



Appeal Decision

Site visit made on 12 May 2010

by **Victor Crumley** DipTP DMS MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
28 May 2010

Appeal Ref: APP/Q1445/A/09/2119238

1 Warmdene Way, Patcham, Brighton, East Sussex BN1 8NW

- 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 Robert Walters against the decision of Brighton and Hove City Council.
- The application Ref BH2009/01718, dated 17 August 2009, was refused by notice dated 12 November 2009.
- The development proposed is construction of new bungalow.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this appeal to be:
 - a) the effect of the proposal upon the living conditions of the occupiers of the host property at No. 1 Warmdene Way;
 - b) the effect upon the character and appearance of the street scene in the immediate surroundings of the appeal site.

Reasons

3. The appeal site is the side garden of an existing bungalow at No 1 Warmdene Way, currently comprising a garage and forecourt. The garage would be demolished to make way for the new bungalow. Planning permission for a small bungalow on the site was approved under Ref. BH2008/03475. By comparison with the approved bungalow, the current proposal would have gables instead of a hipped roof, would be 0.6m higher and 1m wider, leaving a gap of 0.8m to the boundary with the host property instead of 1.6m, and a minimum wall-to-wall distance of 1.6m, by comparison with the 3m wall-to-wall distance approved. The new higher ridge would be about 8.0m long, by comparison with the 1m length of the lower ridge of the approved hipped-roof bungalow.

Living conditions

4. In my view the standard of outlook from the host bungalow after construction of the approved bungalow would be modest. The appeal proposal would result in a higher ridge over a significantly greater length, and the property would appear to be set noticeably closer to the host property. The larger and bulkier structure proposed would be emphasised by the position of the new bungalow

set forward of the host property, and by the effect of the gabled roof proposed on the appearance of the front of the new bungalow. It would also have a greater adverse effect on the side windows of No. 1, notwithstanding the presence of alternative windows to these rooms. I consider that the proposal would have an unacceptable adverse overbearing effect on the host property, and I conclude that this would harm the standard of outlook available to residents, contrary to Policies QD27 and HO4 of the Brighton and Hove Local Plan.

Character and appearance

5. Warmdene Way is particularly narrow, and the group of properties at its end are set close together. The bungalow now proposed would lie noticeably closer to No. 1 than that approved, and its greater height and bulk would in my view create a greater sense of enclosure, resulting in a cramped and over-developed appearance. This would be emphasised by the intention to locate parking spaces for No.1 on land immediately west of the appeal site and north of the access lane. I consider that this would have an unacceptable adverse effect on the appearance of this already closely developed area. I therefore conclude that the proposal would harm the character and appearance of the street scene, contrary to Local Plan Policies QD1, QD2, QD3 and HO4.

Other matters

6. I have taken account of the concerns of neighbours about the effect of the additional traffic generated by the proposal. However, no additional parking spaces were proposed, and in my view the bungalow now proposed would generate no more traffic than that already approved. While I accept that building activity would present temporary difficulties of managing traffic, I cannot agree that the proposal would result in lasting additional traffic consequences sufficient to harm road safety or standards of amenity in the area. This does not, however, outweigh the main conclusions that I have reached.

Victor Crumley

INSPECTOR