



Appeal Decision

Site visit made on 31 August 2010

**by M A Champion BSc CEng FICE
FIStructE FCIHT FHKIE**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
20 September 2010**

Appeal Ref: APP/Q1445/A/10/2123109

Janeston Court, 1-3 Wilbury Crescent, Hove, BN3 6FT.

- 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 Anstone Estates Ltd against the decision of Brighton & Hove City Council.
- The application ref: BH2009/01784, dated 20 July 2009, was refused by notice dated 17 September 2009.
- The development proposed is: partial roof extension to provide 4 x two bedroom flats together with roof gardens, a new passenger lift structure and secure cycle storage building.

Decision

1. I dismiss the appeal.

Preliminary matters

2. With the appeal the appellant has submitted a revised floor plan drawing (No 3044/12/B). As this makes amendments to the internal layout to ensure compliance with Lifetime Homes standards and does not affect the external appearance of the proposed development I do not consider that any party would be prejudiced by its adoption. I shall therefore consider this drawing as part of the appeal in lieu of Drawing No 3044/20 and the floor plan shown on Drawing No 3044/23.

Main issues

3. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the street scene, the skyline and the surrounding area;
 - (ii) the effect of the proposed development on the living conditions of neighbouring and existing residents with particular regard to visual impact, daylight and sunlight;
 - (iii) whether the proposed development would be in accordance with Lifetime Homes standards.

Reasons

4. Policies QD1, QD2, QD3, QD4, QD14, QD27 and HO13 of the Brighton & Hove Local Plan 2005 deal with matters of design, extensions and alterations, protection of amenity and lifetime homes.

5. The appeal site lies in a residential area on the corner of Wilbury Crescent and Wilbury Villas. It comprises a purpose built five-storey block of flats and is surrounded by a mix of dwellings, being predominantly houses but with a small number of blocks of flats to the west. It is bounded on two sides by roads and to the south by a railway.
6. The proposal would construct an additional storey on the central part of the existing building, to be divided into four flats, with balcony access along the rear as on the existing floors. The remainder of the roof would form private gardens for these flats. A lift shaft would also be constructed at the rear of the building providing disabled access from the car-park (basement) level to the first, second, third and proposed fourth floors. The existing six garages would be reduced to four to facilitate the provision of improved cycle and refuse storage and to ensure continued vehicular access.

Effect on character and appearance

7. The proposal would add height to a building that is already taller than those around it. While the additional storey would reflect the existing design and would not occupy the full width of the building, it would add bulk at a high level, thus increasing the visual impact of the building. Having regard to the prominent corner location and the open aspect to the south afforded by the railway and the falling ground levels I consider that the height, scale, bulk and design of the proposal would result in a massive structure that would have a poor relationship with the nearby houses and dominate the street scene. It would rise significantly above the neighbouring buildings and would be at odds with the prevailing character of the area. In longer views it would be highly visible on the skyline to the detriment of the wider townscape.
8. I conclude on this issue, therefore, that the proposed development would adversely affect the character and appearance of the street scene, the skyline and the surrounding area, contrary to Policies QD1, QD2, QD3, QD4 and QD14.

Effect on living conditions

9. The appellant has submitted a daylight assessment which the Council accepts indicates that there would be no significant loss of daylight or sunlight to No 5 Wilbury Crescent. However, in view of the height, mass and proximity of the proposed lift shaft, as well as the additional storey, I consider that the proposed development would have an overbearing visual impact on this property.
10. Furthermore the projection of the lift shaft would lie close to the windows of the existing basement flats Nos 29 and 30, and would intersect the 45 degree lines drawn from the centres of the nearest windows resulting in loss of daylight and outlook. While it appears that the nearest windows in these units are to kitchens, the supporting text to Policy QD14 considers kitchens and habitable rooms equally in this respect. Indeed such rooms are often occupied for significant periods of time and for tasks requiring good lighting. I consider therefore that the loss of daylight, as well as the visual enclosure, is likely to have an adverse impact on the residents.
11. I conclude on this issue, therefore, that the proposed development would adversely affect the living conditions of the residents of 5 Wilbury Crescent by

way of visual impact; and of Flats 29 and 30 Janeston Court by way of visual impact and loss of daylight, contrary to Policies QD14 and QD27.

Lifetime Homes

12. The appellant contends, and the Council does not dispute, that the revised drawing provides internal accommodation in accordance with Lifetime Homes standards to overcome the objection in this respect. However, although the proposed development would not provide parking spaces that could be enlarged to 3.3 metres width, this standard usually only applies to houses and bungalows, while garages are exempt. In my opinion therefore the proposed development including the revised drawing would provide accommodation to Lifetime Homes standards and would therefore comply with Policy HO13.

Conclusion

13. Notwithstanding my conclusion on the third main issue I do not consider this sufficient to overcome the significant objections in respect of the first two main issues.

M A Champion

INSPECTOR

