



Appeal Decision

Site visit made on 26 August 2014

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 15 September 2014

Appeal Ref: APP/Q1445/A/14/2220949

22 Bevendean Avenue, Saltdean, Brighton, East Sussex, BN2 8LR.

- 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 Steven Cardy against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03923, dated 16 November 2013, was refused by notice dated 17 March 2014.
 - The development proposed is described as new 2-bedroom bungalow and parking facilities.
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Decision

1. The appeal is allowed and planning permission is granted for new 2-bedroom bungalow and parking facilities at 22 Bevendean Avenue, Saltdean, Brighton, East Sussex, BN2 8LR in accordance with the terms of the application, Ref BH2013/03923, dated 16 November 2013, and the plans submitted with it, subject to the following conditions set out in the schedule at the end of this decision letter.

Main Issues

2. I consider that the main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area; and,
 - b) the effect of the proposal on the living conditions of neighbouring residential occupiers in terms of the building's potential to appear overbearing and as a result of the general intensification of the use of the site.

Reasons

Character and appearance

3. The property the subject of this appeal, 22 Bevendean Avenue, is a two-storey detached dwelling. It is located in a built up suburban residential area characterised by an eclectic mix of dwelling types and styles. While the house faces directly on to Bevendean Avenue, the garden is 'L' shaped wrapping around number 27 Linchmere Avenue, being the corner plot, and therefore the house also enjoys a frontage onto Linchmere Avenue.
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4. The appellant proposes subdividing the plot, demolishing the garage and summerhouse, both of which are substantial permanent structures built close to the site's boundaries, and constructing a new detached bungalow between the rear of the host property and the side of 25 Linchmere Avenue, a new infill dwelling. As the proposed bungalow would be set further from the site's south western and north western boundaries than the garage and summerhouse, it would result in a slightly greater sense of openness than currently exists.
5. The plot width facing Linchmere Avenue is relatively narrow due to the position of the boundary to number 27. However, due to the 'L' shaped footprint and three-dimensional form of the proposed bungalow, its alignment with number 25 and having regard to the juxtaposition of neighbouring properties, I do not believe that it would appear cramped when viewed from the street.
6. I acknowledge that the residential curtilages in the adjacent roads are generally more spacious than that to be formed here. However, for the foregoing reasons, I am not persuaded that the proposed dwelling would have an uneasy relationship with the neighbouring sites, appear as an uncharacteristic subdivision of the plot or result in an over-development of the site to the detriment of the character of the area.
7. I therefore conclude in respect of the first main issue that the proposed development would not harm the established character of the surrounding area. It would therefore accord with the objectives of Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan 2005 (LP) as they relate to the need for new development to, amongst other things, make a positive contribution to the visual quality of the environment.

Living conditions

8. The introduction of an additional dwelling would result in some intensification of use. In addition, due to the proximity of neighbouring dwellings to the boundaries of the plot, there is the potential to impact on the visual amenity of those properties.
9. The access to the site would be over the cross-over serving the existing garage to be removed. It would run parallel to the access and garage of 27 Linchmere Avenue with only the ground floor windows overlooking the appeal site serving the existing garage. The windows of the habitable accommodation that overlook the site are set some way back from the common boundary and are at first floor level. I do not consider, therefore, that either the access or new dwelling would impact in any significant way on the living conditions of the occupiers of this property, in terms of either being visually overbearing or by way of increased noise and general disturbance.
10. The new dwelling would be sited back about 1.8 metres from the new boundary to the host property that would be defined by a 2.0 metre high fence. The separation distance between the new flank wall, with no windows or any other openings in it, and the rear of number 22 Bevendean Avenue, that would be in an elevated position in any case, would be some 10.0 metres or so. Accordingly, I do not believe that the new dwelling would impact on the residents of number 22 in terms of being either visually overbearing or by reason of an intensification of residential activity.

11. The rear boundary of the appeal site abuts the access drive and garage located in the south east corner of the garden of number 20. The small rear garden proposed for the new dwelling would be located to its north west side. However, given its relationship to the garden of number 20 and the general built up nature of the area, I am not convinced that the living conditions of the occupiers of number 20 would be harmed by the introduction of a new dwelling here and the likely intensification of activity associated with a modest two-bedroom bungalow.
12. The proposed dwelling would be sited close to the side elevation of number 25 Linchmere Avenue. However, it would be set further away from this elevation than the existing detached garage and summerhouse, both of which are relatively substantial buildings in their own right. I do not believe, therefore, that the new bungalow would appear overbearing or add significantly to the overall existing level of residential activity.
13. I therefore conclude in respect of the second main issue that the proposed development would not cause significant harm to the living conditions of the residential occupiers of the neighbouring dwellings. It would therefore accord with the aims of LP Policy QD27 as it seeks to avoid new development causing a material nuisance and loss of amenity to the proposed, existing and/or adjacent residents.

Other matters

14. I have noted concerns raised by third parties in respect of parking provision. However, the highway authority has not raised objections in relation to the provision of off-street or street parking. In the circumstances, I am not satisfied that there is justification to support the contention that the proposed development would cause undue detriment to parking provision locally or, thereby, the safety of existing or future road users.
15. I am also aware of issues relating to previous alterations to the house and garden. Whatever the circumstances surrounding these matters they do not fall to be considered within the scope of this appeal.

Conclusions and Conditions

16. For the reasons given above and while having regard to all other matters raised I conclude that the appeal should succeed and planning permission be granted.
17. In accordance with the Council's suggestions, and to ensure a high quality development that meets the changing needs of households, I have included conditions about building materials, solar panels and a requirement for the new dwelling to achieve the Lifetime Homes standard.
18. To protect living conditions and so the Council can retain control over future alterations and enlargements, I have removed permitted development rights and included conditions about the storage of refuse and recycling materials. To make sure of the provision of available and adequate cycle parking and to reduce the risk of flooding from surface water run off, I have included conditions about cycle storage and the design and drainage of hard surfaces.
19. To warrant that the new dwelling is sustainable and makes efficient use of energy, water and materials, I shall require it to achieve Level 3 of the Code for

Sustainable Homes. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

Philip Willmer

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 300712-03A, 04 and 06.
- 3) No development shall take place until samples of the materials, including colour of render, paintwork and colourwash, to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the proposed solar photovoltaic panels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme for the storage of refuse and recycling materials has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed prior to the first occupation of the development hereby approved and shall thereafter be retained for such use at all times.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be constructed or carried out.
- 7) Unless otherwise agreed in writing by the local planning authority, the new dwelling hereby permitted shall be completed to the Lifetime Homes standard prior to first occupation and shall be retained as such thereafter.
- 8) The hard surfaces hereby approved shall be constructed of porous materials and retained thereafter or, alternatively, provision shall be made and retained thereafter to direct run-off surface water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property.
- 9) No development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local

planning authority. The installation of these facilities shall be completed in accordance with the approved details and made available for use prior to the first occupation of the dwelling and shall be retained for such use at all times.

- 10) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.