



Appeal Decision

Site visit made on 2 January 2019

by **Tim Crouch MSc DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th February 2019

Appeal Ref: APP/Q1445/W/18/3212912

Land to the side of 44 Stanley Avenue, Portslade, BN41 2WJ

- 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 Mr Fowler against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/01305, dated 24 April 2018, was refused by notice dated 21 June 2018.
 - The development proposed is a new one bedroom dwelling ground floor and basement.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted an updated plan proposing a repositioning of the vehicle car parking space, which also has an effect on the south elevation. I understand that this was submitted to the Council during the application process but not considered. In the absence of Council or third party comment on the plan, and given the level of interest, I have only considered the drawings listed in the Council's decision notice for the purposes of this appeal to ensure that no views are prejudiced.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area,
 - Whether the proposal would provide satisfactory living conditions for the future occupants, with regard to light, outlook and private amenity space and,
 - The effect of the proposal on the safety of road users.

Reasons

Character and appearance

4. The site comprises part of the end of a block of single storey garaging and an open corner of low level overgrown vegetation to Stanley Avenue. Stanley Avenue rises significantly to the north, curving from its junction with Septon Road to the south up to Chrisdory Road to the north. This gives the site some prominence from the south. The neighbouring detached garage with front framing provides some screening from the north.

5. The existing low height, mono-pitched roof garage block fronts a low key unmade access track which serves the rear gardens of the surrounding roads. It has a narrow single carriageway with overgrown verges. The surrounding housing comprises of predominately traditional, small detached and semi-detached bungalows set within sizeable plots. These features contribute towards the sense of place and are positive characteristics of the area.
6. The proposal is for a modest single storey, flat roof, 2 floor dwelling with basement, on the site of 3 of the garages. It would be contained by a small rectangular shaped plot, with the dwelling occupying around half of the site area. There would be floor to ceiling glazing across almost the full width of the front elevation overlooking the split level outdoor amenity space on the corner with Stanley Road.
7. The proposal represents redevelopment of disused garages and is a brownfield site. However, at around 9 dwellings per hectare more than surrounding dwellings, the higher density of the proposal would be noticeably different to the surrounding lower density. Likewise, the plot size would be conspicuously smaller. Furthermore, having the private garden to the front and the dwelling to rear would be inconsistent with surrounding built forms. As a result, the size, occupation and layout of the plot would appear cramped, incongruous and inappropriate in this specific location.
8. Therefore, the proposal would have a harmful effect on the character and appearance of the area, and it would be contrary to policies CP1, CP12 and CP14 of the Brighton and Hove City Plan Part 1 (March 2016). These policies, amongst other things, seek to raise the standard of design, establish a strong sense of place and reflect the neighbourhood's positive characteristics.

Living conditions

9. The proposal includes a living space and kitchen at ground floor, with bedroom, bathroom and utility space at basement level. Light to the basement would only be provided by a rooflight above the stairs, and a window to the bedroom. Whilst providing significant floorspace for a 1 bedroom unit, the basement would receive limited levels of natural light owing to the single outlook to the east onto the partly covered outdoor space, set at an angle and below ground level. To my mind, this would be an oppressive and gloomy outlook to the detriment of its future occupiers.
10. The outdoor amenity space would be split into 2 levels to make provision for both floors. However, the basement level would be below the neighbouring ground level and thus receive lower levels of natural light, despite its orientation. Moreover, owing to the low height boundary treatment proposed and the location of the space being adjacent to the footpath, views from pedestrians into the private garden area would be readily achievable. The outdoor amenity space would therefore lack sufficient privacy for it to be used as a private space, and thus its usability would be compromised
11. Consequently, these factors lead me to conclude that the proposal would provide unsatisfactory living conditions for the future occupants contrary to policies QD27 and HO5 of the saved Brighton and Hove Local Plan (BHLP) (July 2008). These policies, amongst other objectives, require development to provide suitable amenity for its future users in terms of outlook and light and for amenity space to be private and useable.

Safety of road users

12. The proposal includes a parking space that would be set forward and at right angles to the adjacent retained garages. This would create an awkward relationship and restrict visibility for the closest garage when the parking space is occupied. Drivers accessing the garages would be required to carry out awkward manoeuvres in order to pass the proposed parking space, particularly when accessing or egressing the adjacent garage. Therefore, given the location, position and resultant visibility concerns, this parking space would compromise the safety of other road users.
13. I note that the Council is also concerned regarding the proposed overhang of the building. However, this would be above an access ramp and enclosed adjacent to the neighbouring garage, to approximately the same dimensions. Therefore given the associated ground level structure with handrail and the enclosure, this structure would be prominent and I am not convinced would increase danger to other users of the access. However, this would not outweigh the overall harm I have found to the safety of road users.
14. The proposal taken as a whole would therefore be contrary to Policy TR7 of the BHLPP which seeks to ensure that developments do not increase danger to other highways users.

Other Matters

15. A list of planning permissions at other sites, presented as similar to the proposal has been supplied by the appellant. However, I have very limited details of those developments, and as each proposal must be considered on its own merits, I give this matter little weight.
16. The proposal would contribute to housing supply, is in an accessible location and would modestly contribute to the economy through construction and local spending. However, these other matters do not overcome the harm that I have identified.
17. I have had significant regard to the comments from interested parties. However, as I am dismissing the appeal, nothing turns upon these matters.

Conclusion

18. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR

