



Appeal Decision

Site visit made on 26 March 2013

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 29 April 2013

Appeal Ref: APP/Q1445/A/12/2186231

137 Crescent Drive South, Brighton, BN2 6SB

- 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 Reed against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00409, dated 13 February 2012, was refused by notice dated 13 September 2012.
 - The development proposed is construction of new single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the area; and (2) the living conditions of neighbouring residents, with particular reference to outlook and nuisance.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden to a two-storey dwelling fronting Crescent Drive South. It is located in a mixed residential area, which is diverse in terms of building type and design, although the majority of buildings in the immediate vicinity are single or 1½-storey. The appellant indicates that the appeal site is the only rear garden in this part of the area which has not been developed. However, although there is a stretch of developed garden land to the north of the site, this is not characteristic of the road as a whole, and the prevailing pattern is that of frontage housing.
 4. Although it would be single-storey and flat roofed, the proposed dwelling would occupy a significant proportion of the appeal site, and would be positioned close to the boundary with 136 Crescent Drive North (No.136). The proposed garden would be of sufficient size to meet the needs of future occupants of the new dwelling, but in the context of the majority of properties in the vicinity, the development would appear excessive and overly dominant in size for the plot. This would be due to its footprint and limited space around the building, which would be further reduced by planting that would emphasise the confined appearance of the dwelling on the plot.
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5. It is acknowledged that there are dwellings in the vicinity with modest rear gardens, but these generally have more compact footprints and greater space to boundaries than proposed. Although the appellant has drawn attention to other backland sites in Crescent Drive North, there is limited information provided of the circumstances of their construction and the policy framework against which the developments were assessed. As these buildings do not reflect the more spacious context of the area which prevails, I have given them limited weight in assessing the appeal proposal.
6. The principle of a modern design is supported by Policy QD1 of the Brighton & Hove Local Plan 2005 (LP), but the proposal would be of unacceptable scale. It would also conflict with the aims of LP Policies QD2 and QD3 by failing to take into account the characteristics and intensity of development appropriate to the locality and/or townscape, with regard to scale and design of existing buildings, and the layout and quality of spaces between buildings. The site is within a sustainable location, and the dwelling would be of sustainable construction, but this would not justify a development of the size proposed at the appeal site.
7. I conclude that the proposal would be detrimental to the character and appearance of the area, contrary to the aims of LP Policies QD1, QD2 and QD3. Although these policies predate the publication of the National Planning Policy Framework, they are broadly consistent with that document, and I therefore accord them appropriate weight.

Living Conditions

8. No.136 is positioned to the north of the appeal site, and is built in close proximity to the shared boundary. Aside from its rear conservatory, No.136 has a large side-facing window that is oriented towards the proposed dwelling, rather than to its garden, and at relatively close quarters. Although the proposed building would be single-storey and set into the ground, given its proximity, siting and overall depth, it would be an unacceptably overbearing structure that would dominate the outlook from No.136.
9. The proposal would appear as an overly large building relative to its plot size when viewed from the dwellings in Chalkland Rise and their rear gardens. It would also introduce a degree of nuisance to the existing frontage properties due to the proposed access and parking arrangements. Cumulatively, these factors reinforce my overall conclusions that the proposal would be harmful in its context. The adverse impact for all neighbouring residents would not be mitigated by the proposed landscaping.
10. I conclude that the proposal would be harmful to the living conditions of neighbouring residents, contrary to the aims of LP Policy QD27, which seeks to prevent development where it would cause material nuisance and loss of amenity to adjacent residents.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR