxon Close and would sit between the side elevation of No 8 Saxon Close, a large detached property, and the rear elevation of No 71 Lustrells Crescent, a modest bungalow. The proposed house would be some 6.9 metres high - slightly taller than No 71 (some 6.4m high) but smaller than No 8 (around 8.8m high).
4. The properties on Saxon Close are by no means identical. However, despite the variety of designs and layouts, which includes detached and semi-detached dwellings as well as flats, the properties all appear substantial buildings. Their neo-Georgian styling coupled with their substantial scale gives them a distinct 'family resemblance' which in turn gives Saxon Close a clear and definable character. In contrast, the design, scale and orientation of No 71 show that it is clearly allied to the development on Lustrells Crescent. This is of a smaller and more modest scale and contains a predominance of bungalows typical of the 1950s.
5. In the Appellant's view the proposed dwelling would form a visual bridge between No 8 and No 71. However, not only would the proposed dwelling face onto Saxon Close, it would be positioned much closer to No 8 than to No 71. In these circumstances, and despite the appeal plot being part of the former garden to No 71, the proposed dwelling would appear somewhat divorced from

- No 71. Instead it would be seen as being closely associated with No 8 and the street scene on Saxon Close and as such it would have only a limited effect in a transitional or bridging role.
6. The proposed dwelling would be appreciably narrower than the properties at Nos 7 & 8, a matter emphasised by the stepped ridge and set back of the living area and study. At some 6.9m high it would also be lower in height than No 8 (by around 1.9m). The fact that Saxon Close slopes steeply down from No 8 towards No 71 means that the proposed dwelling would also be founded at a lower level than No 8 and as a result the main ridge of the proposed dwelling would be some 4m below that of No 8.
 7. Although the width of the appeal site would be commensurate with a number of others along Saxon Close the proposed dwelling would be seen as occupying a smaller proportion of the plot width. This apparently more spacious setting would only serve to emphasise its small scale in comparison to the other properties, particularly Nos 7 & 8. Consequently the proposed dwelling would appear as a discordant element in the street scene, out of place with its setting. This impression would be reinforced by its limited empathy with the otherwise strong and distinctive styling of the remaining properties on Saxon Close.
 8. The Council is also concerned that the proposed development would reduce the spacious feel of the plots fronting Lustrells Crescent and would set a precedent that, if repeated, would alter the area's character. However, whilst I accept that the size of No 71's residual plot would be apparent from Lustrells Crescent, the Appellant's analysis shows that neither the plot size nor the size of the private amenity space would be unique in the area. In any event I note that the corner plots tend to lack the regularity inherent in the general run of development and each case must be determined on its own merits. I therefore do not see the proposed plot size for No 71 giving rise to material harm.
 9. The Appellant suggests that it would be inappropriate to mimic the style of architecture on either Saxon Close or Lustrells Crescent, that a building the size of the other Saxon Close dwellings would create a loss of daylight to No 8 and No 71 and that a bungalow would appear incongruous next to No 8. However, notwithstanding the Appellant's concerns over issues that may or may not arise with alternative developments I must determine the proposal before me.
 10. Taking account of all the matters above it is my view that the proposed development would cause material harm to the character and appearance of the area and would thereby conflict with Policies QD1 and QD2 of the Brighton and Hove Local Plan (LP). In various ways these policies seek for design to make a positive contribution to the visual quality of the environment and to emphasise the positive qualities of the local neighbourhood - with particular reference to matters such as scale and height.

The living conditions of neighbouring and future residents

11. The Council found that the subdivision of the existing plot would fail to make an adequate provision of private usable amenity space for the occupiers of No 71 Lustrells Crescent. However, as noted above, the private amenity space is not dissimilar in size to a number of others on Lustrells Crescent and I saw on my visit that it is both regular in shape and easily accessible from the property. According to the submitted information it would exceed 100 sqm and it would

- clearly be large enough to accommodate normal activities such as sitting out and play. Contrary to the Council's view I consider that it would be adequate.
12. The Council has also raised concerns over the garden area for the proposed dwelling describing it as ".....limited and poor quality for a three bedroom house" - albeit that the Council felt that it was not so different from other Saxon Close garden areas as to warrant a refusal on this basis.
 13. The amenity area for the proposed house would be some 80sqm. However, this figure belies the fact that it would be arranged in a number of areas. The area immediately outside the patio doors to the dining and living rooms, likely to be the most important and well used, would be small, enclosed by a privacy screen and would suffer from significant shading in the late afternoon. The lower area alongside the boundary with No 71 would be narrow and would contain the cycle store and recycling bins.
 14. Irrespective of whether the proposed dwelling is regarded as a two or three bedroom house it could clearly accommodate a family. In these circumstances the shortcomings of the amenity area would be more acute and, like the Council, I regard the proposed space as being of poor quality. Even accepting that some people may prefer small, low maintenance gardens, and would be able to choose whether or not the proposed arrangements suited their particular circumstances, this matter reinforces my overall concerns with the proposal.
 15. A number of local residents have also objected to the effect that the proposed dwelling would have on their living conditions. In respect of those residents living on the opposite side of Saxon Close I do not see the proposed development as being different to any other 'cross street' relationship. With regard to the impact of the development on the living conditions of the residents at No 8 I note that the lobby doors opposite the proposed development are said to provide 60% of the daylight to the Annex studio room. Nevertheless, I agree with the Council that, given the changes in level between the sites, the height of the proposed dwelling and the siting off the shared boundary any loss of light or outlook to the side windows to No 8 is unlikely to be so severe as to result in material harm. However, the fact that I have found that no material harm would be caused to the living conditions of neighbouring residents does not affect my other concerns.

Conclusion

16. I am conscious that the proposal has attracted support from a number of local residents. I am also conscious that it would result in a more efficient use of land and that the proposed dwelling would be close to public transport links and could contribute towards the achievement of the Council's 5 year housing targets. Nevertheless, despite having had regard to these and all other matters drawn to my attention, including the further national and development plan policies highlighted by both the Appellant and the Council, I find nothing to overcome the development plan conflict identified above. I therefore conclude that the appeal should fail.

Lloyd Rodgers

Inspector

