



Appeal Decision

Site visit made 21 October 2010

by Doug Cramond BSc MRTPI

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

Decision date: 15 November 2010

Appeal Ref: APP/Q1445/A/10/2130546

1 Addison Road, Hove, BN3 1TN

- 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 G Khalil against the decision of Brighton and Hove City Council.
 - The application Ref BH2009/03107, dated 15 December 2009, was refused by notice dated 19 March 2010.
 - The development proposed is the erection of one 2 no. bedroom and one 3 no. bedroom, two storey houses incorporating rooflights.
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Decision

1. I allow the appeal, and grant planning permission for the erection of one 2 no. bedroom and one 3 no. bedroom, two storey houses incorporating rooflights at 1 Addison Road, Hove, BN3 1TN in accordance with the terms of the application, Ref BH2009/03107, dated 15 December 2009, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1085/A.01a; D.01b; and AP.01.
 3. The external finishes hereby permitted shall match in material, colour, style, bonding and texture those of the attached building.
 4. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and retained thereafter.
 5. No development shall take place until details of secure cycle parking facilities related to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and retained thereafter.
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension, enlargement or other alteration of the dwellinghouses shall be carried out.
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7. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to first occupation and shall be retained as such thereafter.
8. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Main Issues

2. The main issues are the effects on the character and appearance of the locality and whether the appeal proposal would provide satisfactory living conditions for future occupants.

Reasons

3. The appeal site is a hard standing along with two parking spaces at a lower level for the nearby four storey office block which sits at an acute angle to the site. The scheme would raise the site level and develop a pair of small houses, served by one external front door. It would be an addition to the attractive terrace to the west lying within this residential area of traditional character. The design is intended to mirror the elevational treatment of the terrace, and the other end unit in particular, albeit with a longer frontage. The site has clearly been occupied previously by a dwelling and the appellant indicates that this was seemingly demolished following bomb damage.
4. It is the additional width relative to the existing properties which is resulting in the Council's design related concern. The spacing between the proposed bay windows as well as the front door would not accord with those in the rest of the terrace. However, I am not convinced that this would be read from many positions in the street, which is not a Conservation Area, and even where it could be I consider that undue harm would not arise; it would not be jarring on the eye. An end of terrace often has slightly different characteristics from the central run. In this case, for example, the central units have dormers whereas the existing end of the terrace along the row does not. Furthermore the end terrace does have a wider gap between bays albeit not quite so great as the proposal.
5. The architect has been diligent in matching most of the detail of the terrace and scale, height and bulk do broadly align with the existing building and thus a high standard of design would be achieved in compliance with the requirements of Policies QD1 and QD2 in the Brighton and Hove Local Plan (LP). I should add that the re-creation of a new end of terrace here would have a beneficial effect for the streetscene opposite the site and approaching from the west as it would help mask the unsympathetic rear elevation of the office block.
6. Turning to living conditions, the Council is concerned about internal arrangements for the outer house and the lack of outdoor amenity space. Contrary to the Council's assertions the loft bedroom would benefit from a large south facing opening skylight; it would be positioned over the stairs which are open to this room. I consider that ceiling height would be acceptable over a sufficient proportion of the room to make it suitable as one of the two bedrooms. The lowered floor area to help achieve this would hardly be noticeable in the streetscene on the front elevation despite the relationship to

- the head of the bay window. The bathroom, with the submission of the most recent plans, can have both daylight and ventilation to an appropriate degree.
7. The end property would have very limited outdoor amenity space comprising just a small front garden with no privacy. It would however be south facing and I could envisage it being used for sitting or talking to passers-by. The property is situated in a densely developed urban area where outdoor amenity space is at a premium. I noted that a number of the terraces were converted into flats and where it was available, the garden space would generally be minimal and lack privacy. The outer unit of the appeal scheme would effectively be a flat, laid out in vertical form. Taken as a whole I consider this unit would make an attractive small home. Policies QD27 and HO5 of the LP are, partly, based on providing suitable residential amenity and living conditions for future occupiers and to my mind I see no conflict between the proposal and these policy objectives.
 8. I conclude, on the main issues, that the proposal would not result in unacceptable adverse effects on the character and appearance of the locality and that the scheme would provide satisfactory living conditions for future occupants. Accordingly I shall allow the appeal.

Conditions

9. In addition to the standard three year commencement condition suggested by the Council I shall include a condition requiring that the development would be carried out in accordance with listed, approved, plans. This condition should be applied because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
10. I agree with the Council that materials should match the adjoining building and shall apply a condition to this effect in the interests of visual amenity. Suitable refuse and recycling arrangements as well as cycle parking need to be put in place to ensure residential amenity and encourage non-car travel and I shall apply conditions on these matters. In the interests of the long-term well-being of residents and sustainability I agree that conditions relating to Lifetime Homes standards and the Code for Sustainable Homes should apply and I note that the appellant has made positive statements on these matters. Given the tight configuration of the site to neighbours and the importance of elevational consistency in the street I agree that the situation is suitably exceptional to remove 'permitted development' rights for extensions and alterations in the interests of residential and visual amenity and I shall apply a condition accordingly.
11. To assist with conciseness and precision I shall not in every instance use the same wording for conditions as put forward by the Council.

Doug Cramond

INSPECTOR

