



Appeal Decision

Hearing held on 26 November 2008

Site visit made on 26 November 2008

by **John Papworth DipArch(Glos) RIBA**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
11 December 2008

Appeal Ref: APP/Q1445/A/08/2072869

32 Redhill Drive, Brighton, East Sussex BN1 5FH

- 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 The Scamans Mercer Partnership against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02980, dated 2 August 2007, was refused by notice dated 14 March 2008.
- The development proposed is demolition of existing house and construction of pair of semi-detached houses – resubmission of refused application BH2007/00041.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The neighbour at number 34 had requested that I view the site from his land if I felt it necessary, and the Council had informed him of the Hearing by letter dated 10 September. However, he was not present at the Hearing or at the site visit. Having reviewed the information before me, including viewing the mutual boundary from number 32, I was of the opinion that I had sufficient information to come to my decision. Nevertheless, I delayed making my decision until after a letter had been sent requesting that he contact the Inspectorate if he still wished me to visit. In the absence of a response within the stated time, I closed the Hearing in writing and have proceeded to my decision based on the written representations, discussion at the Hearing and my observations on site, and I do not consider this course of action has prejudiced any party's interests.

Main Issues

3. I consider the main issues to be;
 - The effect of the proposal on the character and appearance of the Redhill Drive area of Brighton.
 - The effect of the proposal on the living conditions of residential occupiers with particular regard to privacy, visual impact, daylight and sunlight.

Reasons

Character and Appearance

4. As noted above, this is a re-submission of an earlier application and the Council's reasons for refusal of that scheme are pertinent to my considerations

here. That scheme was for two detached houses that, with rooms set within a low pitched roof, appeared as two floors on the front and three on the back. I note the building lines and heights to the four faces of the development and their architectural treatment. The reasons for refusal refer to a detached style, apparent two-storey frontage height, large unrelieved flank elevations, a lack of articulation on the rear elevation and the positioning of upper level windows. There was also criticism of the forecourt arrangement. I concur with the view of the Council that there were serious shortcomings in the design of that proposal which would cause visual harm.

5. The scheme that is before me has addressed many of the issues raised previously. The placing of the two dwellings into a semi-detached form has avoided the unattractive and disjointed detached arrangement, which appeared out of keeping in width as well as detailing. I do not attach significant weight to the lack of similar pairings nearby. The forecourt layout now provides an enhanced area for landscaping and whilst the accommodation is still arranged over the same number of floors, the articulation of the elevations and the positioning of the upper level windows are much improved. In particular, the two storey frontage has been set within a lower roof eaves and would be flanked by yet lower roofs, removing much of the damaging impression of sheer height of the earlier scheme.
6. To the sides I consider the flank walls to be less stark and lacking in interest, and they occupy a smaller area, not appearing as the unrelieved expanse previously exposed. The use of lower flanking roof slopes would reduce the effect along these side elevations with the more abrupt reduction in height achieved by the access steps resulting in a further reduction in exposed area. The rear elevation was proposed as a large area of brick with poorly positioned openings over a full three storeys whereas now the proposal would be for a single storey of wall topped by a roof running back up the ground slope and accommodating the higher floor levels. I consider this well-articulated and a satisfactory way of housing the floor area without the seeming bulk at these lower ground levels.
7. However, the lower side roofs would be truncated at a flat area, rather than rising to a conventional ridge or abutment to a wall and the central roof area would terminate at a ridge around a reverse slope and a sunken flat area. I understand that whilst this flat area might be seen only from a limited number of private viewpoints from houses opposite, and would provide a discreet location for solar panels and roof lights, the lower two flat areas would be plainly seen and would, in my view, appear uncharacteristic of the area and poorly related to the rest of the building. I acknowledge that the highest ridgeline would be the same height as existing, but the use of a central flat area would result in an appearance on approaching from either end of the street of a blocky, deep plan without the attractive relief of a traditional ridge or hips.
8. I consider these uses of flat roofed areas to be out of keeping with the area, where flat roofs tend to be seen more as small valleys or limited dormers. Their use is, I consider, an indication that the accommodation proposed is too extensive for the size of the site and the prevailing height of other buildings, thus requiring an unattractive device to control the height. I conclude that whilst the drop in the land has been successfully negotiated, and the semi-

detached form is appropriate, the resulting roof arrangement causes harm to the character and appearance of the area contrary to the aims of Local Plan Policies QD1 on the scale and height of development and its architectural detailing, and QD2 that requires account to be taken of the local characteristics, including the height, scale, bulk and design of existing buildings.

Living Conditions

9. Local Plan Policy QD27 seeks to avoid nuisance or loss of amenity to neighbours where it is liable to be detrimental to human health. It appears to me that the present proposal retains a similar gap between the building and the adjoining properties as the relevant parts of the detached two-house scheme. Whereas that scheme had a full-depth flank wall, the appeal scheme utilises a long rear pitch which would have less of a visual effect and would be more satisfactory regarding access to light than the earlier scheme. In addition the eaves line parallel to the boundaries would be lower than before and conditions could ensure that obscure glazing is installed to protect privacy. I conclude that there would be a change to the outlook of the neighbouring dwellings, including that across the road, but that the appeal scheme would not have such an effect on neighbour's living conditions as to be detrimental to health and therefore accords with Local Plan Policy QD27.

Other Considerations

10. It is clear that there are potential problems from badgers undermining the ground to the rear of the present dwelling and I am satisfied that action could be secured by condition to correctly re-locate the sett on land lower down the slope. Also I attach full weight to the provision of additional housing in this built-up area close to transport and other services.

Conclusions

11. Whilst the additional dwelling would make better use of previously developed land in a sustainable location, and the proposal is a marked improvement on an earlier refused scheme for a pair of detached houses, the bulk of the building resulting from the truncated and flat-topped roof arrangement would not sit comfortably alongside conventionally roofed buildings nearby. I acknowledge that the proposal would address the needs of protected species and would provide additional housing as a windfall site, whilst not causing real detriment to the health or wellbeing of neighbouring occupiers, but these considerations do not outweigh the harm that I have identified. For the reasons given above I conclude that the appeal should be dismissed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

C Barker BA(Hons) MATp MRTPI

DMH Stallard, Hyperion House,
99-101 Queens Road, Brighton BN1 3YB

R Silver RIBA

RS Design, Melbury, 114 Queens Park Road,
Brighton BN2 0GG

FOR THE LOCAL PLANNING AUTHORITY:

Cllr K Norman

Ward Councillor
Brighton & Hove City Council

N Hurley BA(Hons) MTP MRTPI

Development Control Officer
Brighton & Hove City Council

INTERESTED PERSONS

T Gibson

43 Redhill Drive, Brighton BN1 5FH

B Johnson

30 Redhill Drive, Brighton BN1 5FH

DOCUMENTS

- | | | |
|----------|---|---|
| Document | 1 | Notification letter dated 10 September 2008 submitted by Council |
| Document | 2 | Application drawing for refused scheme BH2007/00041 submitted by Council |
| Document | 3 | Drawings 07172/SK/100 and P/03C submitted by appellant |
| Document | 4 | Letter from Planning Inspectorate to occupier 34 Redhill Drive dated 28 November 2008 |