



Appeal Decision

Site visit made on 17 April 2018

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2018

Appeal Ref: APP/Q1445/W/17/3190747

Land rear of 87 & 89 Cowley Drive, Woodingdean, Brighton

- 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 Darren Barnett against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/01970 dated 8 June 2017 was refused by notice dated 21 August 2017.
 - The development proposed is demolition of existing detached garage and erection of 1 No. two bedroom dwelling (C3) fronting Donnington Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As it is more precise, I have followed the description of development given by the Council in its decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect on the living conditions of adjoining occupiers with respect to outlook.

Reasons

Character and Appearance

4. The appeal site is part of the garden area of No. 87 Cowley Road, a corner plot, and of the rear garden of No. 89 Cowley Road. It is currently occupied by a single garage, with a crossover, and the land slopes down to meet the pavement on its Donnington Road frontage.
 5. Dwellings in the vicinity in Cowley Road are modest houses set in stepped terraces, while Donnington Road contains detached and semi-detached houses, bungalows and chalets. However, the character overall is a green and suburban one, created by the ratio of buildings to open space, with generous gardens to front and rear, supplemented by the presence of grassed verges and street trees.
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6. The appeal proposal is to subdivide the gardens of Nos. 87 and 89 Cowley Road to create a chalet bungalow with a frontage to Donnington Road, set behind a front garden and parking area, and with a small garden to the rear. The site level would be reduced to bring it closer to the pavement level on Donnington Road.
7. The appeal dwelling would occupy much of the width of its plot, and would be relatively close to the adjacent property at No. 49 Donnington Road. Notwithstanding the removal of a small, single storey rear extension at No. 87 to form a small garden area, it would be relatively close to that dwelling too, and in a location where a rear garden might be expected. Although such close spacing between houses along the frontage is not unusual in the area, it is normally accompanied by the relatively large rear gardens which therefore retain a sense of spaciousness. In this case the rear garden would be very small, and the development would therefore appear cramped and incongruous in this context, and would be harmfully out of character with the area around it.
8. The appellant has suggested that the removal of the extension to No. 87 would remedy a cluttered and piecemeal appearance from Donnington Road, however, at the time of my visit this structure was concealed behind a high fence and planting, and there was no significant effect on the street scene.
9. The proposed dwelling would have a rear dormer which would run most of the width of the rear roof slope, would be flat fronted and would have a roof form incorporating three small hips. While there are some other large dormers in the vicinity, due to the size of this feature in relation to the roof slope as a whole, and its unusual design, it would appear as a dominant element in the area, which would be visible from houses and gardens in the vicinity. There would therefore be a further element of harm arising from this.
10. Consequently the development would conflict with policy CP12 of the Brighton and Hove City Plan Part One, 2016, which expects all new development to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Living Conditions

11. The development would introduce a built form of one storey plus a high pitched roof and large dormer which would overlap a significant proportion of the rear garden of No. 89 on its southern boundary. Notwithstanding the reduction in site level, most of the roof storey would rise above the boundary fence. It would as a result be overbearing in the outlook from the rear of No. 89 and its garden, and would therefore harm the living conditions of occupiers of that house.
12. The development would not include any ground floor windows on the side of No. 87 facing the new dwelling, but the new dwelling would be very close to the boundary with the small retained garden area on that side of No. 87, and would be a very dominant element in views from it. This would also be harmful.
13. The development would therefore conflict with policy QD27 of the Brighton and Hove Local Plan 2005 (the LP), which seeks to resist development which would cause material loss of amenity to existing and/or adjacent residents.

14. The Council has referred in its decision to policy HO5 of the LP, which seeks to ensure that residential development provides private useable amenity space. As, however, a small rear garden is to be provided to the appeal dwelling, and as there is no dispute between the parties that the provision would be adequate in this respect, I find that there is no conflict with this policy.

Other Matters

15. The site was the subject of an application and appeal for a similar form of development in 2016 (Ref: APP/Q1445/W/16/3142706). I have had regard to the findings of the Inspector in that case, and find that I do not disagree with his conclusions on the main issues in this appeal, which I have, in any case, determined on its own merits.

Conclusion

16. For the reasons given above therefore, and notwithstanding my conclusions against policy HO5 of the LP, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR

