



# Appeal Decision

Hearing held on 18 November 2008

by **J O Head BSc(Econ) DipTP MRTPI**

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

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**Decision date:  
1 December 2008**

**Appeal Ref: APP/Q1445/A/08/2072165**

**Land to the rear of 107/109/109A Cowley Drive, Brighton, East Sussex  
BN2 6WD**

- 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 Mike Cross against the decision of Brighton & Hove City Council.
- The application Ref BH/2008/00147, dated 15 January 2008, was refused by notice dated 11 March 2008.
- The development proposed is a pair of semi-detached dwellings with parking/cycle provision, with access from Pinfold Close.

## Decision

1. **I dismiss the appeal.**

## Main issue

2. The Council's reasons for refusal of planning permission relating to the proposed entrance gates; potential EcoHomes rating; submission of a Waste Minimisation Statement and compliance with Lifetime Homes standards were agreed to be matters that could be dealt with satisfactorily by planning conditions if I were to allow the appeal, and appropriate conditions were discussed and agreed at the hearing.
3. The main issue is the impact of the proposed development on the street scene in Pinfold Close and on the character and appearance of the locality.

## Reasons

4. The appeal site was formerly part of the rear gardens of the terraced houses at Nos 107, 109 & 109A Cowley Drive and forms a wedge-shaped plot with a frontage across the end of Pinfold Close, a cul-de-sac of detached and semi-detached bungalows. The proposed dwellings would be 2-storeys in height and of contemporary design, featuring bold monopitched roofs, white painted render and slate cladding and large areas of glazing to the front elevations.
5. Relevant policies in the adopted Brighton & Hove Local Plan 2005 require all new buildings to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Policies QD1 and QD2

identify the scale and height of the proposed development and the height, scale, bulk and design of existing buildings as amongst the matters that should be taken into account in assessing proposals, and require new developments to emphasise and enhance the positive qualities of the local neighbourhood. Bearing these requirements in mind, Policy QD3 recognises the need also to make the best and most efficient use of land for housing, particularly in sustainable locations.

6. There is a marked difference in character between the 2-storey terraced housing in Cowley Drive, which generally occupies narrow fronted plots with long rear gardens, and the small scale bungalows with low ridge heights in Pinfold Close, which occupy wider, but shorter, plots. The proposed houses would not feature in the street scene in Cowley Drive other than in a glimpse view between the existing buildings, but would be a prominent feature from the whole length of Pinfold Close and would have a significant impact on the street scene in that road.
7. The main context for the proposed development is, therefore, a street scene of low-roofed bungalows, regularly positioned along both sides of the Close and displaying a general uniformity in design and materials. The properties along the north side of the Close are on significantly higher ground than those to the south, reflecting the hilly nature of the surroundings. The contemporary design of the pair of houses would be unlike anything else in Cowley Drive or Pinfold Close. However, modern design is encouraged by Local Plan policy, in suitable locations. The Council does not object to the principle of a contemporary building in this location, neither is there any objection, in principle, to semi-detached dwellings. The prominent position of the appeal site provides an opportunity for a development that would provide a focal point at the end of Pinfold Close, replacing its present unsatisfactory termination in a rear garden boundary and views of the rear of the Cowley Drive houses. There is, therefore, an opportunity for development at the site to make a positive contribution to the local environment. However, any new development must have proper regard to the established characteristics of the locality.
8. Although a spacing of 18 metres would be maintained from the rear of the existing houses in Cowley Drive, which would be sufficient to prevent any harmful mutual loss of privacy, the rear gardens of the proposed houses would be smaller than most in the surrounding area and particularly so in the context of Cowley Drive and Pinfold Close. The formation of the plot for Unit 1 would involve a reduction in the length of the rear garden provided for the new dwelling currently under construction at 109A Cowley Drive, which is already shorter than its neighbours. There are one or two examples in the surrounding area of dwellings with small rear gardens or with gardens largely occupied by outbuildings, but these are in a minority and often the small rear gardens are compensated for by space to the front and side of the dwellings. That would not apply in the case of the appeal proposal, where the footprint of the building would extend to within 1 metre of the sides of the plot. Apart from a small area of grass in front of Unit 1, there would be no conventional front gardens because of the need to accommodate off-street parking spaces for both of the houses. The location of those parking spaces in front of Unit 2 would preclude any front garden for that dwelling and would be fully on view from the end of

