



Appeal Decision

Site visit made on 18 January 2013

by Roger C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL

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

Decision date: 24 January 2013

Appeal Reference: APP/Q1445/D/12/2188083
58 Welbeck Avenue, Hove, East Sussex BN3 4JN

- 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 Mrs K Lewis against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/02093, dated 5 July 2012) was refused by notice dated 31 August 2012.
 - The development proposed is described in the application form as "demolition of existing redundant garage, too small for modern cars, and replacement with ancillary accommodation; new shed for two bicycles to replace existing shed".
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Decision

1. The appeal is dismissed.

Main issues

2. I have concluded that there are two main issues to be determined in this appeal. The first is whether the new outbuilding would have an unacceptable, overbearing effect on the neighbouring property. The second concerns the quality of the living accommodation that would be achieved for the appeal building itself.

Reasons

3. Welbeck Avenue is an attractive residential road in Hove, with houses in a traditional architectural idiom set back from the road in a mature streetscape. The rear gardens of properties in the vicinity of the appeal site are modest in size, however, and a number incorporate old garages which are set towards the rear of their plots, as is the case at number 58.
 4. The garden at number 58 is occupied by a garage and a small wooden shed and is hemmed in by its own buildings, the neighbour's outbuilding to the south and by fences topped with trellises. Primarily, the appeal scheme proposes to replace the existing garage and shed with a newly constructed outbuilding, "to accommodate an elderly relative". The outbuilding would provide a suite of accommodation including a "bedroom niche", separated from the main living area that would also provide room for a small dining table and food preparation point (the "tea station"). An entirely separate "access wet room" would contain a lavatory, shower and hand-basin.
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5. It is acknowledged that details of the proposed cycle parking could be dealt with by means of a suitable condition, if necessary.
6. The existing garage on the appeal site is of limited usefulness and poor quality construction, by modern standards. Its demolition, as envisaged by the appeal scheme, need not be regretted.
7. The new building would extend the footprint of the existing garage to the rear of the plot. A new monopitch roof would overhang the front of the outbuilding, facing the garden, and would enable the height of the new rear wall on the boundary to be a little lower than the flank wall of the existing garage (according to dimensions given on the drawings).
8. Nevertheless, the new wall would be significantly higher than a normal boundary fence and longer than the existing garage wall, extending for almost the whole length of the boundary of the neighbouring garden at number 60 Welbeck Avenue. The appeal site is located directly to the south of number 60 and the new building would overshadow the neighbouring garden, as well as imposing a relatively high blank wall along the length of the boundary, dominating the garden.
9. Because of the increased length of the wall along the boundary (and notwithstanding the fact that it would be lower in height than the existing garage), the proposed development would have a seriously overbearing effect on the neighbouring garden. Enjoyment of that garden would be undermined and real harm would be caused to the residential amenities of the neighbouring property.
10. Even so, the living space available within the new outbuilding would be very limited, as the submitted layout demonstrates, with provision for a single bed (against a wall), a small table and two chairs together with a single armchair. There would be almost no storage space and little room for additional items. Moreover, the outbuilding would be cut off from the main house and poorly related to it, being accessible only through the garden itself. Overall, the scheme would provide cramped and unsatisfactory accommodation for the "elderly relative".
11. National policy expressed in the 'National Planning Policy Framework' lays emphasis on the importance of good design in the broadest sense. Development Plan Policies set out in the 'Brighton & Hove Local Plan 2005' support this broad aim. The Local Plan as a whole applies to the project and the underlying intent of Policy QD14, concerning "extensions and alterations", is relevant, even though the project relates to a proposed outbuilding rather than to a physical extension to the original house. Policy QD27 lays greater emphasis on the need to protect neighbours' amenities.
12. The scheme which is the subject of this appeal would conflict with national and local policies that are aimed at achieving good design standards and protecting residential amenities, on account of the effect that the proposals would have on the neighbouring property at number 60 Welbeck Avenue and in consequence of the cramped nature of the accommodation that would be provided, poorly related to the existing house.

13. In reaching these conclusions, it has been noted that the reference to a "flue", in the Council's second reason for refusal, is wholly unfounded. The feature in question is a soil and vent pipe (marked "SVP" on the roof plan), serving the drainage system for the sanitary appliances, which would be entirely normal in a domestic situation.
14. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms. Nevertheless, I am convinced that the objections which I have identified outweigh the benefits of the project and I have concluded that the scheme before me ought not to be allowed. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR

