



Appeal Decision

Site visit made on 16 May 2012

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 23 July 2012

Appeal Ref: APP/Q1445/A/12/2169952

Land between Bonheur and Rocklands, Braypool Lane, Brighton, BN1 8ZH

- 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 by Mr John Blankson against the decision of Brighton and Hove City Council.
 - The application (ref: BH2011/03121 and dated 18 October 2011) was refused by notice dated 13 December 2011.
 - The development is described as the erection of '2 semi-detached houses'.
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Decision

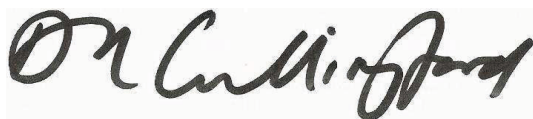
1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. Braypool Lane is an isolated remnant of ribbon development hidden behind trees above the A23 and nestling below the open down-land landscape at the edge of Brighton. The appeal site is a rectangular plot between one of the original modest bungalows (Rocklands) and a larger more recent property with rooms in the roof space (Bonheur). The proposal is to erect a pair of semi-detached 3 bedroom houses on the plot, each dwelling being about 7.2m wide and 18m deep beneath a mono-pitched roof rising to roughly 7m. The design would be innovative, with front terraces at first floor level, a side patio and façades of render, glass and timber cladding. The Council consider that the scheme would constitute overdevelopment, due to its excessive site coverage and to the scale, bulk and massing of the buildings, so harming the spacious character of these rural surroundings, dominating nearby development and impairing the amenities of neighbours, contrary to 'saved' policies QD1, QD2, QD27 and NC6. In addition, it is alleged that insufficient information has been submitted to demonstrate that noise from the A23 could be satisfactorily mitigated. Those are the issues on which this appeal turns.
3. There is no objection to the principle of development here. Nor do I discern a particular concern with the intended design *per se*. Rather, it is the configuration of the proposal on the plot and its relationship with the neighbouring dwellings that creates the problems identified. First, the structure would practically fill the width of the plot, in contrast to most dwellings here, and result in an incongruously large building both extending way back into the site and thrusting forward in front of the substantially smaller adjacent dwellings. It might well be of a similar scale and mass to the 4 bedroom house previously proposed. But permission for that project was refused. And, although the whole plot is commensurate with the prevailing pattern here, its subdivision would result in 2 relatively narrow sites the width

of which would be almost wholly filled with built façades rendered all the more extensive by the overhanging eaves. I am afraid that the perceived width and depth of the structure, together with its prominent position in front of the adjacent buildings, would create an overbearing and dominant image in the street scene. And, the relatively limited space at the side of such an extensive built form would impart a cramped impression to the scheme, all too characteristic of such overdevelopment.

4. Moreover, due to the size of the structure and its proximity to the boundary, its position to the south of Rocklands would cast a noticeable shadow over the attractive side garden of that bungalow and present a long and overbearing flank elevation directly opposite a door and window there. The proximity of the central patio within about 2m of the boundary could, all too easily, impose a sense of mutual eaves-dropping and the expanse of glazing, both at the side and to the rear, would accentuate a perception of surveillance, in spite of the opaque screens. Similar harmful effects would be evident at Bonheur. From a main window in the front elevation of that property the extensive flank elevation of the proposal would be seen to protrude 11m alongside the front garden confining the verdant prospect that might be expected there by an intrusive and substantial built structure. The higher ground would accentuate the looming presence and proximity of that structure. And, the position of the proposed patio close to the boundary and the adjacent front elevation would impinge on the peace and privacy of those nearby.
5. For all those reasons I consider that this scheme would result in a cramped form of overdevelopment that would spoil the spacious character of this semi-rural enclave and impair the privacy and prospect that neighbouring residents might reasonably expect to enjoy here, contrary to the planning policies that apply.
6. I have considered all the other matters raised. I agree that the indicated acoustic bund and fence would be likely to suitably ameliorate noise from the A23 and, although trees would be lost, replacement specimens could be required, if necessary. I appreciate that an additional dwelling would contribute to the supply of dwellings here, albeit modestly, but it remains the case that Government advice does not condone the provision of additional housing that would entail the sort of damaging consequences that I have identified. I find nothing else sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR