



# Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

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

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**Decision date:**  
**24 November 2008**

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## Appeal Ref: APP/Q1445/A/08/2078824

### 17 Holton Hill, Brighton, East Sussex BN2 6RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Simmonds against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03410, dated 16 July 2007, was refused by notice dated 24 December 2007.
- The development proposed is the erection of a pair of semi-detached houses.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. This is an outline application with all matters reserved for later approval, although it is accompanied by an illustrative block plan and front elevation. From information in the Grounds of Appeal and the Design and Access Statement, I have no doubt that these drawings give a good impression of what it proposed, for the siting, size and height of the proposed houses.

### Main issues

3. The main issues in this case are:
  - i. the effect of the proposed houses on the character and appearance of the area, and living conditions for people at 11 and 13 Dudwell Road; and
  - ii. whether there would be enough garden space for people living in the proposed houses.

### Reasons

#### Character and appearance

4. The appeal site is the side garden of No 17, and includes an area occupied by a side extension to the house which would be demolished. It lies on a corner, in a steeply sloping residential area. I saw on my visit that, as a result, it is prominent and its openness and attractive planting contribute significantly to the character and appearance of the area. This is particularly so as it combines with a similar open side garden to 13 Dudwell Road to the rear, and with an open area between houses fronting Connell Drive, to give the area an open character and appearance. This in turn allows distant views of the South Downs.

5. The proposed houses would largely fill the site and I have no doubt that in doing so they would materially reduce the openness of the wider area which I have described. They would, therefore, materially harm a significant feature of the character and appearance of the area. Because of the steeply sloping nature of the area, they would also be particularly dominant when seen from the lower section of Connell Drive. I conclude on this part of the issue, therefore, that the proposed houses would harm the character and appearance of the area, contrary to policies in the Brighton & Hove Local Plan 2005 which seek to protect such matters.

#### Living conditions

6. The illustrative block plan shows the proposed houses to be within about 3m of the site's boundary with 13 Dudwell Road and about 6m of the boundary with No 11. I note the appellants' comments about the distance between the houses themselves. However, from what I saw on my visit, at these distances I have no doubt that the proposal would lead to an unacceptable level of overlooking of the gardens of Nos 11 and 13 from rear facing first floor windows of the proposed houses. I have no doubt, either, that the house furthest from No 17 would be unacceptably overbearing when seen from the extensive side garden of 13 Dudwell Road.
7. I conclude on this part of the issue that the proposal would materially harm the living conditions of people at 11 and 13 Dudwell Road, contrary to policies in the Local Plan.

#### Garden space.

8. It does not appear that the Local Plan contains standards for garden space. However, I agree with the Council that the provision in this case is very limited and that its usefulness would be further restricted by the sloping nature of parts of the site. Whilst this may not be enough in itself to justify dismissing the appeal, it reinforces my conclusion that this proposal is unacceptable.

#### **Conclusions**

9. I acknowledge the Council's concern to promote energy efficiency and I note the provisions of policy SU2 of the Local Plan in this respect. Since this is an outline application it may be that this could have been resolved through conditions. However, this does not alter my conclusions on the main issues which have led to my decision to dismiss this appeal.

*David Asher*

INSPECTOR

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