



Appeal Decision

Site visit made on 15 August 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 8th September 2017

Appeal Ref: APP/Q1445/W/17/3174854
161 Elm Drive, Hove, East Sussex BN3 7JA

- 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 Ms Thalia Liebig against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05889, received by the Council on 27 October 2016, was refused by notice dated 15 March 2017.
 - The development proposed is the erection of one 2 bedroom dwelling (C3) incorporating new access crossover on land rear of 161 Elm Drive.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The rear garden of 161 Elm Drive lies adjacent to Laburnum Avenue. The garden is long, and this is representative of the row of houses along Elm Drive at this point, and also appears to be replicated opposite the appeal site. The length of the rear gardens creates a welcome sense of space in an otherwise built up area. This is contributed to by the single storey bungalow to the rear of the properties as it is sited slightly lower, and is served by mature vegetation. The result is a significant break in substantial built form, contributing positively to the character of the area, before the development recommences in a rather sporadic manner along Laburnum Avenue.
4. The proposal would require the subdivision of the rear garden of No 161, and the dwelling would occupy a significant part of the subsequent plot. It would be sited in a relatively central position within the plot, surrounded on all sides by a small strip of amenity space. The modest size of the plot, taken with the relatively central positioning of the dwelling, would result in a house that would appear cramped and essentially squeezed into the space, rather than sitting comfortably as part of the surrounding area. The result would be an awkward and incongruous development.
5. The subdivision of No 161 would significantly reduce the area associated with the host property. I accept that the area would remain suitable in terms of

functional amenity space. However it would visually be a stark contrast to the neighbouring gardens. The proposal would significantly erode the valuable sense of openness that the garden currently enhances within this area. The built form would be seen in close proximity to No 161, and this would diminish the visual gap and the break in built form that the site currently contributes to. This subdivision and the additional dwelling would, in my view, be a visual overdevelopment of the site to the detriment of the character and appearance of the area.

6. I have been referred to a number of sites that the appellant considers comparable to the appeal scheme. The adjacent bungalow is situated to provide space around it in a similar style. However it is a far more generous plot and the area to the front and rear is quite substantial, which allows the bungalow to sit comfortably within the space. I do not consider the proposal to respond to its surroundings in the same way and is materially different.
7. I accept that there are developments in the area which have comparable amenity space overall. However, I am concerned that the subdivision of the garden as proposed would not actually achieve a layout of the site that would allow the dwelling to physically sit comfortably within its surroundings. As a result it would detract from the pleasant character of the site as it is currently set out. The presence in the area of dwellings which provide a limited amount of amenity space does not, in my view, justify further development which would detract from the character and appearance of the area. In any event I have determined this appeal on the merits of the proposal before me.
8. I note that the appellant has amended the scheme to address the concerns of the council with regards to elements of the design of the proposal; furthermore the materials would match those of No 161. These factors weigh in favour of the proposal. However, I do not consider them to attract a level of weight that would overcome the harm that I have found to the character and appearance of the area with regards to what would be, in my mind, an overdevelopment of the site.
9. As such, I find that the proposal would appear as a cramped, overdevelopment of the rear garden of No 161. It would not take into account the characteristics of the surrounding area and would therefore conflict with the design principles of Policy CP12 of the Brighton and Hove City Plan Part One (2016).

Conclusion

10. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR