

Appeal Decision

Site visit made on 24 May 2016

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 24 June 2016

Appeal Ref: APP/Q1445/W/16/3144767

Gladstone Court, Hartington Road, Brighton, Brighton & Hove BN2 3NA

- 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 Lincoln Holland JV Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02709, dated 23 July 2015, was refused by notice dated 13 January 2016.
 - The development proposed is a two storey side extension to provide five self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware that the Brighton and Hove City Plan Part One has been adopted since the appeal was submitted. The policy referred to in the Council's decision notice has been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

3. The main issue in this case is the effect upon the living conditions of the future occupiers, particularly in respect of outlook and living standards.

Reasons

4. The proposal seeks five 1 bedroom units laid out over 2 levels sited at an elevated position over existing parking bays. The proposed units would be set off the side boundary by around the same width as the vehicular access which leads to the parking bays. Although I note the bedrooms would have secondary high level outlook to a roof void area, the living rooms and bedrooms would be single aspect with openings facing towards the rear gardens of 1 to 9 Shanklin Road and 31 Hartington Road.
 5. The rear gardens of the adjacent dwellings are sited at an elevated level to that of the access and parking courtyard of Gladstone Court. A retaining wall with fence to the top dominates the side boundary of Gladstone Court. I observed on site that some of the rear boundaries of dwellings fronting Shanklin Road are planted with trees and shrubs which overhang the parking courtyard.
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- Planting along the base of the retaining wall has spread over much of the wall and fences.
6. Fully glazed double doors would provide outlook from the living rooms directly on to the retaining wall and fences which would be in close proximity to the living rooms. The boundary, including the vegetation in the neighbouring occupier's gardens, would dominate the outlook from the living rooms and would, in my opinion, result in the occupier experiencing the feeling of being hemmed in as a result of the limited separation between the tall boundary and this living space.
 7. In addition to the above, the fully glazed double doors would provide outlook for the bedrooms, however this outlook would be on to a tall obscure glazed screen. Whilst I acknowledge the screen is an intended design feature to prevent overlooking of the gardens of the adjoining properties, it, by design, limits outlook from the bedrooms other than toward the sky. Although the bedrooms would not be prevented from having natural light taking also into account the secondary high level windows, the bedrooms would nonetheless be almost completely enclosed and have no outlook toward the surrounding environment. As a result, the proposed development would create a claustrophobic living space for future occupiers.
 8. To conclude, I do not consider the future occupiers would be afforded reasonable outlook from the proposed units and, as a result, the standard of living accommodation achieved would be poor. Whilst the appellant may consider the acceptability of the standard of living accommodation to be a matter of future occupiers to decide, this does not justify or make it acceptable to design and create poor living environments.
 9. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide five additional homes within the urban area in a sustainable location. Whilst the proposal would contribute five dwellings to the City's overall housing supply, this benefit would not outweigh the harm identified above.
 10. For these reasons, I conclude that the proposed development would not achieve a satisfactory level of outlook and living standards and would be harmful to the living conditions of future occupiers. The proposed development conflicts with policy QD27 of the Brighton and Hove Local Plan 2005 which seeks to protect against the loss of amenity to occupiers, amongst other matters.

Conclusions

11. For the reasons given above, and having regard to comments made by local residents and all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR