



Appeal Decision

Site visit made on 21 August 2012

by M T O'Rourke BA(Hons) DipTP MRTPI

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

Decision date: 24 September 2012

Appeal Ref: APP/Q1445/A/12/2171083

Rear of 18A Guildford Road, Brighton BN1 3LU

- 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 T Carrington against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/02868, dated 21 September 2011, was refused by notice dated 5 December 2011.
 - The development proposed is residential development.
-

Procedural matter

1. The description in the box above is that used in the application. The Council's decision notice refers to the '*erection of a two bedroom residential dwelling*'. This is a more accurate description of the development shown on the submitted drawings and I have determined the appeal on that basis.

Decision

2. The appeal is dismissed.

Main Issues

3. The appeal site lies behind No. 18 which is on the corner of Guildford Road and Buckingham Road within the West Hill Conservation Area. Accordingly the main issues are:
 - (a) the effect of the proposed development on the character and appearance of the Conservation Area;
 - (b) the impact on those living in the neighbouring properties in terms of their light, outlook and sense of enclosure; and
 - (c) whether the proposed development would provide an accessible and sustainable dwelling with adequate amenity space for its occupants.

Reasons

4. The Conservation Area is on the east facing slope above Brighton Station. It is characterised by a variety of mainly late 19th century housing with more prestigious semi-detached villas to the west and smaller artisan terraced houses closer to the station. Although predominantly residential in character there are some shops in Buckingham Road to the north and in Guildford Road.
5. The appeal site fronts the east side of Buckingham Road. It is currently hard surfaced and used for parking. No. 18 is the end property of the terrace

- fronting the south side of Guildford Road which drops steeply from Buckingham Road down the hill towards the station. The site adjoins the gable flank wall of 68 Buckingham Road which is the end property of a 3 storey ridge roofed terrace with two storey bays. The appeal proposal involves the extension of the terrace by the formation of a new house of a matching scale and style.
6. The formal development plan includes the Brighton and Hove Local Plan. It was adopted in 2005 and predates by some years the National Planning Policy Framework. However, in accord with paragraph 215, in that relevant Local Plan policies on design, conservation areas, amenity, sustainability and accessibility are consistent with the general thrust of policies in the Framework, they should be given due weight.
 7. Local Plan policies QD1, QD2 and HE6 set out requirements for all new buildings which should demonstrate a high standard of design, emphasise and enhance the positive qualities of the local neighbourhood and in Conservation Areas preserve or enhance the area's character or appearance.
 8. Reference has been made to the site's original title deeds showing two houses of which only No. 18 was built. Some of the terraces in the area have continuous frontages that wrap around the corners without gaps. However I noted on my site visit that around Guildford Road there are gaps at the ends of the parallel streets. There are open views across the rear gardens of the terrace and up the hill where the street tree on the pavement in front of the site adds a further element to the attractive character of the area.
 9. Some care has been taken in the design of the front of the new house to match that of the Buckingham Road terrace. However the consultation response from the Council's Heritage Team noted that much would depend on the fine detailing of the bay, windows, portico and doors and I agree that in various respects the scheme is poorly detailed. The appeal proposal would remove the negative impact of the car parking on the streetscene and reinstate the garden wall. However I found on my visit that this positive benefit would be more than offset by the odd appearance of the house's rear elevation. Being only half the width of the adjoining terrace, the back of the new building would be an unattractive high blank wall topped by a rather bizarre and incongruous hipped mono-pitched roof that would be clearly apparent in views from Guildford Road and Buckingham Street to the east.
 10. The appeal site is higher than the gardens of the properties in Guildford Road to the east and the rear wall of the new house would appear to tower over the rear elevations and gardens of the Guildford Road terrace. It would also block views of the street tree. These are all negative impacts leading me to conclude on my first issue that from what I saw on my visit the appeal proposal does not demonstrate the required high standard of design and would have a harmful effect on the character and appearance of the Conservation Area, contrary to national policy and to policies QD1, QD2 and HE6 of the Local Plan.
 11. Local Plan policy QD27 requires that development should not cause loss of amenity to adjacent users. The south facing dormer window in the top floor of No. 18 would be close to the new roof but it is likely that views could still be obtained to the east and the shape of the roof would minimise any adverse impact. However in that the proposal would introduce substantial built form 3 storeys high to a site that is currently open, there would be an impact on those living in the neighbouring houses in Guildford Road. The scale, massing and

- height of the tall rear wall would have an oppressive and overbearing impact on those occupants, diminish their outlook and increase their sense of enclosure both when in their homes and in their gardens. However in the absence of a BRE compliant daylight report it is not possible to confirm whether those properties would also suffer a loss of light.
12. The application was accompanied by a basic sunlight study which showed that in the afternoon, other than during the winter months, the scheme would cast the rear projection of No. 17 into shadow. Given the oppressive and unrelieved nature of the rear wall on their western boundary, this would have a materially more harmful impact on the occupants' living conditions than the dappled shadowing that currently results from the street tree when in leaf. This may be a high density city location where there is already a high degree of mutual overlooking and overshadowing but that does not warrant the serious adverse impact that the proposal would have on the neighbouring occupants, in terms of increased overshadowing, loss of outlook, increased sense of enclosure and an overbearing impact. As such I find that the proposal would conflict with the objectives of Local Plan policy QD27.
 13. The Council's decision also includes objections to various details of the scheme including the limited amenity space, failure to demonstrate full compliance with the lifetime homes standards and a lack of information in relation to sustainability and compliance with the required level of the Code for Sustainable Homes. Local Plan policy HO5 requires that private useable amenity space is provided in new residential development. Although the policy does not specify any standard that should be met, the accompanying text does say that account will be taken of front gardens. In this case, the only amenity space would be at the front of the house. Whilst there is disagreement on its size, given the location close to the station and city centre, the nature of the accommodation to be provided and likely occupants, this is not a matter that I find weighs against the proposal.
 14. Local Plan policy HO13 requires that new dwellings are built to a lifetime homes standard with design criteria set out in Planning Advice Note 03. Whilst the appellant disagrees on the applicability of the criteria to a scheme for a single dwelling, I consider that if I had been minded to allow the appeal this is a matter that could be addressed by the imposition of a condition. Similarly with regard to the Council's concern that the proposal does not demonstrate compliance with Local Plan policy SU2 and SPD08 on Sustainable Building Design and the lack of agreement as to whether the scheme can or should meet Code level 3 or Code level 5.
 15. In conclusion, the appeal proposal would neither preserve nor enhance the character or appearance of the Conservation Area and would have a harmful and unacceptable adverse impact on those living next to the site, contrary to the objectives of national and local policies. Whilst I have taken into account all other matters raised, none are of such weight as to override my conclusions for the reasons given above that the appeal should be dismissed.

Mary O'Rourke

Inspector

