



Appeal Decision

Site visit made on 17 February 2010

by **Simon Poole BA(Hons) DipArch MPhil**
MRTPI

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

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Decision date:
31 March 2010

Appeal Ref: APP/Q1445/A/09/2114527 158 Westbourne Street, Hove BN3 5FB

- 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 Ms Eman Barakat-Ajmi against the decision of Brighton and Hove City Council.
- The application Ref BH2009/01741, dated 15 July 2009, was refused by notice dated 18 September 2009.
- The development proposed is described as the reconstruction of a single-storey double garage into a 2 storey, self-contained dwelling with amenity space frontage.

Decision

1. I dismiss the appeal.

Procedural Matters

2. Although the name entered on the planning application form as the applicant is "Ms Eman Barakat", all other documentation, including the appeal form, refers to "Ms Eman Barakat-Ajmi". I have therefore used the latter in the banner heading above.

Main Issues

3. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy;
 - iii) whether the proposal would result in satisfactory living conditions for future occupiers of the property, with particular regard to private amenity space provision, privacy, outlook and natural light; and
 - iv) whether the proposal would adequately conserve energy and resources.

Reasons

Character and Appearance

4. The appeal site is located to the rear of 158 Westbourne Street and fronts onto Coleridge Street. To one side there is a narrow alleyway, beyond which is the flank wall of the terrace on the southern side of Coleridge Street. Immediately to the rear is a small garden serving 156 Westbourne Street. The site is

occupied by a single-storey flat-roofed garage which abuts the rear of No.158 and has a small paved forecourt area to the front. The surrounding area is characterised by parallel streets of predominately 2 and 3 storey terraced dwellings of relatively regular appearance.

5. The proposal would comprise a 2-storey house with a shallow-pitched roof which would occupy the footprint of the existing garage. It would sit proud of the main front building line in Coleridge Street and would occupy a significant proportion of the gap between the upper floors of the houses to either side, a feature which is a common characteristic of the area. Due to this forward projection, the increase in height and bulk of built form on the site and the significant degree of in-filling between properties, I consider that the proposal would have a harmful effect on the distinctive pattern of the development in the area and appear incongruous in the street scene.
6. I therefore conclude that the proposal would fail to meet the aims of the Brighton and Hove Local Plan (LP) Policies QD1 and QD2, which seek new buildings to make a positive contribution to the visual quality of the environment and take account of local characteristics, including the developed framework against which development will be set.

Living Conditions - Occupiers of Neighbouring Properties

7. The appeal site abuts the rear boundary of 158 Westbourne Street and the entirety of the side rear garden boundary of No.156. The proposal would result in a significant increase in the height and bulk of development along these boundaries which I consider would substantially enclose the neighbouring rear gardens resulting in an unacceptable reduction in outlook from both the gardens and the windows that overlook them.
8. For these reasons I consider that the proposal would have an unacceptable effect on the living conditions of the occupiers of Nos. 156 and 158. The proposal would therefore be contrary to LP Policies QD3 and QD27, which state that proposals for 'backland' development will be rigorously examined in respect of impacts on amenities and planning permission will not be granted for development that results in a loss of amenity to existing and future residents.
9. The proposed rooflights in the rear section of pitched roof would provide light to a bathroom and a corridor. As the rooflights would be above eye level, the scope for overlooking of neighbouring properties would be limited. I therefore consider that the proposal would not give rise to an unacceptable sense of loss of privacy for neighbouring property occupiers.
10. I note that the proposal would involve the blocking up of an existing window in the rear wall of the garage which forms the boundary with No.156. However, as the garage does not form regularly occupied accommodation, the blocking up would have only a minor benefit for the occupiers of No.156. I conclude that this would not outweigh the harm I have identified above in respect of the effects on outlook for existing neighbouring occupiers.

Living Conditions - Future Occupiers

11. LP Policy HO5 requires the provision of private amenity space in residential development where appropriate to the scale and character of the development. The proposal would provide a front garden of about 7.7sqm in area, much of which would be taken up by the refuse/recycling and cycle storage. As this would be overlooked from the street and of limited size, I consider that it would not constitute useable private space.
12. The proposal would comprise a 1-bedroom dwelling and would therefore be likely to form 'starter' accommodation for a single person or a couple. However, I consider that it is appropriate for a dwelling of this type, located in a primarily residential area such as this, to provide some private outdoor space. I therefore consider that the proposal would be substandard in this respect and would result in unsatisfactory living conditions for future occupiers. The proposal would therefore be contrary to the aims and objectives of LP Policies HO5 and QD27.
13. It is proposed that a small window is retained at ground floor level facing the alleyway and that this would serve a cloakroom. As the alleyway serves 5 houses its use is likely to be infrequent. I therefore consider that provided the window comprises obscured glass, which could be secured via a planning condition, the future occupants of the appeal proposal would not experience unacceptable levels of privacy.
14. The primary living accommodation in the proposal would face the street and therefore benefit from a level of outlook that is typical for properties in a residential street. The ground floor living space would be open plan with a kitchen area at the rear. Although it would be single aspect, the distance between the large street facing glazed doors and the kitchen area would be relatively short. I am therefore satisfied that acceptable levels of internal natural light would be provided.
15. Although I have concluded that the proposal would provide adequate levels of internal natural light and acceptable privacy for future occupants, this does not outweigh the harm I have identified above in respect of the lack of private outdoor amenity space provision.

Conservation of Energy and Resources

16. LP Policy SU2 states that development proposals are required to demonstrate what measures have been integrated into the siting, layout and design of buildings to conserve energy, water and materials. The Council's Supplementary Planning Document 8: *Sustainable Building Design* (SPD) sets out a range of recommended requirements for different scales of development. I am satisfied that the requirements for a small house could be adequately met via the imposition of a planning condition, were the development acceptable in other respects. I therefore conclude that the proposal would not be contrary to LP Policy SU2 or the SPD. For the same reasons the proposal would comply with LP Policy SU16, which supports, rather than explicitly requires, the provision of renewable energy power generation installations.

Conclusions

17. Although I have concluded that the proposal would be acceptable in terms of the conservation of energy and resources, I conclude overall, for the reasons given above and having regard to all other matters raised, that it would have an unacceptable effect on the character and appearance of the area and on the living conditions of residents of neighbouring properties and future occupiers of the development. The appeal should therefore be dismissed.

Simon Poole

INSPECTOR