

Appeal Decision

Site visit made on 22 May 2017

by **Kenneth Stone BSc Hons DipTP MRTPI**

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

Decision date: 9 June 2017

Appeal Ref: APP/Q1445/W/17/3168651

Office adjoining 91 Stanford Avenue, Brighton BN1 6FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Frank O'Connor against Brighton & Hove City Council.
 - The application Ref BH2016/05209, is dated 5 September 2016.
 - The development proposed is described as 'alteration and conversion of the existing detached garage building to form a new dwelling with off road parking space'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal follows the Council's failure to determine the application within the prescribed period, and there are therefore no formal reasons for refusal. The Council have however provided an officer report which includes reasons for refusal related to the proposed living conditions for future residents and design matters affecting the character and appearance of the surrounding area, including the Preston Park Conservation Area (PPCA). Whilst this Officer report has been provided after the appeal has been submitted I have taken these as putative reasons for refusal and used them to formulate my main issues in the determination of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including the PPCA; and
 - Whether the proposed development would provide acceptable living conditions for future occupants with regard to outlook and the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site is located at the junction of Stanford Avenue and Edburton Avenue and is located within the PPCA. The appeal relates to a detached single storey building fronting onto Edburton Avenue. It is located to the side/rear of
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- the adjoining property that fronts onto Stanford Avenue, 91. According to the Council it was most likely originally a coach house associated with that property. It has subsequently been separated in ownership terms from 91 but still retains a strong visual relationship and association.
5. 91 Stanford Avenue is located in a section of the road characterised by large semi-detached red brick Victorian villas with front gardens varied boundary treatment and a strong tree lined aspect. The road is a wide, main arterial route through the area but given the tree cover and imposing properties retains a residential character and feel.
 6. Running off Stanford Avenue are a series of smaller more intimate residential streets of later age. The properties in Edburton Avenue are predominantly late Victorian/Edwardian terraced houses mostly in painted render. The conservation area derives its significance from the age, architectural quality and layout of the estates in the area. It has a generally residential character and off the main routes a quiet and tranquil environment.
 7. The building the subject of the appeal is a modest coach house more recently used for private garaging. It appears to be in a separate ownership to the adjoining properties but the Design and Access statement refers to its current use as residential. Directly to the north 67a Edburton Avenue is a relatively modern infill development which due to its height design and form sits uncomfortably in the existing street scene. The existing building the subject of the appeal sits back from the main building line and given its unassuming form and coherent materials is not a particularly assertive element in the street. The proposed alterations and elevational changes to the front of the building would to my mind significantly change the appearance of this building in the street scene.
 8. Whilst the front would be provided with bi-fold wooden doors these would be open for the majority of the time and particularly during the time when the occupants were at home. The exposed casement doors and windows would present a modern, predominantly glazed, elevation to the exposed frontage which would be highly visible in the street. This would result in the building appearing, not as an ancillary building associated with the adjoining property but, as an independent and separate entity in the street. This disassociation with the adjoining properties would jar and make the property appear as an uncomfortable and unrelated structure in the street and make it a significantly more assertive building.
 9. The addition of the roof lights to the southern elevation roof slope in terms of their number, size and location would be readily visible from Stanford Avenue and in the surrounding area. The introduction of these windows would further emphasise the occupation of the building for living accommodation rather than as an ancillary structure associated with an adjacent building. The roof lights would themselves be large, some located high on the roof slope, and they would be readily visible thereby they would detract from the simple appearance and form of the building.
 10. The proposals also include a minor side addition, on the southern elevation of the property. This would be set back from the front elevation of the building, by some 2m, and set at the lower level of the building. Either side of the front of the building are domestic fences and gates which align with the front elevation and restrict views towards the rear. Only a very small element of the

proposed extension would be visible in the street and with the continuation of the roof slope the visual impact of the extension would be limited.

11. Overall I conclude that the proposed alterations to the front of the building associated with the roof lights would materially change the character and appearance of the existing building. The building would appear as an independent and separate residential unit. Given the form, scale and nature of surrounding properties, which are important in the significance of the conservation area, this would, in my view, appear as an uncomfortable and uncharacteristic feature in the conservation resulting in material harm to the appearance of the street scene and the character of the area. On this basis the proposal would not preserve the character and appearance of the conservation area. The proposal would therefore conflict with policy CP15 of the City Plan part one or policy QD14 of the Brighton and Hove Local Plan (saved policies) which seek to protect heritage assets and seek high quality development and extensions which are compatible with the character and appearance of the host property.

