

Appeal Decision

Site visit made on 3 May 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 7 June 2016

Appeal Ref: APP/Q1445/W/16/3142706

Land rear of 87 & 89 Cowley Drive, Woodingdean, Brighton BN2 6WD

- 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 Darren Barnett against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02150, dated 5 June 2015, was refused by notice dated 10 September 2015.
 - The development proposed is demolition of the existing garage and erection of a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies. Policies CP12 and CP14 of the CP replaced Policies QD1, QD2 and QD3 of the LP that were referred to in the decision notice. Policies QD27 and HO5 of the LP have not been superseded and remain part of the adopted development plan.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed dwelling on the character and appearance of the area;
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 87 and 89 Cowley Drive with particular regard to privacy and outlook.

Reasons

Character and appearance

4. Donnington Road comprises a mix of detached bungalows and chalet bungalows to the rear of 87 Cowley Drive, with semi-detached two storey
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houses opposite. Cowley Drive mainly comprises two storey terraced housing, mostly with long rear gardens. 87 Cowley Drive comprises an end of terrace two storey property on the junction with Donnington Road, no. 89 being the next attached house on the terrace. No. 87 has a substantial front and side garden enclosed by a hedge and facing the roads, with the front door opening toward Donnington Road. The rear gardens of nos. 87 and 89 are modest compared to other houses in Cowley Drive, the garage serving no. 87 located at the end of the garden.

5. The proposal is to demolish the garage and replace it with a chalet bungalow, removing most of the private garden to no. 87. The plot size would be small compared to other properties in Donnington Road with limited space to the sides of the proposed dwelling and a small rear garden of unusual shape. These factors, combined with the proposed dwelling being slightly forward of neighbouring properties, would result in a loss of the space between buildings that would be detrimental to the open appearance of this location and the proposed house would appear squeezed into the site.
6. The house would be a modest chalet bungalow, with three dormer windows facing the road. Other bungalows on Donnington Road do not generally have dormer windows facing the road. Other aspects of the design would reflect the mixed character of properties in the locality. However, the dormer windows proposed would result in an overdeveloped roof facing the road that would not reflect the character and appearance of surrounding development.
7. Consequently, I conclude that the small plot and design of the proposed dwelling would result in the development appearing incongruous and would not reflect the character and appearance of the surrounding area. As such, the development would conflict with Policies CP12 and CP14 of the CP that seek to ensure development is of a high standard of design that respects the character and appearance of the area.

Living conditions of neighbouring occupiers

8. The proposed development would provide a dwelling in close proximity to the rear elevation of no. 87 that is may contain windows or patio doors following demolition of the small extension. This proximity means that the proposed dwelling would dominate those windows or doors and the small retained rear garden area, adversely affecting the living conditions of occupiers of no. 87.
9. There would be more of a gap between no. 89 and the proposed building that would ensure the effects on living conditions of residents in the house would not be materially affected. However, the proposed development would dominate the remaining garden area, as such having an adverse effect on the outlook of occupiers of that property.
10. Three obscure glazed first floor windows would be provided facing toward the rear garden of no. 89. It has been suggested that these would give the perception of overlooking of that garden and that the obscure glazing would be hard to control by the Council. I consider that obscure glazing would be sufficient to overcome harmful overlooking, or the perception of overlooking, of the garden of the neighbouring dwelling such that overlooking would not materially affect the living conditions of neighbouring occupiers. A condition could be provided requiring obscure glazing to be retained on those windows

and I am satisfied that the Council would be able to adequately control this matter.

11. As a result, the proposed development would have an adverse effect on the outlook of 87 and 89 Cowley Drive, harming the living conditions of those neighbouring occupiers. As such, the proposal would be contrary to Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.

Other matters

12. I understand that the site was subject of an application and appeal for a similar form of development in 2008. However, I have been provided with limited information on that application and have considered the current scheme on its merits.
13. The rear garden proposed would provide some outdoor amenity space for the occupiers of the proposed dwelling. Although small, it would be sufficient to meet the needs of those occupiers. The retained rear garden of no. 87 would also be small, but the front and side gardens of that property are larger and enclosed by a substantial hedge. As such, adequate private outdoor amenity space would be available for occupiers of that dwelling. Consequently, the proposals would meet the requirements of Policy HO5 of the LP that requires private useable amenity space be provided in new residential development.
14. My attention has been drawn to other developments in the locality. That to the rear of 107-111 Cowley Drive is located at the end of Pinfold Close, a less conspicuous location and the design has less front dormer windows. The house to the side of 109 Cowley Road is also a less prominent location and appears as an extension to that terrace, with a modest rear garden area. That at 13 Broad Green is similar in location, but the plot was wider than this site such that it gives the appearance of significantly more space around that property than around the proposed development. In addition, I note that development also has less dormer windows. Consequently, I consider that those developments are materially different from the proposed dwelling.
15. The proposal would provide an additional modest house within the urban area that would assist in meeting the Council's housing requirements as set out in the CP that confirms how the Council would provide for their 5 year housing land supply. The proposed development would only contribute a single additional unit to that supply. Consequently, the effect of the development on the character and appearance of the area and living conditions of neighbouring occupiers would significantly and demonstrably outweigh the benefit of providing a single dwelling.

Conclusion

16. On the basis of the above considerations, I conclude that the appeal should be dismissed

Andrew Steen

INSPECTOR

