



Appeal Decision

Hearing held on 4 December 2008

Site visit made on 4 December 2008

by **Wm C Cunningham BSc(Hons) MA**
MCP MRTPI

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

The Planning Inspectorate
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Decision date:
12 December 2008

Appeal Ref: APP/Q1445/A/08/2074267

87 Cowley Drive, Brighton, BN2 6WD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Barnett against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00443, dated 23 January 2008, was refused by notice dated 2 May 2008.
- The development proposed is an outline application for a detached dwelling.

Decision

1. I dismiss the appeal.

Main Issues

2. There are two main issues in this case. The first is whether the proposal would materially harm the suburban character and appearance of the surrounding locality. The second is the effect of the proposal on the living conditions of the existing host and proposed dwellings with particular reference to the amount and quality of the proposed amenity spaces.

Reasoning

Character and Appearance

3. The appeal site, which measures about 12.2m wide and up to about 12.4m deep, comprises most of the garden area to the west of the appeal property (No 87) that fronts Donnington Road, is close to the junction with Cowley Drive and is open apart from a single storey garage. As shown on illustrative plans (Plans B and C), the appeal proposal would involve the demolition of the garage on the site and the construction of a house. The existing property (No 87) would be retained save for a relatively small ground floor extension on the western elevation that would be demolished.
4. The area in the vicinity of the appeal site, and particularly the more immediate area around the junction of Cowley Drive and Donnington Road, has a relatively open character. This is created principally by the layout of the semi-detached houses on the south side of Donnington Road that are spaced well apart and separated by relatively low single storey structures, together with the garden area to the west of No 87.
5. Given the restricted nature of the appeal site, I consider the illustrative site plan (Plan B) shows the most likely location and ground floor coverage of a house on the site. This would be at the north west corner, abutting both the north and west site boundaries, and would be about 7m square. As illustrated, it would be likely to extend about 1m in front of the building line established by the main parts of the adjoining two properties (No 87 Cowley Drive to the east and No 49 Donnington Road to the west)

and would be on land that is elevated a little more than 1m above the level of the adjoining highway.

6. The proposed construction of a two storey property at this visually prominent location would significantly reduce the scale of an important space between buildings and would thus materially detract from the important contribution made by that space on the open character and appearance of the immediately surrounding locality. As such the appeal proposal would not comply with Policies QD2(c & e) and the relevant provisions of QD3 and would be unacceptable.

Private Amenity Space

7. The part of the retained curtilage to the host property (No 87) that would be large enough to be used as amenity space would be to the east and south of that property. This L-shaped area would immediately adjoin Cowley Drive, Donnington Road and their junction, a situation that would not in my view provide a level of seclusion from passing pedestrian and vehicular traffic that would make it suitable for use as residential amenity space. In addition, this area would be directly open to views from much of the adjoining length of Donnington Road and from a short length of Cowley Drive through an open pedestrian gate. The appeal proposal would therefore result in a material reduction in the quality of the residential amenity space that would be available for occupants in the retained dwelling.
8. An amenity area measuring about 5m wide and 7m deep would be provided to the east of the proposed house. This area would be open to views from Donnington Road unless it were bounded by a fence or similar structure along its southern boundary, action that I consider would accentuate its unduly small and enclosed nature. It would also be directly overlooked over distances of between about 2m and 9m from first floor windows on the west facing elevations of the host property (No 87) and the adjoining property to the north (No 89).
9. On this second main issue I therefore conclude that the appeal proposal would result in amenity spaces that would have inadequate privacy and seclusion, and in the case of that associated with the proposed new house would be too small. In these respects the proposed development would not comply with Policies QD27 and HO5 of the Local Plan and would be unacceptable.

Other Matters

10. All other matters raised in the written representations have been considered, including references to permissions for the erection of single dwellings alongside No 109 Cowley Drive and to the rear of both Nos 11 and 13 Broad Green. From the submitted plans and as confirmed at my site inspection, these sites are less prominent, are larger, and have locations relative to their immediately adjoining properties that are materially different from the appeal site. In any event, it is a planning principle that every application is considered on its merits, the approach I have used in this case.

Wm C Cunningham

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Malcolm Lewis DiplArch(Dist) Agent - Architectural and Planning Consultant.
Mr Darren Barnett Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Alabi Planning Department, Brighton and Hove City
Co.

DOCUMENTS

- 1 Hearing notification letter and address list.
- 2 Hearing attendance list.

APPEAL PLANS

- A Ordnance Survey extract at 1:1250 scale showing site's location.
- B Drawing No A236 03 – Illustrative Site Plan.
- C Drawing No A236 04 – Illustrative Street Views.

