

Appeal Decision

Site visit made on 24 May 2016

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 24 June 2016

Appeal Ref: APP/Q1445/W/16/3144539

Land rear of 114, 116 and 118 Carden Avenue, Brighton, Brighton & Hove BN1 8NE

- 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 Pepita Investments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03111, dated 24 August 2015, was refused by notice dated 4 January 2016.
 - The development proposed is the erection of 2no semi-detached houses to rear of existing building.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The site address and description of development provided on the application have been replaced by fuller versions in subsequent documents. I consider these to be usefully more comprehensive and have thus employed them here.
3. Policies QD1, QD2, QD3 and QD27 from the Brighton and Hove Local Plan referred to by the Council in its reasons for refusal have been superseded by policies CP8, CP12 and CP14 (CP12 replacing policies QD1 and QD2 and CP8, CP12 and CP14 replacing policy QD3) of the Brighton and Hove City Plan Part One which was adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

4. The main issues raised in respect of the appeal are the effect of the proposal on: -
 - (a) The character and appearance of the area; and,
 - (b) The living conditions of adjoining occupiers.

Reasons

The character and appearance of the area

5. The proposed dwellings would occupy almost the full width of the plot creating the appearance of the building being confined within the space. Whilst, the development in the surrounding area is varied, comprising buildings of differing heights and styles, the proposed contemporary design of the dwellings, having a box like appearance with extensive flat roof and limited openings in the elevations, would contrast in appearance to the existing development in the locality. The footprint of the proposed dwellings, alongside their overall size, would create a development of substantially larger structure to that of the garages in the vicinity of the site. The proposed development would be unrelated to the character of development in the area and would not, in my opinion, be an appropriate form of development in this location. Whilst the development would not be readily visible from the street scene it would, nonetheless, be visible to adjoining occupiers.
6. My attention has been drawn to an appeal decision (appeal ref: APP/Q1445/A/14/2221272) in which a dwelling has been allowed to the rear of 112 Carden Avenue, a site adjacent to this appeal site. The appeal before me relates to a different plot and a proposal of differing scale and kind. This appeal therefore can and should be considered in its own right.
7. For these reasons, I conclude that the proposed dwellings as a result of their overall plot coverage, size and design, would be out of keeping with the surrounding development and would be harmful to the character and appearance of the area. The Council has referred to a number of policies of the Brighton and Hove Local Plan 2005 which are now superseded. I regard policy CP14 of the Brighton and Hove City Plan Part One March 2016 as the most relevant. The proposed development conflicts with policy CP14 which seeks new development to be of a high standard of design that would help to maintain or create a coherent townscape, amongst other matters.

The living conditions of adjoining occupiers

8. The proposal seeks the erection of two semi-detached dwellings at an elevated siting to neighbouring properties at 122 to 128 Carden Avenue. Although the proposed dwellings would have a reduced ground level, the proposed development would be of a larger size to that of the existing garage at the site and would be positioned close to the site boundaries and nearer to these adjacent dwellings. The proposed development would be clearly visible to the outlook from these properties and would appear prominent from both the dwellings and their related outdoor amenity areas. The overall size and close relationship of the proposed dwellings to these adjacent properties would create, in my opinion, an unneighbourly form of development.
9. In addition, the first floor bedroom window of the property proposed closest to 122 to 128 Carden Avenue would allow for oblique observation to take place of the adjoining dwellings and their outdoor amenity areas. Whilst I consider the respective observation between dwellings would be acceptable due to their separation, the elevated position of the bedroom would enable direct overlooking of the outdoor amenity areas of these adjacent properties affording the occupiers little privacy.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of adjoining occupiers. The Council has referred to a number of policies, but I regard Policy QD27 of the Brighton and Hove Local Plan 2005 as the most relevant. The proposal would be contrary to the aims of

this policy which seeks to protect against the loss of amenity to existing and/or adjacent occupiers, amongst other matters.

Other Matters

11. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide two additional homes within the urban area utilising a brownfield site in a sustainable location. Whilst the proposal would contribute two dwellings to the City's overall housing supply, this benefit would not outweigh the harm identified above.

Conclusions

12. For the reasons given above I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR

