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# Appeal Decision

Site visit made on 5 May 2015

**by S J Papworth DipArch(Glos) RIBA**

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

**Decision date: 15 June 2015**

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**Appeal Ref: APP/Q1445/W/15/3004909**  
**46 St Andrews Road, Portslade, Brighton BN41 1DE**

- 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 Park Avenue Estates Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/03908, dated 20 November 2014, was refused by notice dated 15 January 2015.
  - The development proposed is removal of existing extensions and creation of lightwell and raised patio to ground floor flat. Demolition of existing garage and erection of single storey dwelling.
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## Decision

1. I dismiss the appeal.

## Main Issues

2. These are;
  - The effect of the proposed development on the character and appearance of the St Andrews Road and Norway Street area of Portslade.
  - The effect of the development on the living conditions of neighbouring residential occupiers.

## Reasons

### *Generally*

3. The site is within the built-up area, close to shops, transport and other services and the proposed development would make more efficient use of land. The principle of new housing in this location is accepted, subject to the effects, as was the case for a previous appeal in 2007. In addition the Council is unable to demonstrate a five year supply of identified and available housing land, as set out in the committee report.
4. Paragraphs 49 and 14 of the National Planning Policy Framework set out the presumption in favour of sustainable development; permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole. The Development Plan contains Policies QD1, QD2 and QD3 on design, and Policies QD14 and QD27 on both design and the effect on neighbours, all matters that are contained within the aims of paragraph 56 of

the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These Local Plan policies should not therefore be considered out-of date by reason of the housing supply situation.

### *Character and Appearance*

5. The general arrangement of development along St Andrews Road is of regular terraces or pairs of two-storey houses with similar roof heights and distinctive gable features facing the road. Number 46 has a significant length of frontage onto Norway Street and the terrace further north along that road is lower and has a plainer roof arrangement. There are however some unattractive aspects of this return frontage, including a garage and lean-to additions that would be replaced by the proposed development.
6. The 2007 appeal Inspector found a proposal for a two story detached dwelling on the site of the garage to have an unsatisfactory relationship with nearby buildings through its lack of alignment of roof levels, and the reduction in openness. In view of the presence of the garage this latter point is taken to result from the two-storey height with pitched roof arrangement then proposed. The proposal now is for a single storey dwelling, of no greater height than the present garage, and occupying the plan form of the garage plus a similar area nearer the rear of number 46. The removal of the lean-to would however reinstate a similar length of open frontage.
7. The effect is to place the open space nearer number 46 and to introduce a wider building close to 79 Norway Street, which would appear poorly related to that terrace, whilst being visually divorced from number 46, an impression that would be accentuated by the separate curtilage for the new dwelling. The new low, blocky building would appear out of place and disruptive to the regular lines of the terrace on Norway Street, failing to mediate successfully between the design and massing of the two existing adjacent buildings, harming appreciation of both buildings and the wider streetscene.
8. The proposed development, taking account of the removals and improvements, would fail to accord with the aims of Policies QD1 and QD2 on the scale and height of development, and QD14 on siting relative to the existing building and surrounding development. The overall layout and design does not reach the standard sought in paragraph 56 of the Framework.

### *Living Conditions*

9. Due to this being a corner plot, the dwellings that may be affected by the development are number 79 Norway Street, 48 St Andrews Road and the ground floor flat of number 46. The first already has the garage adjacent to it and itself has a blank wall alongside the alleyway that lies between. The part of the proposed dwelling nearest to this property would be little different in its effect and would accord with the aims of Policy QD27 on residential amenity.
10. The neighbouring dwelling on St Andrews Road, number 48, presently has the rear wall of the garage on its mutual boundary together with the wall of one of the lean-to additions that is to be removed, and a boundary wall of varied height. It appears that a previous scheme placed the higher rear wall of part of the new dwelling on the boundary also, resulting in a raising of the height of

part of the present boundary treatment. The proposal now is that this part would be placed nearer Norway Street leaving a 1m gap between it and the existing boundary wall. Drawing TA810/12c shows the reduction in the height of this boundary wall where the lean-to is removed and cross-section TA810/14c shows the effect of the forward placement. It is concluded that the effect of redevelopment would be broadly neutral in terms of daylight and sunlight, and would not appear more obtrusive than at present. The requirements of Policy QD27 would be met.

11. The occupiers of number 48 are of the view that the development would invade their privacy but the new dwelling would have no windows overlooking the garden of number 48. They also mention the presence of the party wall, a matter that would need to be considered under The Party Wall Act. Their reference to property rights could be considered to engage the European Convention on Human Rights, but in this case, having mind to the conclusions in this Decision, there is no need to consider this further now. There is no official backing for their concern over parking.
12. Turning to consider the ground floor flat at number 46, this would benefit from improvements in internal layout and the replacement of the poor quality lean-to parts and no windows would be placed in the new north facing wall other than to a bathroom. On balance, the benefits are such that no harm would be caused to the living conditions of the occupiers.

### **Planning Balance and Conclusions**

13. The proposal would not cause harm to the living conditions of neighbouring residential occupiers and would make better use of land in an accessible and sustainable location. The provision of a new dwelling in an area where there is a shortfall of housing provision and where the Council cannot show a five year supply of housing land carries significant weight. There is also benefit in the removal of the dilapidated garage and unattractive additions to the rear of the main building, and the accommodation in the main building would be improved.
14. However, to be balanced against these benefits is the substantial visual harm that the low, flat roofed building would cause, failing to respond appropriately to the context of the site and surrounding buildings and introducing new shortcomings in the presentation of the site in this highly visible corner location. Whilst the principle of additional accommodation on the overall site is accepted, the method now proposed would cause substantial visual harm in public views so that the adverse effects would significantly and demonstrably outweigh the benefits. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR

