
Appeal Decision

Site visit made on 8 April 2014

by Edward Gerry BA (Hons) MSc MRTPI

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

Decision date: 23 April 2014

Appeal Ref: APP/Q1445/A/13/2207537

Land to rear 7-9 Springfield Road, Brighton BN1 6DB

- 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 Geneva Investment Group Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01762, dated 31 May 2013, was refused by notice dated 31 July 2013.
 - The development proposed is the erection of 2 no single storey courtyard houses with associated landscaping and pedestrian and cycle access from Springfield Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site, which is previously developed land, is located in a residential area which comprises of a mix of dwelling types. To the south-west of the appeal site are three blocks of flats which have a large footprint but which are set in fairly spacious surroundings. Blocks of flats are also located to the north of the appeal site and these are also set in fairly open grounds. To the immediate south and south-east of the site are three storey semi-detached buildings which are set in spacious plots.
5. I note the contemporary design of the proposed dwellings and the materials that would be used. Furthermore, I accept the blocks of flats to the south-west of the site, and those to the north of the site, albeit to a lesser extent, have large footprints. However, these blocks of flats do have space around them which helps to contribute to the spacious character of the area. The proposed

dwellings would be located in very close proximity to the boundaries of the appeal site and consequently the proposal would appear cramped within its plot. Furthermore, given the front of the courtyards would be enclosed by a wall and a gate the courtyards would do little to reduce how cramped the development would be within its plot.

6. I acknowledge that the proposal would have a very limited, if any, impact on the street scene. However, in my view this is no basis for allowing inappropriate development that would have a harmful impact on the open character and appearance of the area. In addition, whilst public views of the proposal would be limited from Springfield Road the cramped nature of the development would be visible from buildings that are located in close proximity of the appeal site.
7. I note the appellant's comments in respect of the demolition of the existing building to the rear of Nos 7 and 9 Springfield Road and the creation of a proposed shared amenity space for the occupiers of Nos 7 and 9. However, the building referred to and the amenity space that would be created are located outside of the appeal site and thus in my view the benefits that the appellant refers to are not dependent on the proposed development being granted planning permission.
8. Turning to the matter of the height of the proposed development I acknowledge that it would only be one storey in height and this would be at odds with the height of other buildings in the surrounding area. Nevertheless, given the backland nature of the appeal site, and thus its relationship to other buildings in the area, I consider that any harm to the character and appearance of the area resulting from the height of the proposed development would not be significant.
9. For these reasons the proposed development would unacceptably harm the character and appearance of the surrounding area. As a result there would be a conflict with policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005 (LP). The policies aim to ensure, amongst other things, that development is of a high quality design which emphasises and enhances the positive qualities of the local neighbourhood, by taking into account its local characteristics. Policy QD3 specifically sets out that proposals will be expected to incorporate an intensity of development appropriate to the prevailing townscape and that the Council will seek to avoid town cramming.
10. The LP is of some date, nonetheless, I find these policies to be generally consistent with the National Planning Policy Framework (the Framework) and its aims to promote good design and positively seek improvements to the quality of the built environment.

Living conditions

11. The second bedroom to each of the proposed dwellings would have one window which would be in close proximity to a boundary wall situated on the edge of the appeal site. Each bedroom would also have a patio door which would provide access to a rear patio area.
12. I accept the windows proposed would be located in very close proximity to the boundary wall on the edge of the plot. However, the patio doors would enhance the outlook from the bedrooms, especially if planting was provided in

the patio areas, and would reduce any sense of enclosure particularly if the patio doors were open which may sometimes be the case. On this basis I am satisfied that the outlook from the second bedrooms would be acceptable.

13. For these reasons the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook. As a result there would be no conflict with Policy QD27 of the LP which seeks to protect the amenity of the occupiers of future development.

Other Considerations

14. Whilst the Council's 2013 Strategic Housing Land Availability Assessment Update sets out that the Council has a five-year supply of deliverable housing land the appellant disputes this. I find that the evidence in this regard is inconclusive. Nonetheless, even if there is not such a supply, I consider that the contribution this development would make towards addressing the undersupply of housing does not outweigh the harm that the scheme would cause to the character and appearance of the area.
15. The proposal would therefore not be sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework, but also paragraphs 7, 8 and 9 which set out what sustainable development means in the context of the Framework, and how it should contribute to positive improvements in the quality of the built environment. Furthermore, paragraph 17 of the Framework which states, amongst other things, that planning should take account of the character of different areas.

Other Matters

16. I note the appellant's comments in support of the proposal, including comments in respect of its compliance with local planning policies. In addition I acknowledge that the appeal site is sustainably located and the proposed dwellings could be occupied by either families or individuals. Nevertheless, I do not consider that such factors outweigh the harm that I have identified above.
17. Finally, I note the appellant's comments in respect of the pre-application advice which was provided by the Council and the Council's approach to considering the proposed development. However, it is not part of my role, in reaching my decision on this appeal, to pass comment about the Council's pre-application advice or the manner in which it considered the proposal.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Edward Gerry

INSPECTOR