



## Appeal Decision

Site visit made on 24 September 2013

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 18 October 2013

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**Appeal Ref: APP/Q1445/A/13/2196689**

**Workshop, 1A Marmion Road, Hove, East Sussex BN3 5FS**

- 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 Albany Homes Southern Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/03254 was refused by notice dated 28 February 2013.
  - The development proposed is the demolition of the warehouse and the erection of four, two-bedroom terraced houses and a Class B1 unit, together with gardens and associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area; and the effect on the supply of industrial accommodation.

### Reasons

3. The proposal would replace the existing building with a new terrace of houses and an office building. The houses would be higher than the neighbouring property, The Cottage. Although the second floor would be recessed, it would be visible above the roof of that dwelling. The height of the proposed parapet would also result in the new development having a dominating and incongruous relationship with the traditional design of the adjacent house.
  4. The side facing elevation of the upper roof form does not have the design quality of the remainder of the proposal. It would not be a positive feature in relation to The Cottage. The other side elevation, although set back, would similarly detract from the appearance of the Marmion Road frontage.
  5. The lack of separation, actual or perceived, between the development and The Cottage or the lack of a more gradual change in roof heights, results in the proposed juxtaposition failing to achieve a satisfactory relationship with its neighbour. A more satisfactory design would be likely to result in the loss of some accommodation. However, in its present form, the proposal would detract from the character and appearance of the area, particularly with regard
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- to the relationship with The Cottage. It conflicts with the design requirements of Policies QD1 and QD2 of the Brighton and Hove Local Plan 2004.
6. The dwellings would have only limited outdoor amenity space. The size of the rear yards would also limit the outlook from each of the dining rooms. However, the design incorporates a roof terrace and would provide an open outlook to the living rooms. Overall, I find that the layout represents good design that makes efficient use of the limited space. The living conditions of future residents would be satisfactory. I do not find conflict with the objectives of Policy HO5 with regard to the provision of amenity space.
  7. Concerns have been raised with regard to privacy. The use of a second floor terrace may result in the residents of the properties opposite having a greater perception of being overlooked. However, I am satisfied that the distances involved, given the nature of the accommodation proposed, would not unacceptably harm the living conditions of those residents with regard to privacy.
  8. The Council has suggested that the proposal fails to satisfy the redundancy test set out in Policy EM3. This policy advises that land in industrial use should not be released for other uses unless the site has been assessed and found to be unsuited to modern employment needs. This is a large building in a generally residential area. It is served by roads that are not ideally suited to industrial traffic. Information has been provided with regard to both marketing and the suitability of the building for employment uses. The proposal also includes some new office floor space.
  9. The Council's officers found the evidence with regard to the marketing and the loss of the employment use to be satisfactory. The Economic Development Officer raised no objection and welcomed the inclusion of the office space. Whilst some evidence was introduced that indicated that a commercial use was continuing, this has been addressed satisfactorily by the appellants. I find the assessment made by the Council's officers to be entirely reasonable. No other convincing evidence has been provided to suggest that this large property could or should continue to be used for industrial purposes in the longer term. I do not find conflict with the objectives of Policy EM3.
  10. There are a number of other matters that provide weight in favour of this development. It would make efficient use of this site and provide a number of good quality dwellings in a sustainable location. Given that the development plan does not identify an appropriate supply of housing land, this provides considerable weight in its favour. The new office accommodation would provide further benefits. Generally, I find that the proposal gains support from many of the elements of the *National Planning Policy Framework*.
  11. The *Framework* also seeks high quality design. I am not satisfied that a very similar scheme, without the unacceptable relationship with The Cottage and with improvements to the side facing elevations, could not be achieved. On balance, the proposal does not gain overall support from the *Framework* as the design shortcomings outweigh the benefits of the proposal.
  12. I have considered all the concerns raised by residents and other parties but generally, I find the principle of the development to be satisfactory. Although the design is clearly not to everyone's liking, I find that it represents a positive

approach to the development of this site. However, I agree that the relationship with The Cottage would be unacceptable and other design elements could be significantly improved. I find that the proposal would detract from the character and appearance of the area. As this is a matter that could be resolved, the benefits of the proposal do not outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**

