

Appeal Decision

Site visit made on 2 May 2017

by **AJ Steen BA (Hons) DipTP MRTPI**

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

Decision date: 18 May 2017

Appeal Ref: APP/Q1445/W/17/3168542

1 Goldstone Street, Hove, East Sussex BN3 3RJ

- 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 S A Alajmi against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05201, dated 31 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is the erection of 1 no. house (C3) with ground & lower ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. house (C3) with ground & lower ground floor at 1 Goldstone Street, Hove, East Sussex BN3 3RJ in accordance with the terms of the application, Ref BH2016/05201, dated 31 August 2016, subject to the conditions contained in a schedule at the end of this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the surrounding area; and
 - The effect of the proposed boundary wall between the proposed dwelling and basement flat at 37 Goldstone Road on the living conditions of neighbouring occupiers of that flat with particular regard to outlook.

Reasons

Character and appearance

3. The area around Goldstone Street is primarily comprised of terraced three storey houses including lower ground floors that front the streets at right angles to Goldstone Street. The space between the rears of these dwellings is narrow, resulting in limited gaps fronting Goldstone Street between those buildings that are typically filled with additional development. This includes two storey detached properties, such as that at 3 Goldstone Street, and single storey infill buildings. Those single storey buildings are typically outbuildings relating to adjacent buildings in commercial use, such as the outbuilding previously at 1 Goldstone Street that I understand was attached to the rear of
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the former shop at 37 Goldstone Road. Whilst these single storey buildings link development along the road and to the adjacent long terraces, they do provide gaps at first floor that provide some spaciousness to the road.

4. In this context, a single storey building in the location of 1 Goldstone Street would reflect that character along this road and retain the gap at first floor, unlike the previously proposed two storey dwelling (appeal reference APP/Q1445/W/16/3143739). The lower ground floor, including lightwell, of the building would be similar to the lower ground floors of the surrounding terraced houses such that it would reflect the appearance of surrounding properties. The proposed dwelling would have sash windows and domestic front door that would differ from the more utilitarian appearance of similar infill buildings along the road. However, this more domestic appearance would reflect the use of the building and would reflect the character of dwellings in the surrounding roads.
5. For these reasons, I conclude that the proposed dwelling would reflect the character and appearance of the surrounding area. As such, the proposed development would comply with Policy CP12 of the Brighton and Hove City Plan Part 1 (CP) that seeks to raise the standard of architecture and design in the city and respect the character and urban grain of the surrounding area.

Living conditions

6. The proposed dwelling would be over two floors, being the ground floor at street level and lower ground floor below. A small courtyard garden would be provided adjacent to the courtyard belonging to the lower ground floor flat in the adjacent property of 37 Goldstone Road and divided by a wall of 2.5m height, reduced from that of the previous appeal scheme at 3.4m.
7. At present, there is a fence at existing ground level adjacent to the rear wall of 37 Goldstone Road. Given that this fence is approximately at street level, it is significantly higher than the proposed wall. Although it is further from the existing basement flat, it dominates that small courtyard to a much greater extent than the wall proposed.
8. I therefore conclude that the proposed boundary wall between the proposed dwelling and basement flat at 37 Goldstone Road would not have a greater effect on the living conditions of neighbouring occupiers of that flat, with particular regard to outlook, than the existing situation. As such, the proposed development would not conflict with Policy QD27 of the Brighton and Hove Local Plan that seeks to protect the living conditions of adjacent residents or occupiers.

Other matters

9. The site is currently unused and there is no evidence that it would be used as outside amenity space for adjacent dwellings, such that there would not be a loss of such space from the proposed development. I note that the removal of the previous building on the site may have resulted in the loss of a retail unit, but other local shopping facilities are available locally.
10. Whilst at a low level, sufficient daylight and sunlight would be available to the small courtyard to provide adequate living conditions for occupiers of the proposed dwelling. Limited windows are proposed to the rear of the dwelling, one of which would be obscure glazed and at high level and the kitchen window would be set away from the rear boundary, such that they would not result in a

material increase in overlooking of neighbouring properties. The proposed dwelling would be modest in size, but would be sufficient to provide adequate living conditions for future occupiers. Whilst no parking is proposed, the site is located in a Controlled Parking Zone such that the parking of vehicles in association with the dwelling can be managed.

11. My attention has been drawn to a County Court judgment, but it is unclear how this is relevant to the planning merits of this case. I understand that the building at 37 Goldstone Road has been converted to flats by the appellant and some conditions attached to that permission may not have been complied with. However, these matters are not before me and I need to consider this case on its own merits.

Conditions

12. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved to ensure that they would maintain the character and appearance of the area. A condition is necessary to ensure adequate cycle parking is provided to meet the needs of the occupiers of the proposed dwelling in accordance with Policy CP8 of the CP. I note the comments from the appellant suggesting there is limited space for this storage, but they suggest the space for refuse and recycling bin storage could be used for this purpose given that there is communal provision for bin storage elsewhere.
13. Conditions are necessary requiring energy and water efficiency measures to reduce the effect of the proposed development on the environment, in accordance with Policy CP8 of the CP. A condition is necessary to ensure that the dwelling is acceptable and adaptable to meet the needs of people with disabilities and meet the changing needs of households. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

14. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RFA 15/324/50A and RFA 15/324/51B.
- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all external facing materials, including details of proposed windows and doors, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
- 5) No dwelling shall be occupied it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
- 6) The dwelling shall not be occupied until the Building Regulations Optional requirements G2(3) (water efficiency) and M4(2) (accessible and adaptable dwellings) has been complied with and shall be retained as such thereafter.