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## Appeal Decision

Site visit made on 14 January 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> January 2026

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**Appeal Ref: APP/Q1445/W/25/3374548**

**32 Wilmington Way, Brighton, Brighton & Hove BN1 8JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Bleri Sinani against the decision of Brighton & Hove City Council.
  - The application Ref is BH2024/03140.
  - The development proposed is described as 'demolition of existing garage and redevelopment of the site to provide one bedroom Chalet bungalow house'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Representations have been made regarding the quality of the plans. These are simplistic, do not include sectional drawings or show existing or proposed levels. However, together with my site visit, I am satisfied that I have sufficient information to proceed with determining this appeal.
3. While the extent of the proposed plot subdivision is shown in blue rather than red on the block plan<sup>1</sup>, I am satisfied that the intent is sufficiently clear. I proceed on that basis.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposal would provide appropriate living conditions for existing neighbours, having particular regard to outlook, and for future occupiers, with particular regard to outlook and outdoor space.

### Reasons

#### *Character and appearance*

5. Occupying a corner position, 32 Wilmington Way (No. 32) comprises a two-storey detached dwelling. Its plot tapers and extends back along Mayfield Crescent where land levels rise gently to the south and fall away to the west within the plot. Beyond the rear elevation along Mayfield Crescent, the plot is defined by timber privacy fencing. The dwelling benefits from a single storey rear addition and a detached garage which sits at the northern end of its rear garden. The garage is a

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<sup>1</sup> Ref: TQRQM24362204124072

low-lying structure, of modest size with a slack pitched roof. Sitting forward of the adjacent bungalow, its main entrance door faces the road. Whilst there is currently no gate, a dropped curb is evident, indicating that access to the garage has previously been obtainable from the road.

6. The area typically boasts two storey semi-detached and detached dwellings of similar designs, that enjoy similar set back distances from the road, and regular spacing between dwellings. These are set behind tree lined grass verges with relatively generous and uniformed plot sizes. One notable exception to the character, is the bungalow immediately adjacent to the garage at 37 Mayfield Crescent (No. 37) which occupies a more constrained plot. Despite this, these aforementioned features combine to exhibit a suburban character and appearance.
7. A new dwelling within the rear garden of the appeal property would significantly depart from the ordered plot structure of the area, changing the hierarchy of a domestically scaled building to a one-and-a-half storey dwelling. The proposal would significantly increase upon the footprint of the demolished garage, compete with its surroundings and go against the grain of the area. This enlargement within what would be a confined plot, together with its increased height and massing would be considerably bulkier than the existing garage, protruding above the fenceline of the plot. Due to its position forward of the consistent building line along this side of Mayfield Crescent, it would be highly prominent.
8. Furthermore, its location immediately adjacent to the neighbouring bungalow, coupled with the reduced distance to the extended host dwelling and resultant plots sizes, would give rise to a cramped, contrived appearance that would be incongruous and erode the spacious character and appearance of the area. This would be exacerbated by the dwellings poor design, which includes featureless elevations that fail to articulate, or pay due regard to the local context.
9. Although I acknowledge there are some more compact plots sizes in the area, including those adjacent at No.30 Wilmington Way and No. 37, both of these are significantly smaller than is typical for this area, representing an anomaly to the prevailing character and appearance. Therefore, the appeal would not be in keeping with the general pattern of development of the area, and the spaciousness that results from the more generous plots that characterise it. My attention has also been drawn to two other addresses, albeit no detail has been provided such that these do not alter my findings.
10. For all of these reasons, I find that the effect of the proposal on the character and appearance of the area would be demonstrably harmful. It would fail to have an appropriate housing density for the character of the area in conflict with Policy CP14 of the City Plan Part One (CPPO). Furthermore, it would not provide for a high standard of design or contribute positively to the sense of place which this policy also expects, nor would it adequately consider local context or respond positively to urban grain, contrary to Policy DM18 of the City Plan Part Two (CPPT).

#### *Living conditions*

11. The overarching aim of CPPT Policy DM1, is to provide a choice of high-quality homes that contribute to the creation of mixed, balanced, inclusive and sustainable communities. Amongst other things it expects residential development to provide

useable private outdoor amenity space appropriate to the scale and character of the development.

12. The protection of living conditions of residents from adverse effects is the objective of CPPT Policy DM20. Applicants are expected to consider the effects of their proposal upon visual privacy, overlooking, outlook, overshadowing, sunlight and daylight.

#### *Existing neighbours*

13. The plans show the proposed dwelling would be sited immediately adjacent to the boundary of the bungalow at No.37. The dwellings would therefore run parallel with their northern gables broadly aligning. According to the Council, the distance between the dwellings would be around 1 metre, which has not been disputed.
14. There are no windows in the part of No. 37 that bounds and fronts the appeal site. However, existing neighbours enjoying their garden would likely feel an uncomfortable sense of oppression from the blank gable of the dwelling looming in such close proximity. This would have an overbearing effect that would be accentuated by the sloping nature of the land.
15. For the same reasons, the proposal would have an oppressive effect on the host property at No.32. The reduced rear garden size of the host dwelling together with the rising land levels would mean that the dwelling would appear dominant from its dwelling windows and garden. In terms of its size, I am cognisant that not all families require large gardens. The remaining outdoor area would still allow for sitting out and practicalities such as drying laundry. As such, I find that the space would just about be sufficient to meet the usability needs of the residents.

#### *Future occupiers*

16. Aside from a small utility, the proposed ground floor layout would be largely open plan. This would be served by just one window facing east and an entrance door which the appellant asserts would be glazed, within close proximity to a timber fence. This fence is shown to exceed the height of the window such that it would not be visible from the street. Consequently, the outlook for occupants would be poor and oppressive, and the fence would restrict the levels of natural light from penetrating the building. This would provide a poor standard of accommodation for future occupiers.

#### *Conclusions on living conditions*

17. Whilst I have found the level of outdoor space to be adequate, for the reasons I have set out, the effect of the proposal on the living conditions of both existing neighbours and future occupiers, having particular regard to outlook, would be unacceptable. The scheme conflicts with the overarching aims of CPPT Policy DM1, in that it does not provide for a sustainable high-quality home, and it fails to protect the living conditions of residents from adverse effects, contrary to CPPT Policy DM20.

#### **Other Matters**

18. The appellant sets out that the proposal would meet the needs of their family, allowing multiple generations to live close to one another independently, yet have family support. Limited evidence is before me on the matter. Therefore, I attach

limited weight in favour of the appeal scheme to the personal circumstances of the appellant.

### **Planning Balance and Conclusion**

19. The Council is unable to demonstrate a 5-year supply of deliverable housing land. In these circumstances, paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The appeal proposal would boost housing supply in a sustainable location, make effective use of the land and generate social and economic benefits both at construction and operational phase. These benefits weigh in favour of the scheme. However, as a scheme for just one dwelling, the weight I attach is moderate.
21. However, I have found the adverse effects of the proposal on the character and appearance of the area to be significant, and the detrimental impact on the living conditions of existing and future residents would be demonstrable. These adverse effects run counter to development plan policies that remain up to date, as they are consistent with the thrust of the Framework, and accordingly attract significant weight.
22. The harm I have identified would significantly and demonstrably outweigh the benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. Having considered all other matters, there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan.
23. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*C Walker*

INSPECTOR