



Appeal Decision

Site visit made on 2 May 2012

by James Croucher MTP MRTPI

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

Decision date: 11 July 2012

Appeal Ref: APP/Q1445/A/12/2170303

124 Lewes Road, Brighton BN2 3LG

- 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 M&G Properties (Sussex) Ltd against the decision of Brighton and Hove City Council.
 - The application Ref. BH2011/03039, dated 30 September 2011, was refused by notice dated 22 December 2011.
 - The development proposed is described as "change of use and extension at 2nd and 3rd floor to form 2x flexible A1, A2 & B1 units at ground floors with and 11 units of student accommodation (Sui Generis) above".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the Council's consideration of the application, amended drawings¹ were submitted by the applicant. The revised drawings make a number of changes to the scheme, including deleting the 3rd floor from the proposal and amending the ground floor layout to include some student accommodation on the ground floor.
3. Although the revised drawings were made available to me, to determine the appeal on the basis of those drawings would prejudice the ability of any interested third party to make comment. Furthermore, the revisions may raise new issues in respect of Policy SR5 of the Brighton and Hove Local Plan (the "Local Plan") which are not reflected in the Council's reasons for refusal. Accordingly, I have considered the appeal on the basis of the drawings listed on the Council's decision notice.
4. The appellants have submitted a Unilateral Undertaking in support of the appeal. Whilst the Undertaking is signed, it is not dated and has not therefore been properly executed. In such circumstances I am unable to attribute any weight to the submitted Undertaking.

¹ TA595/10/C (floor plans); TA595/11/B (floor plans); TA595/13/B (elevation); TA595/14/C (elevation); TA595/15/A (elevation); TA595/16/C (roof/site plan); TA595/18/A (elevation); TA595/19/A (elevation); TA595/20/A (elevation); TA595/21/A (section); TA595/22/A (section).

5. In coming to a view on this proposal, I have had regard to the recently issued National Planning Policy Framework ("Framework"). Both parties have been provided with the opportunity to make further representations in relation to this particular matter. None of the relevant Local Plan policies are at odds with the new Framework. Therefore, whilst the policies in the Framework have been considered, in light of the facts in this case, they do not alter my overall conclusion.

Main Issues

6. The main issues in this case are as follows:
- The effect of the proposed development on the appearance of the host building, and on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of adjacent occupiers, with reference to outlook; and
 - The effect of the proposed development on pedestrian safety

Reasons

Character and appearance

7. The appeal site is a two-storey end-terrace building on a busy main route into the City Centre. The terrace has a mixed scale and appearance, consisting of mainly 2 storey built form but with some taller 3 storey elements. The mix of retail and commercial uses to the ground floor, with associated advertising fascias, combine with the various colours of painted render to give the terrace an interesting and coherent vibrancy. Although the appeal premises are currently vacant, their appearance is not so unkempt or derelict as to cause any harm to the streetscene.
8. The appeal building, with its flat roof and dark brown facing brick, is already somewhat at odds with the form and materials of the rest of the terrace. The scale and form of development proposed, stepping back and up in a modern cubic form, would be yet further at odds with the more traditional pitched roofs elsewhere along the terrace and nearby. The resultant stark contrast would unbalance the coherency of the terrace, giving rise to harm to the Lewes Road streetscene.
9. The site's highly visible corner location, prominent from the nearby signalised junction, would reveal and accentuate the discordant bulk and form of the proposal. The resultant appearance would be of a bulky and unsympathetic addition, out of scale with the existing terrace and overly prominent in the streetscene.
10. To the rear of the site a significantly taller building, of a similar modern design, is under construction. That building is seen, however, very much in the context of the white-rendered "Enterprise Point" building at Melbourne Street. The buildings to the rear form their own distinct character area, providing a visual backdrop to the frontage terrace which influences its setting. However, the appeal site itself visually reads as an integral element of the frontage terrace. It is this key visual relationship which would be harmed by the appeal scheme's bulky and unsympathetic proportions.

11. The Framework advises that planning permission should not be refused for buildings which promote high levels of sustainability on townscape grounds, where those concerns are mitigated by good design. Whilst I accept that the site is sustainably located, for the reasons I have set out the proposal's impact on the existing townscape is not mitigated by good design.
12. Local Plan Policies QD1, QD2 and QD3 seek to ensure that new development is of a suitably high design quality. Given the prominent location of the appeal site on a main entrance route into the City, particular care and attention must therefore be exercised to ensure that these policy aims are met. In light of the above assessment, the proposal would cause substantial harm the character and appearance of the area, contrary to Local Plan Policies QD1, QD2 and QD3.

Living conditions

13. The tall flatted development under construction to the rear has an enclosing influence on the rearward outlook from the frontage terrace. Number 125 Lewes Road already has a two storey rear projection, which would limit the effect of the proposal on the outlook from the adjoining premises. Therefore, there would be no significant additional overbearing impact or loss of outlook over and above that caused by the existing bulk and mass of the appeal building. As such, the proposal complies with Local Plan Policy QD27.

Pedestrian safety

14. It is important that the narrow footpath along Melbourne Street remains unobstructed and attractive to pedestrians, given that it forms an important link between the Melbourne Street premises (including the scheme under construction) and the nearby shops, services and bus stop on Lewes Road.
15. The appellants have confirmed that it would be possible to provide inward-opening doors to the cycle store. Whilst care would need to be taken to ensure that such an arrangement did not compromise the usability of the interior space, nonetheless had I been minded to allow the appeal a condition could have precluded outward-opening doors.

Other matters

16. The appellant contends that there is a significant need for additional student housing in the city, particularly for entry-year university students who might otherwise occupy properties more suited to family accommodation. In the absence of any evidence to the contrary, and given the close proximity of the site to the university campus, this weighs in favour of the proposal.
17. The proposal would see an existing *Sui Generis* ground floor unit converted to commercial accommodation, which would enhance the vitality and vibrancy of the retail frontage. Whilst this weighs in favour of the scheme, there is no evidence before me to suggest that the appeal proposal is the only way in which such a benefit could be viably delivered.
18. The parking concerns raised by an adjacent occupier are noted. However, during my site visit I saw that there are already extensive parking restrictions on Lewes Road and Melbourne Place, which would discourage occupants from owning a car. The scheme provides for ample secure onsite cycle storage, and there is a well-used bus stop only a few metres away. Accordingly, I agree with

the highway authority that the absence of on-site car parking is acceptable in this instance.

Conclusion

19. The proposal would not harm the living conditions of adjacent occupiers, and subject to an appropriate condition would not harm pedestrian safety. Furthermore, the benefits of providing additional student accommodation and commercial premises are noted. However, these benefits, both individually and cumulatively, do not outweigh the harm which would be caused to the character and appearance of the area. Accordingly, the appeal should be dismissed.

James Croucher

INSPECTOR