



# Appeal Decisions

Hearing held on 9 June 2009  
Site visit made on 9 June 2009

**by Mrs H M Higenbottam**

**BA (Hons) MRTPI**

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

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**Decision date:  
5 August 2009**

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## **Appeal Ref: APP/Q1445/A/09/2093160 (Appeal A)**

### **24 Albert Road, Brighton BN1 3RN**

- 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 Z Solomon against the decision of Brighton & Hove City Council.
- The application Ref: BH2008/02670, dated 12 May 2008, was refused by notice dated 24 October 2008.
- The development proposed is a 2 storey side extension - resubmission of application BH2001/02392/FP approved on appeal.

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## **Appeal Ref: APP/Q1445/A/09/2093161 (Appeal B)**

### **24 Albert Road, Brighton BN1 3RN**

- 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 Z Solomon against the decision of Brighton & Hove City Council.
- The application Ref: BH2008/02671, dated 12 May 2008, was refused by notice dated 24 October 2008.
- The development proposed is a 2 storey extension to form a separate dwelling.

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## **Application for costs**

1. At the Hearing applications for costs were made by Mr Z Solomon against Brighton and Hove City Council. These applications are the subject of separate Decisions.

## **Decisions**

2. I dismiss both appeals.

## **Procedural Matters**

3. Appeal A is described as the resubmission of application BH2001/02392/FP. This previous permission was granted at appeal in 2003 (APP/Q1445/A/02/1095629). This was for the same scheme which was granted on appeal in 1990 (T/APP/N1405/A/89/134335/P7). The plans the subject of Appeal A are not identical to those previously approved. This was agreed by both parties. I will therefore deal with Appeal A on the basis of the submitted plans for a 2 storey side extension.
4. Appeal B is for a two storey extension to form a separate dwelling. A two storey side extension has already been built at the site. However, I consider that the extension, as built, is materially different to the Appeal B scheme. In particular, the extension as built differs from the submitted plans for Appeal B

in relation to the incorporation of quoins, the flank elevation details, the Voussoir, window and cill details and the depth of the eaves projection, which was agreed to be 0.25m as built and 0.2m on the submitted plans.

5. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the schemes together in this decision, except as otherwise indicated.
6. Also at the site visit, a number of inaccuracies in relation to the submitted plans were noted. In particular, these relate to the location of the existing boundary wall pillars, which are only 3.77m apart, the location of the basement retaining wall, the elevation detailing of the host building, particularly in relation to the ground and basement front elevations.

### **Main issues**

#### *Appeal A*

7. I consider that the main issue in this case is whether or not the proposed extension would preserve or enhance the character or appearance of the West Hill Conservation Area (CA).

#### *Appeal B*

8. At the Hearing it was confirmed that there was adequate space within the rear amenity area to accommodate cycle parking and that communal refuse containers are sited within Albert Road. The Council accepted that reasons for refusal 2 and 3 could therefore be adequately addressed by the imposition of conditions requiring the submission of cycle parking details and a scheme of refuse management. In the light of this, I consider that the main issues in this case are whether or not the proposed extension to form a single dwelling would;
  - preserve or enhance the character or appearance of the CA;
  - achieve Lifetime Homes Standards; and
  - demonstrate an efficiency of development in the use of energy, water and materials.

### **Reasons**

#### *Character and Appearance*

9. The CA is situated on the east facing slope of the Downs in a mainly residential area between Brighton Station and Seven Dials. It comprises mainly late 19<sup>th</sup> century housing, some semi-detached villas to the west and smaller artisan terraced houses closer to the station. The CA is divided into six areas within the West Hill Conservation Area Character Statement (CACS), adopted October 2005. The appeal site is within Area 1 of the CACS on the south side of Albert Road. Although the north side of the road is a continuous terrace, the south side comprises the more spacious development of semi-detached houses of the 1870's and 1880's. The houses on the south side are three storeys high, rendered and painted, with canted bays to the ground and first floors and channelled stucco to the ground floor. Most have been converted to flats, and

whilst generally retaining their original sash windows and heavily panelled front doors, many of the slate roofs have been replaced with concrete tiles.

10. The appeal site is prominent in views when approaching from Buckingham Road, to the east.

#### Appeal B

11. In the case of Appeal B, the proposal is for a separate self contained dwelling. Whilst it would be subservient in scale, the front elevation with a front door at ground level, would not, in my view, appear subservient in function. This would fail to preserve the character of the CA.
12. The proposals would extend beyond the rear wall of the host building, creating a poorly detailed and awkward junction between the proposal and the host building.

