

## Appeal Decision

Site visit made on 30 January 2017

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 21 February 2017**

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**Appeal Ref: APP/Q1445/W/16/3155636**

**90 Greenways, Ovingdean, Brighton BN2 7BL**

- 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 Robert Middleton against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03681, dated 2 October 2015, was refused by notice dated 27 April 2016.
  - The development proposed is part demolition of existing dwelling and erection of detached 3/4 bed dwelling in rear garden.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application plans label the dwelling to roughly south east of the appeal site as 88 Greenways. The Council refer to that dwelling as 86 Greenways, which concurs with what I saw, so I shall do the same.

### Main issues

3. The main issues in this appeal are the effect that the proposal would have on:
  - the character and appearance of the surrounding area,
  - the living conditions of the occupiers of the existing dwelling at 90 Greenways, with regard to outlook and privacy, and
  - the living conditions of the occupiers of the existing dwelling at 90 Greenways, with regard to noise and disturbance.

### Reasons

#### *Character and appearance*

4. The appeal site is within the development boundary of Ovingdean village. It includes the existing 2-storey dwelling at 90 Greenways, which has a broadly level parking area at the front and a back garden that rises up fairly steeply at the back. On the opposite side of Greenways are fields in the mainly open downland landscape of the South Downs National Park. On the same roughly north east side of Greenways, the mix of generally well-spaced single storey and 2-storey mainly detached dwellings in various styles are set in good-sized linear plots of varying width. The gaps between buildings are important to the suburban character in the area that, in turn, contributes positively to the setting of the National Park. The far end of the back garden adjoins the shorter

- back garden of the dwelling at 14 Ainsworth Avenue. Ainsworth Avenue runs at an angle to Greenways, so the back gardens of most dwellings in Greenways gradually increase in depth towards the coast, which is to roughly south.
5. The single storey side extension and the nearby south east part of the existing 2-storey house would make way for the drive to the proposed house, which would be sited in the back garden. Thus, the present balanced appearance of the front of the existing dwelling would be disrupted, the planting at the side would be lost, and the proposed dwelling would be poorly related to Greenways. Although the proposed 2-storey house would be cut into the rising ground, it would be taller than the existing dwelling. So, due to its scale, form, bulk and siting, the proposed house would be prominent in views along Greenways, and it would look incongruous in the Greenways street scene.
  6. Due to its scale and siting, the proposed house would erode the open verdant character in the gardens and good levels of privacy that are important to the suburban character. The comings and goings of vehicles in the turning area at the front of the proposed family-sized house would also be out of keeping with the generally tranquil character in most back gardens. As the site is one of the shorter plots in Greenways, the proposed house would also look squeezed in. So, the proposal would have a built-up appearance, and the small scale of the resulting plots for the 2 dwellings would be out of keeping with the generous plots that are important to the pattern of development. Thus, the proposal would fail to emphasise the positive qualities of the local neighbourhood, and in turn, it would diminish the sympathetic setting of the National Park.
  7. There are a few other dwellings in backland locations along Greenways, including the chalets next door, but most seem to have been there for some while. Most are also on wider plots or behind 2 frontage dwellings. I have had regard to the proposed redevelopment of 74 and 76 Greenways with 2 pairs of houses. However, the plots are much longer, there would be much more space between the pair of proposed dwellings by Greenways and the pair at the back, and although full details of that scheme have not been put to me, a single drive would serve 2 well-spaced houses at the back. So, it provides little support for this damaging scheme.
  8. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy CP12 of the *Brighton & Hove City Plan Part One* (CP) which seeks to raise the standard of design and to respect the character and urban grain, CP Policy CP14 which aims to respect the character of the neighbourhood and to contribute positively to its sense of place, and the National Planning Policy Framework (Framework) which aims to always seek to secure high quality design, and to take account of the character of different areas.

#### *Privacy and outlook*

9. Within the development boundary of the village a degree of mutual overlooking between neighbouring dwellings and their gardens would reasonably be expected. However, due to the close relationship between the proposed and existing dwellings at the site, and the lie of the land, overlooking from the front facing first floor windows of the proposed house would cause an unacceptable loss of privacy to the occupiers of the existing dwelling in the rooms at the back of their home, and in their back garden. As the proposed house would be at a higher level, and it would take up much of the width of the back garden, it

would also have a harmfully overbearing and oppressive effect on the outlook of the occupiers of the existing dwelling, in the rooms at the back of their home and in their back garden.

10. Whilst the proposal would have an uncomfortable relationship with the other surrounding dwellings, due to its distance from them, and the siting of its windows, and taking account of the oblique angle of view to the nearby first floor windows at the back of the dwelling at 92 Greenways, the proposal would not cause unacceptable overlooking and loss of privacy to the occupiers of the other surrounding dwellings, either in their homes or in their back gardens. The scale and bulk of the proposed house would also be at odds with the general openness in most back gardens, but it would not be so overbearing or so oppressive that it would significantly harm their outlook. The future occupiers of the proposed house could also feel hemmed in by the existing dwelling at the site. However, because their home would be on higher ground, the existing dwelling would not unacceptably harm their outlook. Due to the layout of the proposed house and its relationship to the nearby dwellings, its future occupiers would enjoy reasonable privacy in their home and garden.
11. Thus, I consider that the proposal would harm the living conditions of the occupiers of the existing dwelling at 90 Greenways with regard to privacy and outlook. It would be contrary to Policy QD27 of the *Brighton & Hove Local Plan* (LP) which aims to not permit proposals that would cause material loss of amenity to adjacent occupiers, and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

#### *Noise and disturbance*

12. Whilst the drive would be very close to the existing dwelling at the site and its compact gardens, the occasional vehicle movements that would be associated with the proposed house would not be likely to be so noisy or so frequent that they would significantly harm the existing occupiers' living conditions in their home or in their back garden. The proposed fencing to the front and back gardens should also screen the adverse effects of headlights after dark. Thus, I consider that the proposal would not harm the living conditions of the occupiers of the existing dwelling at 90 Greenways, with regard to noise and disturbance. It would satisfy LP Policy QD27 and the Framework.

#### **Conclusions**

13. Whilst the proposal would not harm the living conditions of the occupiers of the existing dwelling, with regard to noise and disturbance, the harm that it would cause to the character and appearance of the area, and to the living conditions of the occupiers of the existing dwelling, with regard to privacy and outlook, are compelling objections to the scheme. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR

