
Appeal Decision

Site visit made on 13 January 2015

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 10 February 2015

Appeal Ref: APP/Q1445/A/14/2227288

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 & Mrs R Counsell against the decision of Brighton & Hove City Council.
 - The application Ref BN2014/00985, dated 27 March 2013, was refused by notice dated 28 July 2014.
 - The development proposed is the demolition of the existing garage and the erection of a new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the application is dated 27 March 2013, I note that the ownership certificate is dated 27 March 2014. The latter date seems correct.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; whether it would provide satisfactory living conditions for future residents in respect of private outside space; and its effect on the living conditions of neighbouring occupiers in respect of privacy.

Reasons

Character and Appearance

4. No 9 Ridgeside Avenue is a detached property of moderate size at the northern end of a row of broadly similar houses on the eastern side of the road. These properties are elevated above the carriageway and are set back from it in mature gardens. No 9 itself has a large plot relative to the others in the area, and the front garden extends across much of the turning circle at the end of the cul-de-sac. The land here is lower and there is presently a detached single garage adjacent to the western boundary of the site. The properties to the immediate west are detached bungalows in closer proximity to the road and there is generally more variety in the built form on this side.
5. The proposed development is a detached, part one and a half, part two-storey house in the front garden of No 9 facing the turning circle. The existing garage

referred to above would be removed and so some space would be created at the western boundary of the site near to the frontage. The lower part of the building adjacent to this boundary would be finished in render and have a hipped roof, while the taller section would be of a gable design constructed in brick. Overall the house would have a fairly traditional appearance in keeping with the prevailing style in the area. Whilst the gabled section would be on higher ground, the ridge would remain significantly below that of No 9 and, given the change in levels from east to west, it would not appear unreasonably tall.

6. Due to the siting of its neighbours, the new dwelling would be seen almost in isolation in distant views from the south so that it would neither dominate them nor appear cramped. Whilst it would fill the existing open frontage at the head of the turning circle, this would not look unusual in this relatively dense residential area. However, in nearer views, in which the new dwelling would be seen alongside the existing house, the constraints of its small, awkwardly shaped and sloping plot would be clearly apparent.
7. The present scheme follows three unsuccessful applications and appeals for dwellings on this site and it seeks to address the issues raised therein. Whilst the building now proposed would be further from the northern and western site boundaries, it would be sited forward of both neighbouring properties so that it would appear squeezed between them. The creation of a diagonal boundary with dense screen planting (as shown) to separate its frontage from that of No 9 would only enhance the effect.
8. Having regard to the site coverage comparison presented in the appellant's statement¹, I accept that the footprint of the building would be relatively small as a proportion of the total plot size. However, the figures mask the fact that much of the plot would consist of a long, narrow finger of steeply sloping land which would be of limited value visually or otherwise (see below). Taken at face value, the figures also show that both the dwelling and its plot would be small compared to others in the area. Whilst some interested parties point out that many small plots of land in Brighton have been used for housing, this particular plot would appear overdeveloped to the detriment of the street scene.
9. I therefore conclude that the proposed development would be significantly harmful to the character and appearance of the area. Thus it would conflict with Policies QD1 and QD2 of the Brighton and Hove Local Plan (Local Plan), which seek development which makes a positive contribution to the local environment. Whilst the proposal does seek to make efficient use of an urban site as promoted by Policy QD3, it would not respect the existing characteristics of the area.

Living Conditions of Future Residents

10. Policy HO5 of the Local Plan requires the provision of private useable amenity space appropriate to the scale and character of the development proposed. It suggests no specific standards, but the supporting text does state that the space in both front and back gardens should be taken into account.

¹ Grounds of Appeal, page 21.

11. Whilst I have found above that the size of the plot would be small compared to others in the area, the garden to building ratio would be high and so the total amount of outside space would be appropriate to the size of dwelling proposed. There is no suggestion that the dwelling would be undersized from the perspective of providing satisfactory living conditions.
12. In respect of whether the garden space would be useable, I have indicated that the strip which would extend along the rear boundary of the site to the east would not by virtue of its steepness and limited width. This area would comprise a significant proportion of the total garden space. However, the dwelling would also be provided with level areas of a reasonable size to its immediate rear, front and side. The north-facing patio would be quite dark and enclosed, but the front and side areas would receive sunlight for much of the afternoon. If a planted screen were to be provided on the eastern boundary with No 9, the space to the side of the house would be quite private.
13. Overall, I consider that the quality of the garden space available to future residents of the dwelling would be somewhat compromised by the topography of the site and by the position of the building on the plot. However, having regard to the wording of Policy HO5, this matter in isolation would not be so serious as to warrant the dismissal of the appeal. In reaching this view, I have also taken account of an appeal decision referred to by the appellant in which the Inspector argued that any future occupant would be free to decide whether the particular garden on offer would be sufficient for their needs². I agree with this point in principle, and the relatively small areas of outdoor space proposed in this case may well suit some people.
14. Consequently, I conclude that the proposed development would provide satisfactory living conditions for future residents in respect of private outside space. It would not conflict with the provisions of Local Plan Policy HO5.

Living Conditions of Neighbouring Occupiers

15. The first floor master bedroom window of the proposed dwelling would be approximately 3.5m from the rear boundary of the site, which is shared with No 4 Grangeways to the north. This room would be in the taller part of the property and the window would look directly into the rear garden of the adjoining house. Whilst the garden is quite large, play equipment has been installed at the end, which suggests that it is well used for its entire length.
16. Moreover, it would also be possible to look from the new bedroom window straight into the ground floor dining area and first floor bedroom at the rear of No 4. The effect of this potential overlooking is presently enhanced by a total absence of boundary planting but, given the lie of the land, any proposed mitigation would need to be extremely tall to be successful. I am doubtful that this could be achieved. I acknowledge that both No 7 and No 9 Ridgeside Avenue do have high level windows which face towards No 4 Grangeways, but the relationship of these windows to the latter property is quite different in terms of both angle and distance.
17. I therefore conclude that the proposed development would have an unacceptably detrimental effect upon the living conditions of existing neighbouring occupiers in respect of privacy. As such it would be contrary to

² Ref APP/Q1445/A/08/2086789.

Policy QD27 of the Local Plan which seeks to protect adjacent residents from material nuisance and loss of amenity.

Other Matters

18. In reaching my decision, I have taken account of the support for the scheme expressed by some interested parties. The development would provide an additional home in an accessible location and it could provide accommodation appropriate for the existing occupants of No 9 or others seeking smaller premises. However, notwithstanding the appellant's suggestion that the Council cannot demonstrate the housing land supply required by the National Planning Policy Framework (paragraph 47), this benefit does not outweigh the harm I have found.
19. I have also had regard to the concerns raised by other interested parties in relation to parking and loss of green space for wildlife. However, given my findings in relation to the first and third main issues of the appeal, my decision does not turn on these matters.

Conclusion

20. I have found for the appellant in respect of the effect of the development upon the living conditions of future occupiers. However, this is not sufficient to outweigh the harm it would cause to both the character and appearance of the area and the living conditions of existing neighbouring residents. Consequently I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR