



Appeal Decision

Site visit made on 11 May 2011

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 9 June 2011

Appeal Ref: APP/Q1445/A/11/2147902

Dubarry House, Newtown Road, Hove, East Sussex, BN3 6AF.

- 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 Octopus Properties Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/01685, dated 2 June 2010, was refused by notice dated 23 August 2010.
 - The development proposed is erection of 1 No. one bedroom penthouse with a private terrace.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building and its setting.

Reasons

3. The Appeal building occupies a prominent position close to the junction of Wilbury Avenue/Newtown Road and Hove Park Villas and is adjacent to the pedestrian railway crossing to the south. Dubarry House is a large four storey former factory building which is now used for a combination of residential and commercial purposes.
 4. The main southern facade of the building is characterised by a combination of the mass of the building and its strong vertical and horizontal lines, formed by large expanses of symmetrical glazing and a parapet roof to the middle and eastern sections of the building. The eastern elevation which fronts onto Hove Park Villas is characterised by its contrasting stone and brick walls, large symmetrical and segmented windows and ornate parapet roof line. Overall there is a very strong sense of symmetry in the design and appearance of the eastern section of the building, where the penthouse would be sited.
 5. The proposed penthouse would be smaller and would be set further back from the east facade of the building than with the previous proposed scheme for a penthouse flat. Despite this it would nonetheless be clearly visible from the
-

- north side of the junction of Wilbury Avenue and Hove Park Villas as well as from various points along Hove Park Villas. The penthouse would be sited off centre along the eastern side of the building and would totally fail to respect the fenestration, walls, detailing, proportions and symmetry of the east elevation of the building. As a result it would appear incongruous and totally out of keeping with the host property and would seriously detract from the character and appearance of the setting of the building.
6. Similarly, due to its siting the northern side of the penthouse would fail to respect the symmetry of the north elevation of the building. Whilst this elevation is mostly screened from the street scene by Hove Park Mansions, the penthouse would be seen from the road junction to the north, where it would appear incongruous. The situation would be exacerbated by the use of standing seam cladding on the north elevation of the penthouse, which would contrast with both the east elevation of the penthouse and the northern elevation of Dubarry House.
 7. The south the penthouse would be partially screened by the existing enclosed stairs on the roof of the property. However, this elevation of the penthouse would be visible from the bridge over the railway and from land within and beyond the railway station. Whilst, when seen, the penthouse would fail to respect the strong vertical lines and proportions of the glazing in this elevation, it would not detract significantly from the appearance of the building or its setting. This is because it would be partially screened by the enclosed stairs, visibility from the bridge would be limited by the bridge walls and associated ironwork and from the south the views towards the building are more open and generally more distant.
 8. The proposed penthouse would be visible in wider views however, due to the distance involved and more expansive nature of any such views this would not in itself amount to a reason for dismissing this appeal. Similarly any views from other buildings would not materially detract from the living conditions of the occupants of those properties. However, this wider visibility of the penthouse adds to the concerns regarding its incongruous and inappropriate siting and design.
 9. I conclude on the main issue that the proposed penthouse would seriously and unacceptably harm the character and appearance of the host building and its setting. It would therefore conflict with policies QD1, QD2, QD3 & QD14 of the Brighton & Hove Local Plan. Collectively and amongst other things these policies seek to ensure that new development is well designed, sited and detailed in relation to the host property, makes a positive contribution to the visual quality of the environment and enhances the positive qualities of the local neighbourhood.

Other matters

10. Resident parking permits are available in the area in which the Appeal site is located and the site is conveniently located close to bus stops and Hove station. In addition, further cycle storage could be dealt with by condition. As a result and having regard to the modest size of the proposed penthouse the proposal would be unlikely to materially add to the demand for on-street parking in the locality.

11. The occupiers of the existing flats at Dubarry House would still have access to the existing communal roof terrace and with suitable soundproofing the occupation of the proposed penthouse and extended roof terrace would be unlikely to result in noise problems for the occupants of the flats below. Accordingly the scheme would not materially harm the living conditions of the occupiers of the existing flats in Dubarry House.

Conclusion

12. Whilst I have found in favour of the Appellant on some points my conclusion on the main issue represents a compelling reason for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR

