
Appeal Decision

Site visit made on 27 August 2013

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 3 September 2013

Appeal Ref: APP/Q1445/A/13/2196839

25 Hove Park Villas, Hove, East Sussex, BN3 6HH

- 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 Kevin Keehan (Lindene GB Promotions Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03650, dated 15 November 2012, was refused by notice dated 24 January 2013.
 - The development proposed is described as: To the rear we are proposing to reconstruct the coach house as a contemporary 3 bedroom home, retaining the existing driveway and access.
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Decision

1. I dismiss the appeal.

Procedural matters

2. In March 2013 planning permission¹ was granted for alterations to the host dwelling at 25 Hove Villas. The approved scheme includes the appeal site.
3. Works to implement this permission appear to have commenced on site and the rear garden has been cleared, rear extensions demolished and the interior of the main house stripped. The approved extension, layout and access arrangements are a material factor in this appeal (the conversion scheme).

Main issues

4. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of adjacent occupiers.

Reasons

Character and appearance

5. Hove Park Villas is a very attractive tree lined road located immediately to the north of Hove Station. On either side stand substantial semi-detached and detached dwellings set back from the road behind short front gardens, some of which have been subdivided into flats whilst others appear to be in single

¹ Planning permission ref BH/2013/0255 dated 01 March 2013 for rear extensions and amendments to 4 no existing flats together with conversion of roof space to form a further unit at 25 Hove Park Villas, Hove.

- occupation. To the rear, seen in glimpses between the houses, are verdant back gardens and substantial trees. A few of the houses, including the appeal site, have narrow access ways which are of sufficient width to permit vehicular access. But rear vehicular access appears to be the exception rather than the rule.
6. At the rear of no 25 are the remains of a building described by the appellant as a former coach house, but only some walls remain and there is little evidence remaining of its former appearance. The site had been cleared prior to my visit and thus the previous layout was not clear. It appears that there was vehicular access but this would probably have been in connection with the occupation of the main house because no cogent evidence of any independent occupation or use has been provided. Thus this would have had little effect on the peaceful sylvan character of the back gardens.
 7. In this context the proposed location of a separate independent dwelling in the rear garden would in my view significantly change the character of the back garden of the host property and adjacent housing. It would not reflect the street front pattern of development in this area.
 8. Although the development may not be taller than the former coach house, it would be likely to be more prominent, particularly in views from the main house and the upper floors of adjacent property. The significant areas of glazing, at basement, ground floor and also in the roof would be incongruous and dominant in these garden surroundings. The dwelling would face towards the rear of housing in Hove Park Villas and would be very intrusive in this backland location. I do not agree that the reduction in footprint as compared to the former coach house would reduce the impact of the proposed house because it would be of greater total mass and orientated to face the rear of the Hove Park Villa houses.
 9. The appeal site is not in a conservation area, but the proposed dwelling would be at odds with the form and layout of development hereabouts. The new dwelling would not be similar to the structure to the rear of no 33 which is single storey, appears to be significantly smaller than that before me, and looks to be ancillary to the occupation of the main house. Similarly the former coach house appears to have been a low key ancillary building and its destruction by fire does not mean that the site can be regarded as 'previously developed land' as private gardens are excluded from this definition². Finally the garden is neither derelict nor underused as it is part of the garden required in connection with the planning approval for 5 flats in the main house. In my view none of these matters justifies permission in this case.
 10. I thus conclude on this first issue that the proposed house would seriously harm the character and appearance of the area. Although the house would not be a feature of the streetscene, its backland location would be an incongruous feature which would seriously harm the character of the verdant gardens in the vicinity. Thus I find conflict with Policy QD2, of the *Brighton and Hove Local Plan* (LP) because the development would not enhance the positive qualities of the local neighbourhood. Of the policies relied on by the Council, I find this the most relevant. The proposal also conflicts with an aim of the National Planning

² The National Planning Policy Framework Annex 2

Policy Framework (the Framework), that planning should seek to promote or reinforce local distinctiveness.

Living conditions

11. Although there may have previously been vehicular access to this site, it is likely that this would have been associated with the main house and hence of lesser frequency than that associated with the proposed three-bedroom house. Furthermore, it is likely that other vehicular movements, including domestic deliveries and collections, would have been to the street frontage of no 25, rather than to the rear garden area; whereas in future these would come into the backland. Thus the gardens that currently have a high degree of seclusion and a peaceful location would experience additional noise and activity generated by the proposed dwelling.
12. I find the drawings inconsistent in terms of the access arrangements. Although a bollard is depicted on plan TA 663N/22 rev A, to the rear of the front elevation of the main building, vehicular and pedestrian gates are shown to the rear. But even if vehicular access is restricted or controlled there would be likely to be a significant increase in activity alongside no 25 and into the rear garden, as this would be the sole access to the new dwelling. Accordingly the future residents, and all deliveries and servicing would have to use this route.
13. Moreover, other domestic activity and impact including night-time domestic lighting, televisions, audio and other domestic equipment and entertaining, would be likely to alter the quiet ambience of the rear garden of no 25 and adjacent housing. The activity associated with a family size house would be incongruous and jarring in this otherwise tranquil backland location.
14. The approved conversion scheme would result in additional use of the rear garden because it would be subdivided³, although the plans of the appeal scheme before me do not show this. Because the proposed garden would be hard landscaped and designed to be used as outdoor living space, and it would also be the access route to the house there is a significant risk that it would be used intensively. Thus, I find that the addition of a further family size unit would unacceptably add to the intensification of use of the hitherto peaceful garden area.
15. I thus conclude that the living conditions of adjacent occupiers, both in the frontage host dwelling and in adjacent housing would be unacceptably and seriously harmed by the activity, noise and disturbance resulting from separate residential occupation of the proposed family sized house. I thus find conflict with LP Policy QD27 which, amongst other matters, seeks to ensure that noise and disturbance do not unacceptably erode the living conditions of existing residents and occupiers. Similarly the development would not be in accordance in the Framework which seeks a good standard of amenity for existing occupiers.

Other matter

16. The approved plan for the conversion shows the rear garden subdivided to provide two separate garden areas and includes the appeal site as part of the allocated amenity space. Moreover, the proposed access to the appeal site

³ Layout of garden areas planning permission BH/2013/0255

would, in the conversion scheme, accommodate cycle and refuse storage, together with a single car parking space adjacent to the front of the building. Thus vehicular access to the rear would not be available in this approved scheme.

17. Because the sites overlap and works to facilitate conversion works have commenced, implementation of both schemes appears no longer to be feasible. Thus, even if I were to grant planning permission, the appeal scheme could not be implemented in its current form. This also weighs against permission.

Conclusion

18. The proposed development is conveniently located in terms of access to public transport and day to day services and facilities. Furthermore the Council accept that the accommodation and floor space would provide residential accommodation of a satisfactory standard. I see no reason to disagree but for the reasons I have given none of these matters outweighs the harm to the character and appearance of the area and to the living conditions of adjacent occupiers.
19. I do not share the appellant's view that the proposed development would constitute sustainable development. The Framework makes it clear that the aims of high quality design and protection of amenity are important components of environmental sustainability. Accordingly for the reasons I have given, and having taken into account all other matters raised, I shall dismiss the appeal.

Sukie Tamplin

INSPECTOR