
Appeal Decision

Site visit made on 9 February 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 8 March 2016

Appeal Ref: APP/Q1445/W/15/3135755
37 Auckland Drive, Brighton BN2 4JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr T Mole against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04142, dated 8 December 2014, was refused by notice dated 11 June 2015.
 - The development proposed is a two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed dwelling on the character and appearance of the area; and
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 37 Auckland Drive with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The proposed dwelling is located in the rear garden of 37 Auckland Drive. Both the existing and the proposed dwelling would be perpendicular to Auckland Drive, fronting the footpath that provides access to the properties from the road. Surrounding development is of predominantly semi-detached dwellings with either gabled or hipped roofs to their sides. The existing dwelling at no. 37 has a hipped pyramid roof, with the semi-detached neighbour at a lower level, the roof attaching to the side of the property.
 4. The site slopes steeply away from the road such that the proposed dwelling is set at a significantly lower level, with the proposed eaves at approximately the same level as the fence and hedge fronting the road. The size and general layout of the dwelling proposed reflects that of surrounding development.
 5. While I note that there are other properties with gables, the proposed design would present a blank gable end facing directly towards the road, where others in the area tend to be at the sides of the properties. The size and arrangement
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- of the gable roof would not be in keeping with the area or other buildings with gable ended roofs and is unacceptable.
6. The Council also refer to the fenestration facing toward the road as haphazard. However, this would be the side elevation to the dwelling and, in this context, the arrangement of windows and door would not be unusual. In addition, the windows and door would be mainly below road level and are unlikely to be visible behind the fence and hedge on the boundary.
 7. Given the layout of the roof with gable end facing toward the road, the proposed dwelling would have a harmful effect on the character and appearance of the area. As such, it would not comply with Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan (LP) that require development to make an efficient use of land and reflect the character and appearance of the surrounding area.

Living conditions

8. The proposed dwelling would be located in the corner of the rear garden area of 37 Auckland Drive such that it would not be directly to the rear of the existing dwelling. The garden area to no. 37 would be quite considerably reduced in size, with the proposed dwelling only approximately 10m from no. 37 at its closest. The proposed dwelling would be set higher on the slope of the land.
9. Given the small remaining garden area to no. 37 and consequent proximity of the proposed dwelling, combined with its height and topography of the site, the proposed dwelling would dominate the rear garden area and rear rooms of the dwelling at no. 37. That overbearing impact would result in significant harm to the living conditions of occupiers of that dwelling.
10. There are windows proposed in the front elevation facing toward and overlooking the rear garden area of no. 37, which would add to the harm caused by the overbearing impact.
11. I accept that the small garden area remaining at no. 37 would be acceptable and other outdoor private amenity space is not necessary. I also accept that there is a degree of mutual overlooking and overbearing impacts between dwellings in this area caused by the topography of the land. However, it would be the proximity and layout of these dwellings that would be unusual and such that the proposed dwelling would dominate and overlook the existing dwelling at no. 37.
12. In conclusion, the proposed dwelling would cause material harm to the living conditions of neighbouring occupiers by reason of the overbearing impact that would harm the outlook of occupiers of 37 Auckland Drive and loss of privacy to those neighbouring occupiers. As such, the proposed dwelling would not comply with Policy QD27 of the LP that seeks to ensure development does not harm the living conditions of neighbouring occupiers.

Other matters

13. Whilst the appeal site represents an appropriate location in principle for new housing and the proposal would make a contribution to the supply of housing in the area, this does not justify or outweigh the harm that would arise from the

particular scheme before me in terms of the character and appearance of the area and the living conditions of neighbouring occupiers.

14. Reference is made in the appeal documents to the three strands of sustainability referred to in the National Planning Policy Framework, being economic, social and environmental. In this case, there would be limited economic benefits during the construction of the dwelling and residents would support local services once it is occupied. The provision of a single dwelling would have a positive social impact in contributing in a small way to the need for homes in the area. However, these minor positive economic and social benefits would not outweigh the environmental harm arising from the impact on the character and appearance of the area, nor the impact on living conditions of neighbouring occupiers and I conclude that it would not be sustainable development as identified in the Framework.

Conclusion

15. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR

