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# Appeal Decision

Site visit made on 8 November 2010

**by Joanna C Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 25 November 2010**

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**Appeal Ref: APP/Q1445/A/10/2131396**  
**142 Church Road, Hove, East Sussex BN3 2DL**

- 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 Peermark Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/00268, dated 2 February 2010, was refused by notice dated 29 March 2010.
  - The development proposed is "erection of single storey attached studio unit to rear garden".
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## Decision

1. I allow the appeal, and grant planning permission for erection of single storey attached studio unit to rear garden at 142 Church Road, Hove, East Sussex, BN3 2DL, in accordance with the terms of the application, Ref BH2010/00268, dated 2 February 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RFA09/136/OSBA, RFA09/136/02, RFA09/136/10, RFA09/136/11A, and RFA09/136/sk04.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) The dwelling hereby permitted shall not be occupied until the refuse and recycling store and the cycle store shown on the approved plans have been provided, and they shall be retained for those purposes thereafter.

## Main issue

2. The main issue is the effect that the proposal would have on the character and appearance of the surrounding area.

## Reasons

3. The appeal site is within the Cliftonville Conservation Area, which is characterised by mainly residential suburban development, with pockets of small scale workshop use and Victorian shop frontages along the main routes through the area. The rather small back gardens of the nearby mainly

- residential terraces in Osborne Villas and Seafield Road back onto one another. Most nearby buildings in Church Road include various back extensions.
4. The terraced building at 142 Church Road includes a ground floor retail unit and 2 apartments on the upper floors. The appellant states that the land at the back of the building is related to the ground floor retail unit, and that it is not available to the occupiers of the apartments as an amenity space. The Council agrees with the appellant that the site can be classed as previously-developed land, and not as a residential garden. I agree with their view.
  5. The land at the back of the building is deeper and wider than the nearby back gardens. It backs onto the small back garden of the end-of-terrace 34 Seafield Road, which has been subdivided into flats. At the sides it adjoins the tall wall of the rear extension at 140 Church Road, and the narrow space by the tall back extension to 144 Church Road. It is not visible from any nearby streets, but it can be seen from the upper floors of some nearby buildings.
  6. The proposed single-storey dwelling would be reached through the building at 142 Church Road and it would adjoin the wall by 140 Church Road. A similar side space to that by 144 Church Road would lead to a south-west facing amenity area at the back of the site, which would be about 2.5m deep. It would include modest stores for refuse and recycling, and a cycle. The layout and siting of the scheme would be in keeping with the nearby development.
  7. Because of its simple roof form, its small scale, its careful siting, its appropriate materials, and its sympathetic design the proposed studio dwelling would provide a spacious and well-lit home for future occupiers, and it would complement the character and appearance of the building at 142 Church Road. Due to the range of types and styles of extensions nearby, the proposal would also harmonise with the character and appearance of the locality. For the same reasons, it would preserve the character of the Conservation Area.
  8. The amenity space would be sunlit for some of the time, it would be well related to the studio, and it would be ample for the occupiers to tend plants, dry washing and sit outside. Its scale and siting would be in keeping with other back gardens in the area. The scheme would make efficient use of land within the urban area without compromising the quality of the local environment. It would provide a small dwelling in this relatively sustainable location.
  9. I have considered the Council's suggested conditions and re-worded them in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. The condition identifying the drawings is necessary for the avoidance of doubt and in the interests of proper planning. A condition to control external materials is necessary to protect the character and appearance of the area. A condition for cycle and refuse stores is reasonable in the interests of sustainable travel and amenity. I have not imposed a condition for Lifetime homes standards as level access cannot reasonably be achieved, and conditions for sustainable drainage and landscaping are not reasonable for the modest private amenity space proposed.
  10. I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy saved Policies QD1, QD2, QD3, HE6 and HO5 of the *Brighton & Hove Local Plan 2005*.

*Joanna C Reid*

INSPECTOR