- Pinfold Close, particularly as the entrance gates shown on the submitted plans would not now be provided.
9. I accept that the size of plots may not be immediately apparent from the street. Nevertheless, the spatial standards prevailing in an area are important to its overall character. The appeal proposal would result in a concentration of higher density development at the end of Pinfold Close that would be uncharacteristic of the more generous spatial standards that otherwise apply in Pinfold Close, Cowley Drive and the surrounding area and which are a positive quality of the local neighbourhood.
  10. Because of the restricted size and shape of the plots, the front elevation of the proposed building would be set at an angle to the end of Pinfold Close, following the position of the site boundary. The building would also be offset in relation to the end of the Close, with much of Unit 1 having no proper road frontage and appearing to be set behind the hedge that runs along the eastern boundary of No 13. The first floor and roof of the building would be prominent above the hedge. I accept that the angles and heights of the monopitched roofs have been designed with the intention of reflecting the eaves heights and relative levels of the bungalows at Nos 13 and 20. On balance, however, because of the combination of its height, width and siting, particularly in relation to the bungalow at No 13, I consider that the proposed building would appear awkwardly positioned and overdominant in the street scene at the end of the Close.
  11. The proposed development would cause no harm to the living conditions of adjoining occupiers in Pinfold Close or in Cowley Drive from overlooking or loss of privacy, the resulting relationships between buildings and gardens being conventional ones for an urban or suburban situation. Pinfold Close is quite narrow and I saw that some on-street parking takes place, which I do not doubt may, at times, cause inconvenience. However, the availability of car parking can have an impact on car use, and Planning Policy Guidance Note 13 *Transport* advises that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances. Although the locality is a hilly one and not particularly easy for walking, the site is fairly well located with respect to local shops and services and to bus routes. Bearing those circumstances in mind, and that the parking standards in the Council's *SPG<sup>BH</sup> Note 4* are maximum standards, I see no justification for requiring more on-site parking provision than the 2 spaces that are proposed.
  12. I visited some of the other sites referred to in the representations and at the hearing, but these are not directly comparable to the situation of the appeal site. The scheme at 8 Warren Road involves dwellings with side gardens and conventional road frontages, and is in a different part of Woodingdean. The contemporary style dwelling in Shirley Drive has some architectural similarities to the appeal proposal and is situated adjacent to a bungalow. However, it occupies a conventional plot that is part of a mixed frontage of individual dwellings with no uniformity of design or materials.
  13. Higher densities of development are encouraged by Government policy as set out, for example, in Planning Policy Statement 3 *Housing*. Local Plan Policy QD3 recognises this, but also the equally important requirement to achieve high quality housing through good design that contributes positively to making
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places better for people. A balance must therefore be struck, involving making more efficient use of land without compromising the quality of the local environment. In this case, I consider that the combination of the restricted size and shape of the proposed plots and the footprint, size and siting of the proposed building would result in a development that would fail to pay sufficient regard to the prevailing characteristics of the surrounding area or to enhance the positive qualities of the local neighbourhood. It would be an overdevelopment of the site that would harm the street scene in Pinfold Close and the character and appearance of the locality, and would not make the positive contribution to the visual quality of the environment that is required by Local Plan policy. On balance, I find that the appeal proposal is, therefore, unacceptable.

*John Head*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr D Collins DipTP MRTPI	Collins Planning Services Ltd, 4 Yeomans, Ringmer, East Sussex BN8 5EL
Mr J Chapman	Felce & Guy Partnership, 73 Holland Road, Hove, East Sussex BN3 1LB
Mr M Cross	Appellant, 43 The Ridgway, Brighton, East Sussex BN2 6PD

### FOR THE LOCAL PLANNING AUTHORITY:

Ms K Brocklebank	Senior Planning Officer, Brighton & Hove City Council, City Planning, Town Hall, Norton Road, Hove, East Sussex BN3 3BQ
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### INTERESTED PERSONS:

Mr & Mrs Beasley	13 Pinfold Close, Brighton, East Sussex BN2 6WG (Representing owners of Nos 11, 13 & 20 Pinfold Close)
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## DOCUMENT SUBMITTED AT THE HEARING

- 1 Letter of notification of hearing and list of persons notified

## PLANS

### *Application plans:*

Drawings numbered: 2410.1/01 and 2410.1/02

## PHOTOGRAPHS AND ILLUSTRATIONS

Photo	1 Two aerial photos submitted by Mr Collins
Photo	2 Aerial photo submitted by Ms Brocklebank

