

Appeal Decision

Site visit made on 5 January 2016

by David Walker MA MRTPI

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

Decision date: 01 February 2016

Appeal Ref: APP/Q1445/W/15/3134461
10 Canfield Road, Brighton, Brighton & Hove BN2 4DN

- 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 John Sear, Home & Coastal Developments Ltd, against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01047, dated 23 March 2015, was refused by notice dated 29 July 2015.
 - The development proposed is a detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on, i) the character and appearance of the area, and ii) the living conditions of the occupants of 10 Canfield Road having regard to scale and proximity.

Reasons

3. The proposal is a revised scheme following the Council's refusal of an earlier scheme. I have not been provided with details of that scheme to draw any comparisons and have in any event determined the appeal on its merits.

Character and Appearance

4. Canfield Road, and Crayford Road that leads off it, are residential streets in short terraces of two storey houses with a generally consistent design. The proposal would occupy the site of two garages located behind No 10 Canfield Road and adjacent to No 1 Crayford Road, partially filling the gap between the existing terraces with a new dwelling.
 5. Whereas the existing houses of the two streets are elevated above the footway by some height to address the sloping topography of the area, the proposed dwelling would be at the ground level of the existing garages. The relative variation in levels has facilitated a three storey design that would be below the roof height of No 1. It would also broadly occupy the footprint of the garages thereby projecting forwards of the consistent building line presented by the terraces of Crayford Road.
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6. While I acknowledge that there is some variation in the appearance of the houses of Crayford Road, as a result of improvements over time, there is uniformity in scale and design and this is a determining characteristic of the street. In this context of consistent house designs the proposal would introduce an atypical three storey detached house sited forwards in its plot. It would, moreover, feature little in the way of the common architectural details of the street such as in the use of double bay windows with hanging tiles.
7. The appellant points to the desirability of replacing the existing garages with a building of modern design and interest. I have some sympathy with this approach but find the resulting building to be wholly at odds in its configuration, appearance, and siting with the prevailing character of the existing development of the area. The use of generally similar finishing materials to the existing houses would go some way to assimilating the proposal into its setting, but there would remain large expanses of rendered masonry and a half dormer window that would appear out of place.
8. In this regard I find the proposal would not accord with the Council's policies for achieving good design set out within the Brighton & Hove Local Plan (the Local Plan) at Policies QD1, QD2 and QD3. Although the Local Plan is an aged document it remains the development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004. The emerging Brighton & Hove City Plan Part One (submission document) does not reduce the weight to be attached to these Local Plan policies at this time.
9. To the extent that the Local Plan policies are consistent with Section 7 of the National Planning Policy Framework (the Framework) they remain capable of carrying significant weight. And, while paragraph 58 of the Framework seeks to optimise the potential of sites to accommodate development, this is to be balanced against other design objectives including the need to respond to local character and reflect the identity of local surroundings and materials.
10. The Council acknowledges that it cannot demonstrate a five-year supply of suitable housing sites, but the harm to character and appearance that I have identified would be environmental harm under the dimensions of sustainable development set out at paragraph 7 of the Framework. In this respect, I find the environmental harm would significantly and demonstrably outweigh the limited benefits that would be delivered by an additional dwelling for the purposes of the presumption in favour of sustainable development at paragraph 14 of the Framework.
11. In this issue, therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the area and as a result would conflict with the requirements of design Policies QD1, QD2 and QD3 of the Local Plan.

Living Conditions

12. Although there were no objections to the planning application from neighbours I am mindful that Policy QD27 of the Local Plan seeks to ensure suitable levels of amenity for the future occupants of buildings. Although the Local Plan pre-dates the publication of the Framework by some years, paragraph 17 of the Framework contains a specific policy to 'always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings'.

13. Due to the absence of windows directly overlooking the neighbouring properties I am satisfied that no unacceptable loss of privacy would occur. I also agree with the appellant that the siting and aspect of the proposal is unlikely to reduce to a harmful effect the amount of sunlight available to the garden of No 10. However, the proposal would be positioned close to the rear wall and projecting ground floor extension of No 10 and this proximity, combined with the overall height and elevated position of the new dwelling, would create an overbearing effect on the occupants of No 10 with a corresponding loss of outlook.
14. Such a reduction in the living conditions available to the occupants of No 10, as would be harmful, would conflict with Policy QD27 of the Local Plan and paragraph 17 of the Framework. In the circumstances, the proposal would not amount to sustainable development for the purposes of the presumption in favour of sustainable development at paragraph 14 of the Framework.

Conclusion

15. For the reasons given above, and having regard to all matters raised including the previously developed status of the land, the accessibility of the proposal and the energy and water saving measures employed, I conclude the appeal should be dismissed.

David Walker

INSPECTOR

