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# Appeal Decision

Site visit made on 17 September 2013

**by Kenneth Stone BSc(Hons) DipTP MRTPI**

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

**Decision date: 11 November 2013**

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**Appeal Ref: APP/Q1445/A/13/2198904**  
**79 Hove Park Road, Hove, East Sussex BN3 6LL**

- 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 Spencer Orman against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00334, dated 31 January 2013, was refused by notice dated 4 April 2013.
  - The development proposed is the erection of a new house on land to the rear of 79 Hove Park Road and fronting Hove Park Way.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area, the sustainability of the proposed development with reference to the Code for Sustainable Homes and the accessibility of the proposed building with regard to its suitability as a Lifetime Home.

## Reasons

### *Character and appearance*

3. The area is characterised by predominantly detached two storey houses in reasonably large plots. There is no discernable prevailing design of house, with a wide variety in terms of style, materials and finishes visible in the surrounding streets. Within Hove Park Way and in particular where it approaches the junction with Hove Park Road the elevated rear garden of 79 holds a particularly prominent position in the street scene. This associated with the flank boundary treatment opposite result in an enclosed entrance to the street. Beyond this the properties front the street in a pleasing uniform building line with lower boundary enclosures and mature landscaping providing for a more open aspect.
4. The position of the proposed house in front of the relatively uniform frontage building line of this side of Hove Park Way will be readily visible in the street. The L-shaped footprint will expose the flank wall of the projecting element well in advance of any of the neighbouring frontages. The shape and design of the property associated with its elevated nature and forward positioning would

result in a development that would intrude into the street scene. This would be at odds with the regular pattern of development making the proposed dwelling appear unduly prominent – an impact which would be accentuated by the location of the site at the point where the street changes to its more open character. This would be detrimental to the appearance of the street scene.

5. Whilst I note the comments about the design seeking to create a visual link between the building line of Hove Park Way and the flank wall of 79 I do not find merit in that approach given the distinctly different positions and orientation of those buildings in their relative streets. Consequently this does not address or mitigate the harm that I have identified.
6. The plot width and separation of the proposed building from the neighbouring buildings retains a sense of space compatible with the surrounding area and I do not find this to be detrimental to the character or appearance of the area. Similarly whilst the plot size may well be limited in depth this would not be readily evident in views from the street. It would thereby not result in a detrimental impact except insofar as it dictates the forward positioning of the house in the street.
7. In conclusion I find that the siting of the house forward of the regular building line to be unduly prominent and thereby detrimental to the character and appearance of the area contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (LP) which seek to secure development of a high standard of design compatible with the character of the area. This is consistent with the core planning principles and paragraphs 56 – 64 in the National Planning Policy Framework (The Framework) which place great emphasis on quality in design.

#### *Sustainability*

8. LP policy SU2 states planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the development plan policies. The main objective of the policy is to help to deliver sustainable development which is wholly consistent with meeting the challenge of climate change as set out in paragraph 93 of The Framework. Additionally, the Brighton and Hove City Council Local Development Framework Supplementary Planning Document 08 'sustainable building design' (SPD) was adopted by the Council in June 2008. Whilst it does not form part of the Development Plan for the area it is nevertheless a material consideration.
9. The application details indicated an aim to achieve Code for Sustainable Homes Level 4 and this would meet or exceed that of the current Building Regulations and relevant national sustainability requirements. The proposals would thereby be consistent with Policy SU2. The SPD however suggests that for small scale development Code Level 3 would be appropriate but that for development of Greenfield sites a Code Level of 5 would be required. 'Greenfield land' is defined by reference to the definition of 'previously developed land'. However, the SPD was adopted before the change in the definition of 'previously developed land' to exclude 'private residential gardens'. It is therefore not clear if the intention of the SPD was to introduce this higher Code level threshold for small scale development on residential gardens.

10. The absence of an adopted Development Plan policy setting a requirement for a higher standard and the advice in The Framework that supplementary planning documents should not be used to add unnecessarily to the financial burdens on development add weight to my conclusion that it would not be appropriate to require the development to achieve Code Level 5. In this regard I therefore find that the development in achieving Code Level 4 would demonstrate a high standard of efficiency in the use of energy water and materials and would be sustainable.

*Lifetime homes*

11. The Council have concluded that the internal layout of the development is satisfactory and that a weather protection canopy could be addressed by a condition. I see no reason to differ from those conclusions. Moreover the provision of an external power source to allow for a future external stair lift to be fitted would partially address the issue of access by disabled or less agile occupiers without the need for structural alterations to the house. The steeply sloping access to the bottom of the external stairs would however make it difficult to access the stairs. The appellant's suggested alteration to the design of the stairs to reduce the slope and provide for a level platform at the foot of the stairs would be minor in nature and would not significantly affect the appearance of the development. On this basis I am satisfied this could reasonably be secured by the imposition of a suitably worded condition. With the benefit of these conditions I conclude that the development would provide satisfactory arrangements for access of the development. In consequence the scheme would thereby result in development that could be adapted to meet the needs of people with disabilities without major structural alterations and would be consistent with Lifetime Homes standards and Policy HO13 of the LP.

**Overall Conclusions**

12. The proposal would make a small contribution to local housing targets and would be in a sustainable location. Moreover I have found no development plan conflict in relation to the issues of sustainability and access. Nevertheless the benefits of the scheme do not outweigh the significant harm that I have identified to the character and appearance of the area. For the reasons given above I therefore conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR