
Appeal Decision

Site visit made on 8 July 2014

by Jim Metcalf BSc DipTP MRTPI

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

Decision date: 21 July 2014

Appeal Ref: APP/Q1445/A/14/2216987

Waldegrave Court, Westfield Avenue, Saltdean, Brighton, BN2 8HW

- 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 David Rose, Homemakers of Brighton Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03810, dated 8 November 2013, was refused by notice dated 18 March 2014.
 - The development proposed is three new dwellings.
-

Procedural Matter

1. The appellant has submitted a series of amended plans with the appeal papers. These show remote garages and front gardens for the houses. However, these have not been the subject of consultations, with local residents interested in the future of the site amongst others, and I am unable therefore to consider the amended scheme as part of this appeal.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect of the development on the living conditions of residents around the site, with regard to outlook, and on the character and appearance of the area and the adequacy of the living conditions of the residents of the new houses, with regard to amenity space.

Reasons

4. The row of three houses would be built on a sloping site, closely surrounded on all sides by houses and flats in Saltdean Vale, Westfield Avenue, Stanmer Avenue and Vale Road. There are two access routes into the site, from Westfield Avenue and Vale Road. Two derelict garages would be demolished to make room for the houses. Another longer row of garages would remain, sat in front of the new houses. At present the residents of the flats, and other residents surrounding the site look out onto a somewhat unsightly and under used piece of land.
-

5. The gable walls of the new houses would be close to the site boundaries, with flats in Waldegrave Court, to the north, and bungalows, Nos 1-3 Vale Road, to the south. The houses would sit at a lower level than the Vale Road bungalows and this combined with the length of their gardens, would mean that the new houses would not be unreasonably prominent in the outlook of the existing residents. At the other end however, the rear wall of flats in Waldegrave Court would directly face the gable wall of the new houses at a distance of between 8.1m and 9.2m. In such proximity to the Waldegrave Court flats the new houses would create a sense of enclosure at the rear of the flats and appear as an overbearing feature in the outlook of residents.
6. Although the new houses would be somewhat lower than the existing flats this would not mitigate the unreasonably intrusive effect that the gable wall would have on those residents of Waldegrave Court whose flats would most directly face the new houses. Because of its position and size, the gable wall would cause a material loss of amenity to residents in Waldegrave Court, contrary to Policy QD27 of the Brighton and Hove Local Plan (LP), which amongst other things seeks to protect residents from changes that seriously affect, amongst other things, their outlook.
7. Although the appellant has explained that the garages that would remain could be refurbished as part of the scheme, with the doors placed on the other side facing the yards of the shops on Vale Road, this is not included in the appeal proposals. The new houses would directly face a somewhat dilapidated row of garages. This would be contrary to the approach set down in LP Policies QD1 and QD2 that seek to promote quality developments well related to adjoining buildings, and detract from the character and appearance of the area around the new houses. In addition the new houses would have small gardens at the rear, with the frontage forming an open shared forecourt with the row of garages. I am not satisfied that this aspect would satisfy the requirement set down in LP Policy HO5 for the provision of private useable amenity space appropriate to the scale and character of development. The living conditions of the residents of the new houses would be inadequate, with regard to their access to private amenity space.
8. Development of the site would contribute to the supply of houses in Brighton, and make good use of a dilapidated and under-used piece of land, in a sustainable location, well related to local services and public transport routes. Although these are advantages that would result from the development they are not outweighed by my concern that, as proposed, the houses would significantly detract from the living conditions of residents around the site, with regard to outlook, detract from the character and appearance of the area and provide inadequate living conditions for the residents of the new houses, contrary to well established LP Policies.

Jim Metcalf

INSPECTOR