



# Appeal Decision

Site visit made on 1 October 2012

**by David Harmston FRICS DipTP MRTPI**

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

**Decision date: 16 October 2012**

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**Appeal Ref: APP/Q1445/A/12/2178283**

**9 Ridgeside Avenue, Brighton BN1 8WD**

- 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 R Counsell against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/00712), dated 8 March 2012, was refused by notice dated 18 May 2012.
  - The development proposed is the demolition of the existing garage and the erection of a granny annexe ancillary to the main dwelling house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The National Planning Policy Framework was published in March 2012 and I have taken it into account in determining this appeal. The policies of relevance to this appeal contained within the Brighton & Hove Local Plan (2005) are not inconsistent with the Framework. I have considered the appeal in the context of current national planning policy and, in accordance with Paragraph 214 of the Framework, I have given the relevant policies of the Local Plan full weight.

## Main Issue

3. The main issue in this appeal is that, having regard to the size, shape and location of the site, and the siting and design of the development proposed, its effects on the character and appearance of the area.

## Reasons

4. The appeal site has a substantial planning history. Most recently, in January 2012, an appeal was dismissed for the erection of a single dwelling on land within the curtilage of the host dwelling. This proposal for the erection of a granny annexe would include the demolition of the existing garage with the new building positioned towards and close to the northern site boundary. The existing property is a substantial detached dwellinghouse located in an elevated position above the road. With the steepness of the site and the position of the proposed annexe towards the head of the cul-de-sac in an area of land forming part of the front garden to the existing dwelling, excavation of the site would be undertaken to level the ground for the new building.

5. Although described as a granny annexe, the building would be a self-contained, detached, two-storey structure with an independent access, a kitchen/dining area, living room and WC on the ground floor with a bedroom and bathroom above. A parking space would be provided on the site of the demolished garage. Another new car parking space would be constructed close to the southern boundary of the plot to serve the existing dwelling.
6. To all intents and purposes the building would be perceived in the streetscene as a separate new dwelling, albeit of a smaller scale and different character to those existing nearby. I understand the intention to be for the appellant and his wife to reside in the annexe with their son remaining in the house. Most commonly a granny annexe would be in the form of an extension to an existing building with limited facilities and a physical connection between the two elements. When the annexe was no longer required the accommodation would be incorporated within the main dwelling and the whole would be used as a single dwelling. Appropriate planning conditions to ensure this happening would be imposed and paragraphs 88 and 89 of Circular 11/95 (*The Use of Conditions in Planning Permissions*) provide guidance on this issue.
7. In this case the development would effectively comprise a separate dwelling. Whilst I accept that the appellant would reside in it in the first instance, that situation would not be permanent. Notwithstanding the appellant's representations on this point, conditions imposed to control the use of the building would be very difficult to enforce in the long term and would not be appropriate in this instance having regard to the guidance in the Circular.
8. Paragraph 3.6 of the Council's Supplementary Planning Document (*Design Guide for Extensions and Alterations*) (SPD) states that detached granny annexes will only be acceptable where the scale and appearance of the building is modest in proportion to the site and a clear dependency with the main building is retained.<sup>1</sup> Taking account of the considerations above regarding the physical detachment, size and free-standing, self-contained nature of the development, and having regard to the guidance set out in the SPD concerning proportions and dependency, I shall deal with the proposal as one which should in effect, and in all practical terms, be considered as a development which is tantamount to the creation of a new dwelling.
9. Ridgeside Avenue is an attractive residential street comprising a variety of housing sizes, styles and ages. To the west of the site are two bungalows whilst to its south are two-storey houses. The scale and design of the proposed structure are accepted by the Council as being appropriate to this location bearing in mind the Inspector's conclusions in the previous appeal and the similarities between the two schemes. I agree that the design of the building adequately reflects that of the buildings present locally and on this simple point I consider the development to be acceptable.
10. Policy QD1 of the Local Plan states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Policy QD2 provides a similar approach

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<sup>1</sup> 'Dependency' is defined in the SPD as a clear sharing of facilities/links with the main building, including the sharing of kitchen and bathroom facilities and the retention of internal links.

stating that the positive qualities and local characteristics of neighbourhoods should be acknowledged. New developments should be designed to emphasise and enhance those considerations taking into account the design and scale of existing buildings, the layout of streets and the developed background or framework against which the new development would be set.

11. The site is prominently located at the head of the cul-de-sac and the new building would be readily apparent within the streetscape when viewed from the south. Because of its scale and location the new building would appear cramped and contrived in nature with the structure closely abutting its northern and western boundaries meaning that the development would sit uncomfortably and uncharacteristically in this position. Bearing in mind the generally more spacious settings to the surrounding dwellings and the fact that the building would effectively be inserted into an area of land which is visually important in separating the frontages of the opposing buildings set on either side of the road, within this prominent position within the streetscene the development would appear incongruous and as a discordant feature.
12. Whilst it would have no defined curtilage as it would be within that of the existing dwelling, the new building would nevertheless appear as an individual and separate small dwelling. In the context of its surroundings the building would materially detract from the appearance and character of the area in an unacceptable way and the development would fail to respect the positive visual qualities of the neighbourhood. The development would detract from rather than respond positively to the local character of the area and would fail to improve its overall quality.<sup>2</sup> In all these respects the development would conflict with the provisions of Policies QD1 and QD2 of the Local Plan.
13. I have taken into account and afforded appropriate weight to everything that has been submitted in support of this development including the personal circumstances of the appellant and the other developments in the locality to which my attention has been drawn. The matters referred to by the appellant in respect of the way in which the application has been handled by the Council are considerations that should be taken up with that Authority and attract no significant weight in this appeal.
14. I have also taken into account the reference made to an appeal decision for a residential annexe in Tongdean Place, Hove. Although I have read that decision I am not familiar with the full details of the proposal other than that planning permission was sought for the erection of extensions to an existing building. Based on the information made available to me, I cannot determine the extent to which the two cases are comparable. In any event each case falls to be considered on its individual planning merits and I do not attach any significant weight in favour of this appeal for reasons of precedent. Nothing outweighs my conclusions above and the reasons for them.

*David Harmston*

Inspector

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<sup>2</sup> National Planning Policy Framework – Paragraphs 58 and 64 refer