Living conditions of future residents

12. The proposed alterations and works are aimed at converting the property into a one bedroom unit of accommodation. The building has a split level with a step in the internal floor level and a mezzanine storage space already within the building. It is proposed to excavate part of the internal floor to accommodate a combined living and dining space at the lower level. This would be accessed down a short flight of stairs immediately inside the front lobby. The sleeping and bathroom accommodation would be accessed off a separate flight of stairs at the same location to the upper floor. The Council have not objected to the internal space of the proposed accommodation, and although limited, I see no reason to disagree with those conclusions as it would meet the technical size standards.
13. The principal living space would however only have two small windows providing outlook and light to the living area and kitchen area. The main glazed front entrance is at a higher level and beyond the stairs and entrance lobby. This would result in an internal space with poor outlook and a very claustrophobic feel. I note the light provided by light wells to the roof lights above which may increase light to the accommodation but this does nothing for the outlook from this space.
14. Similarly the bedroom space has limited outlook. It is elevated above the entrance glazed doors and again beyond the lobby and stairs. The only outlook for occupants of the bedroom would be from a single roof light, which in this context is limited in size and elevated relatively high in the room, giving limited direct outlook.
15. It is suggested that this is similar to other examples and I am directed towards a case in Eaton Place in Brighton. There are, however, significant differences with that case not least that the outlook being discussed there related to large sash windows in a bay feature of a listed building. There was substantially greater glazed area and greater benefits associated with the scheme against which to balance that limited outlook.
16. The Council are also concerned that the site is of restricted size and therefore makes no provision for outdoor amenity space. I note the appellant has

suggested that the front parking area could be given over to amenity space as a parking space would not be required, if it was considered necessary. I also accept that policy H05 does not specify an amount of useable private amenity space and only requires it where appropriate.

17. Whilst a number of the surrounding properties do not have private individual amenity space they do have access to outdoor space that has a degree of seclusion from the street. The proposed unit is small in size has poor outlook and has limited internal space such that could be positively balanced as were they significantly larger spaces. There is no balcony or any French doors to allow the external environment to penetrate the house and in this regard it is a very confined and restricted space. An outdoor amenity space would in these circumstances appear appropriate and therefore consistent with policy H05. The conversion of the front space to an outdoor amenity space would be limited in its size and provide no 'privacy' from the street and would not provide a useable and pleasant environment. The lack of a useable amenity space in these circumstances does result, in my view, in poor living conditions.
18. The appellant again draws my attention to Eaton Place and the balance that was struck there between the living conditions created by the internal space and the development and that associated with the locational quality of the site. That case related to a listed building in a town centre location close to the centre of Brighton and the sea front. There were significant locational advantages associated with the town centre location which supported that proposal. Whilst I accept that this site is reasonably close to open spaces and a small retail centre it is predominantly a residential area and does not have the locational advantages of Eaton Place. The locational aspects of this site are not such as to outweigh the poor living conditions of the development.
19. On the basis of the above I conclude that the proposed development would not provide for acceptable living conditions with regard to outlook and private amenity space. Consequently the proposal would conflict with policies QD14 and H05 of the Brighton and Hove Local Plan (Saved Policies) which collectively seek to ensure that development makes adequate provision for future residents in terms of living conditions and outdoor amenity space. This is also consistent with the core planning principles at paragraph 17 of the National Planning Policy Framework, in particular bullet point 4, which requires that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

20. The harm I have concluded that would result to the conservation area, a heritage asset, would be less than significant in the context of paragraph 134 of the Framework. However harm to a designated heritage asset must still be given great weight and importance. There would be a minor positive benefit by the provision of an additional unit of accommodation, however, this is only one unit the benefit is limited, and some minor economic benefits associated with the implementation of the development. However, I am satisfied that the harm to the heritage asset is not outweighed by the public benefits of the scheme.
21. The appellant has contended that as the building is physically dislocated from the property where the owner resides, 87 Stanford Avenue, this reduces the ability for maintenance and upkeep. It is contended that the building provides for a garage and out building for this property and this is a poor functional

relationship. The appeal building was not originally associated with 87 it is a separate entity and whilst currently there may be an ownership association there is not a clear physical or functional relationship between the buildings. The ability to improve activity, security and maintenance are not of significant weight in these circumstances. They are a consequence of the dislocation from the building's original host building and do not weigh heavily in my consideration of this appeal.

Conclusions

22. On the basis of the above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area including the Preston Park Conservation Area and would not provide acceptable living conditions for future residents. In this regard the proposal would not meet the environmental or social roles of sustainable development as set out in the Framework. The proposal would conflict with the development plan, as set out above, and there are no material considerations that indicate I should take a decision otherwise than the development plan.
23. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