#### Appeals A and B

13. In both appeals, the ridge of the proposals would be about 6.5m from ground level and would project above the level of the first floor decorative horizontal banding of the host building. Furthermore, although the proposals would be set back about 0.1m from the front façade of the host building, the eaves would project about 0.2m from the front elevation and thereby project forward of the front façade of the host building.
  14. To my mind, the proposals neither reflect the proportions of the host building, nor respect the details of it, such as window recesses and channelled stucco details. Furthermore, the siting of the proposals would fail to accommodate the quoin corner detailing or create a satisfactory junction between the quoins and the proposals.
  15. Only limited information in relation to window details has been provided. However, these fail to demonstrate an adequate recess or the extent of the sash box.
  16. The proposals also fail to respond to the proportions of the host building and would result in an unresolved junction between the existing and proposed, with the ridge of the proposals extending above the horizontal banding between the ground and first floor of the host building and the eaves projecting beyond the front façade.
  17. The proposed flank wall rustication lacks the hierarchy of the host building, in that it continues on both the ground and first floor levels. This would fail to respect the appearance of the host building, which would in turn fail to preserve the character and appearance of the CA.
  18. I note that the previously permitted extension (BH2001/02392/FP) did not extend above the horizontal banding, was set back about 0.3m from the front elevation of the host building, approximately in line with the single storey garage it replaced. A condition was also imposed relating to materials and architectural details to be submitted and approved by the local planning authority. To my mind, the previously permitted scheme was materially different to the current proposals in terms of its effect on the host building and on the street scene.
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19. In my view, the current appeal proposals would neither reflect nor complement the design details of the host building and would result in a 'clumsy' addition, poorly sited and detailed. Due to the prominence of the proposals within the street scene I consider the additions in both Appeals A and B would fail to preserve the character and appearance of the CA. This would be contrary to Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 (LP) which require proposals to preserve or enhance the character or appearance of the CA and be of a consistently high standard of design and detailing, in relation to the property to be extended, adjoining properties and to the surrounding area.

*Lifetime Homes – Appeal B only*

20. The Council have identified a number of areas where they consider the proposals fail to achieve the requirements of lifetime homes. I accept that in some respects, such as the width of the staircase and level access to the proposal, as submitted, it fails to achieve the required standards. However, I am satisfied that minor adjustments to internal layout and detailing and requirements for driveway details could address these concerns. In my view, this could be accommodated within the proposal and could be achieved by the imposition of conditions requiring further details.
21. In relation to the car parking space it was agreed that the required width of 3.3m could be achieved with alterations to the basement retaining wall of the host building and the entrance pillars. However, I note that the depth of the parking space, measured on site, would be 4.52m. The lifetime homes standards only require parking spaces to be 3.3m wide; no minimum depth is stated for parking spaces.
22. Therefore on the information before me, I consider that subject to the imposition of suitable conditions the proposals could comply with the requirements of lifetime homes standards and LP Policy HO13.

*Efficient Use of energy, water and materials – Appeal B only*

23. The Council have adopted Supplementary Planning Document 8: *Sustainable Building Design* since the planning application was determined. This requires all applications for new dwellings to complete a sustainability checklist and to achieve Level 3 of the Code for Sustainable Homes. Whilst I appreciate the sustainability checklist was published after the determination of the application the subject of Appeal B, the appellant has neither provided details to demonstrate the efficient use of energy, water and materials as part of the proposals nor completed a sustainability checklist to support the appeal. Although, at the Hearing the appellant stated that the proposals could achieve Level 3 of the Code for Sustainable Homes.
24. In my view, the appellant has been unable to demonstrate that the proposals are efficient in the use of energy, water and materials or that a Level 3 of the Code for Sustainable Homes could be achieved. Therefore on the evidence before me, I consider that the proposals have failed to demonstrate that efficiency in the use of energy, water and materials has been taken into account and that the proposals have incorporated suitable measures within it. This would be contrary to LP Policy SU2.
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## **Conclusions**

Appeal A

25. For the reasons given above I conclude that the appeal should be dismissed.

Appeal B

26. Whilst I have not found harm in relation to achieving lifetime homes standard, this does not outweigh the harm I have identified to the character and appearance of the CA and the failure to demonstrate the efficient use of energy, water and materials. For the reasons given above I conclude that the appeal should be dismissed.

*Hilda Higenbottam*

Inspector

### DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Plans relating to applications BH2001/02392/FP & BH2001/02395/CA
- 2 Policy HE6 of Second Deposit Draft 2001 Local Plan
- 3 Policies ENV5 & ENV22 of Brighton borough Plan – Towards 2000

