



## Appeal Decision

Site visit made on 23 August 2016

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 15<sup>th</sup> September 2016

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### Appeal Ref: APP/Q1445/W/16/3150865

### 72 Rotherfield Crescent, Brighton BN1 8FP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms Donna Howard against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03920, dated 22 October 2015, was refused by notice dated 6 May 2016.
  - The development proposed is the creation of a single 2/3 bedroom detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The application was submitted in outline with all matters reserved for later determination. I have dealt with the appeal on this basis, treating the proposed block plan and floor plans as illustrative only.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of Nos 72 and 74 Rotherfield Crescent in relation to outlook and amenity space.

### Reasons

#### *Character and appearance*

4. No 72 is a two storey semi-detached house on the south eastern side of Rotherfield Crescent in a well established residential area. The proposal is for a single detached house in the garden to one side of No 72, situated between the host property and the adjacent semi-detached house No 74.
5. The detached house would be introduced into the spacious gap between Nos 72 and 74, with the existing small single storey extension to the side of No 72 being removed to make way for it. At present Rotherfield Crescent is characterised by spacious side gaps between the pairs of semi-detached properties. The proposal would not conform to this existing development pattern, introducing instead a single detached dwelling into the gap between two pairs of houses. Whilst forming a spacious gap between properties, as a plot for a new house it would be narrow and an awkward shape for development.
6. In this low density housing area the gap between the new house and the host property, No 72, would be uncharacteristically narrow, and the house would also

extend hard up to the common boundary with No 74. As such, it would appear cramped within the street scene and the new house would have an unusual, non-rectangular footprint. This problem could not be mitigated by good design. The proposal would also result in the subdivision of the existing plot, introducing a much smaller plot size than the norm in the vicinity.

7. Consequently, when seen alongside the neighbouring houses, the detached house would appear as an incongruous, cramped development, out of character with the surrounding area. Although the proposal is in outline with all matters reserved, the constrained nature of the site means there is insufficient scope to overcome these fundamental problems with a revised layout.
8. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policies CP12 and CP14 of the Brighton and Hove City Plan Part One 2016. These seek to raise the standard of architecture and design, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate on a case by case basis.

#### *Living conditions*

9. According to the illustrative plans the house would sit alongside the flank wall of No 72, respecting its front building line but extending somewhat to the rear. However, it would appear that this rearward extension would not be so great as to significantly affect the outlook from the nearest rear facing windows. On the other side, because No 74 is set well forward of No 72 and at an angle facing the road, only very oblique views of the new house would be seen in the outlook from its rear facing windows. Again, this would not cause any material loss of outlook for the occupiers concerned.
10. The proposal would involve the loss of the side garden of No 72. However, the garden to the rear of the property, several metres in depth, would be retained. Although somewhat restricted in size, this remaining area of garden would still provide a reasonable amount of external amenity space for the occupiers.
11. For these reasons the proposal would cause not significant harm to the living conditions of the occupiers of Nos 72 and 74 Rotherfield Crescent in relation to outlook or external amenity space. This would comply with saved Policies QD27 and HO5 of the Brighton and Hove Local Plan 2005 which preclude development where it would cause material nuisance and loss of amenity to adjacent residents and require the provision of private useable amenity space.

#### **Conclusion**

12. The proposal would provide a much needed house in a sustainable location. Whilst it would not harm the living conditions of nearby occupiers, the character and appearance of the area would be adversely affected. Because of this objection the proposal cannot be considered fully sustainable development and consequently the presumption in favour of such development does not apply in this case. The appeal should therefore be dismissed.

*David Reed*

INSPECTOR