



Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/Q1445/W/17/3191215

Rear of 69 New Church Road, Hove BN3 4BA

- 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 Portland Properties against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00407, dated 31 January 2017, was refused by notice dated 10 November 2017.
 - The development proposed is erection of semi-detached garage incorporating enlargement of existing crossover and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As it is clearer in relation to the nature of the proposed development, I have followed the description of development given in the Council's decision.

Main Issues

3. The main issues in this case are:-
 - the effect of the development on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of 69 New Church Road with respect to outdoor amenity space and of neighbouring occupiers with respect to outlook.

Reasons

Character and appearance

4. The appeal site is a small area of open land to the rear of No. 69 New Church Road, a former dwellinghouse now containing three self-contained flats. The evidence indicates that this land was approved as amenity space for the flats when planning permission for conversion was granted. Although the appellant has indicated that the land is currently unused, this is hardly surprising since it has been separated from the property by a brick wall and fencing, and the leasing arrangements for the flats prevent it. However, the evidence before me, including that relating to enforcement actions intended to secure access from 69 Church Road, and the absence of any approved change of use, compellingly indicates that it remains an area of residential garden.
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5. Houses along New Church Road are generally large detached properties with generous rear gardens. That of No. 69 has been truncated in the past, and now has a large double garage to the rear. The site has a frontage on Richardson Road, which contains parades of terraced shops and mews developments and is more urban in character. However, the site is bounded by a domestic garden wall and so retains a stronger visual relationship with No. 69.
6. The appeal development would insert a garage into the garden space, attached to the existing garage, with a widened crossover and a large area of hardstanding in front.
7. The creation of an additional built element in the site where garden space might be expected and the lack of rear garden space to No. 69 would give rise to a crammed and cramped arrangement, while the removing the domestic boundary treatment further to open up the site on Richardson Road would create the impression of a large parking area and would increase the urbanising effect. This would be in conflict with the more open and suburban character of houses along New Church Road, in which garden spaces play an important role. These effects would be clearly visible from and along Richardson Road and so would be harmful to the character and appearance of the area, including the street scene.
8. The development would therefore fail to respect the character and urban grain of the neighbourhood, and would conflict with policy CP12 of the Brighton and Hove City Plan Part One 2016.

Living Conditions

9. The development would permanently remove the outdoor amenity space from 69 New Church Road, leaving no garden area for potential private use. This would be harmful to the living conditions of occupiers of that dwelling.
10. The new garage building would be around 0.9 – 1.0 m higher than the existing boundary fence with the rear garden of No. 67 New Church Road, and in combination with the existing double garage, would form a long continuous built element on that boundary. There would, as a result, be some reduction in outlook from that garden, which would be harmful to the living conditions of occupiers of the dwelling.
11. The development would, due to the loss of the private useable amenity space, thus be contrary to the requirements of policy HO5 of the Brighton and Hove Local Plan 2005 (the LP). It would also conflict with policy QD27 of the LP, which seeks to resist development which would cause material nuisance and loss of amenity to existing and/or adjacent residents or occupiers.

Conclusion

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

S J Buckingham

INSPECTOR