



Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

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

Decision date: 09 June 2016

Appeal Ref: APP/Q1445/W/16/3142260 **80 Crescent Drive South, Brighton, BN2 6RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Susan Rose and family against Brighton & Hove City Council.
 - The application Ref BH2015/04014 is dated 5 November 2015.
 - The development proposed is the demolition of existing houses and erection of 7 dwelling houses (C3).
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Decision

1. The appeal is dismissed and planning permission refused for the demolition of existing houses and erection of 7 dwelling houses (C3).

Application for Costs

2. An application for costs has been made by the Appellants against Brighton & Hove City Council. This application is the subject of a separate decision.

Procedural Matters

3. I use the description of development from the appeal form which is more concise than the application form.
4. Since the time of the initial Officer's Report on the proposal the Council has adopted the Brighton & Hove City Plan Part One (CP). Consequently a number of the Brighton & Hove Local Plan (LP) policies cited on the case paperwork have been superseded. The Appellant has been made aware of this and given an opportunity to comment. The relevant replacement policies are for the most part of a similar tenor to those which no longer remain extant. In the text below I only refer to policies currently adopted by the Council.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the locality; and
 - living conditions for neighbours.

Reasons

6. The appeal site is a 'backland' area with two bungalows in situ, one with dormers, and extensive garden space. The site is served by a low key narrow driveway between two road frontage dwellings with two floors and side
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windows facing this entrance. The ground slopes gently away from the entrance and has relatively substantial vegetation to most boundaries. The locality is mainly one of detached bungalows and 2 storey homes, albeit with occasional increased intensity at corners, and this well established area of residential character offers a pleasing and fairly spacious appearance and good levels of amenity. The proposal is as described above and would provide for 3 detached and 4 semi-detached chalet style homes.

Character and appearance

7. The locality is a relatively loosely developed, generally lower density, one. The proposal clearly seeks to make more efficient use of land than its surroundings. This might not be an unreasonable proposition in principle if the result continued to provide scope for some sense of spaciousness; incorporated suitable amounts soft landscape; and protected visual amenity and local character. Unfortunately the appeal scheme would fail on these fronts. The scheme is too ambitious and would represent overdevelopment. Buildings with two floors would lie uncharacteristically close to boundaries and intrude upon the aesthetics of neighbouring gardens and wider views; the degree of built site coverage and hard surfacing on display would be excessive relative to prevailing rates in the locality; and the scheme would generally look uncomfortably cramped and alien in character to its surrounds.
8. CP Policies CP12 and CP14 call for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of a neighbourhood with a positive contribution to its sense of place and a layout of a suitable density. I conclude that the appeal scheme would run contrary to these policies.

Living conditions for neighbours

9. There is a property (No 72) set at right angles very close to part of the appeal site. The row of 4 semi-detached properties with very modest garden lengths proposed would be overly dominant to this property and its garden. Neighbouring occupiers would feel unduly hemmed-in. Furthermore privacy would be lost by reason of the proposed upper floor windows on these units as well as the nearest detached home which would be set parallel to the side boundary. I am also concerned about the runs of buildings, even the detached homes as they would have little space between them, being uncomfortably dominant from neighbouring properties in Broad Green Mews and Broad Green and affording overlooking into these nearest gardens. I do not have sufficient evidence before me on the detailed intentions for, or robustness of, vegetation along boundaries. Planned buildings and their upper floor windows are uncharacteristically close to boundaries and the scheme would prejudice amenity levels presently enjoyed.
10. Furthermore, the effective addition of 5 more homes on this site, and the lack of 'absorption' space for associated activity and movement, would add appreciably to the potential for noise and disturbance which would be unneighbourly. It might well be reasonable for some additional use to be made of the entrance way which runs alongside the side windows and rear gardens of Nos 78 and 82 Crescent Drive South but to my mind this scheme would go too far. In the absence of mitigation proposals or other evidence I would determine that the use of the driveway as proposed would cause undue noise and disturbance to those living alongside.

11. In a similar way to my conclusion that in character and appearance terms the scheme would be over-intensive the same cause would produce the unneighbourly symptoms I have outlined. I therefore conclude that the proposed works would unacceptably conflict with the aim to protect living conditions which is embodied within LP Saved Policy QD27.

Other matters

12. I note the Council's most recent position on the question of affordable housing provision in the form of a request for a contribution of some £182,750. Whilst expressing concerns over potential delays the Appellants have seemingly not ruled out a degree of contribution. On another angle, the submitted plans did have 2 dwellings labelled as 'Affordable Houses' albeit on-site provision did not appear to find favour with the Council for reasons including management. In other circumstances I would have explored the issue further and perhaps gone back to the main parties. The matter of affordable housing would appear to me to have the potential for resolution. However given my findings above on the main issues the question of a contribution or otherwise to affordable housing would not be an over-riding matter in this case to outweigh the harm I have identified. I would make a similar response to the very much smaller developer contribution request by the Council to improvement of local pedestrian routes. This is, again, something which I need not explore in the present circumstances.
13. I understand and sympathise with the Appellants' wish to make more efficient use of this presently under-developed site. I note the frustration with determination delays at the Council end and the lack of direct engagement during the processing period. It is agreed that centrally positioned trees do not create difficulties and I can see that some thought has been given to hard and soft landscape. The chalet style approach has sought to reflect context whilst in a contemporary form and, setting aside environmental matters, access along with turning and parking could be physically accommodated to applicable standards. Energy efficiency and lifetime homes initiatives are noted as are accessibility credentials. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

15. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality and on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR

