
Appeal Decision

Site visit made on 7 May 2014

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 5 June 2014

Appeal Ref: APP/Q1445/A/14/2214190

31 Melbourne Street, Brighton, East Sussex, BN2 3LH

- 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 E Barakat against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/04046, dated 14 November 2013, was refused by notice dated 30 January 2014.
 - The development proposed is erection of a 3 storey block comprising 5 no. flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the street scene,
 - the effect on the living conditions of future occupiers in terms of internal standards,
 - whether the proposed contribution to housing land supply would significantly or demonstrably outweigh any harm identified.

Reasons

Character and appearance

3. The appeal site is a small parcel of land facing onto Melbourne Street. The street scene is characterised by a mixture of both modern and traditional buildings. In particular, the appeal site is located between a terrace of traditional two storey houses and a three storey contemporary housing development.
4. The appellant points to an earlier appeal decision for the site which was dismissed in 2012 (ref: APP/Q1445/A/12/2189799). From the information before me, it appears as though that scheme shared similarities with the appearance of the present appeal. However, there are a number of key differences. One of the main differences is that a front projecting element has now been omitted from the present appeal. The omission of the front projection result in the proposed scheme having a set back comparable to that

of the rest of the contemporary building to which it would be attached to. Furthermore, this alteration would result in the proposed development being stepped back from the traditional terrace, thus reducing its overall prominence within the street scene.

5. However, visually the proposed building would be different to the existing modern building which it would be attached to. For example it would have a width greater than the existing individual apartment blocks, with this visual oddness being exacerbated by the differing roof design proposed, which would result in a mixture of both flat and shallow pitched roof forms. This roof form would also be incongruous with the prevailing pattern of roof forms at two and three storey height. Furthermore, whilst the appellant has sought to use similar materials to the existing buildings, the new building would have contrasting front elevations in terms of detailing. One result of this would be that the proposed fenestration would interrupt the rhythm of the windows on the existing building, underlining the visually contrasting nature of the proposed development.
6. The combination of differences in terms of width, roof forms, and detailing would create a jarring visual juxtaposition with both the traditional terrace and the modern building. This would be further exacerbated by the proximity of the proposal to the terrace through the loss of the gap between the building styles. All of these factors combined lead me to the conclusion that the proposed development in terms of its design, scale and architectural detailing would represent an incongruous addition to the street scene.
7. Accordingly, I therefore conclude that the proposed development would result in a materially harmful impact on the character and appearance of the street scene. It would therefore be contrary to Policies QD1, QD2, QD3 and HO4 of the Brighton and Hove Local Plan 2005 (BHLP), which, amongst other aims, seek that new developments should be designed to enhance the positive qualities of the local neighbourhood by taking into account local characteristics including the design of existing buildings, and that proposals exhibit high standards of design.

Living conditions

8. Policy H013 of the BHLP indicates that planning permission will only be granted for new residential dwellings that are built to a Lifetime Homes standard, whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. There is no evidence before me that indicates that the proposed development would be able to meet Lifetime Homes standard in this case.
9. The appellant points to the fact that Lifetime Homes is not a requirement of the National Planning Policy Framework (the Framework), which is a material consideration. However, Paragraph 58 of the Framework provides that local plans should develop comprehensive policies that set out the quality of development that would be expected for the area. The paragraph goes on to indicate that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the life of the development. In this respect, whilst the Framework does not specifically cite the Lifetime Homes standard, I consider that the Council's approach to achieving this aim is consistent with the Framework.

10. I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance, which refer to the use of conditions. However, given the lack of information, I do not find that the use of a condition to secure Lifetime Homes standard would be reasonable to mitigate the harm to living conditions in this instance. I therefore conclude that the proposed development fails to demonstrate the potential to achieve Lifetime Homes standard and as such meet the needs of future occupiers over the lifetime of the development. Accordingly the proposed development is contrary to Policy HO13 of the BHLF and Paragraph 58 of the Framework, the aims of which I have aforesaid.

Housing Land Supply

11. The appellant asserts that the District falls short on its 5-year housing supply land, and points to two recent planning decisions (ref 2204382 and 2200978). I note that those schemes relate to different proposals and are on different sites where the main issues are unlike those in this case. In this case, I do not have the full details of the Council's housing land supply figures. However, the Council indicates that there is no agreed up to date housing provision target against which the five year supply of housing land can be assessed against.
12. Nonetheless, the evidence indicates that the Council does not have a 5 year housing land supply if measured against the objectively assessed need of 20'000 homes to 2030. With this in mind, I have had regard to the Framework and, in particular, Paragraphs 14 and 47-49. Put simply, these require that permission should be granted when a proposal represents sustainable development and there is an absence of a five-year supply of housing land, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. The proposal would result in five dwellings, thus contributing to overall housing stock numbers and the local economy. Furthermore the appellant points to the fact that no harm to any neighbours' amenity or highways matters have been identified by the Council; these are benefits weighing in favour of the proposal. However, Paragraph 7 of the Framework explains the three dimensions of sustainable development being economic, social and environmental, and in order to achieve sustainable development a balance between these is required. My findings on the effect on character and appearance indicate that the proposal would fail to achieve the environmental element of sustainable development. Furthermore, the inability of the development to provide for future generations, in terms of living conditions, means that the proposal would be unable to achieve the social element of sustainable development.
14. Accordingly, the proposed development would not represent sustainable development as defined by the Framework. I therefore conclude that the benefits identified in this case do not significantly or demonstrably outweigh the harm identified. As such the proposed development is contrary to the overarching aims of the Framework relating to development, when taken as a whole.

Other Matters

15. Concerns have been expressed on behalf of the Thumbprint Foundation (formerly Connaught Christian Ministries) who are located at 131 Lewes Road, to the rear of the site. These relate to rights of way on part of the land and a

court order on the owner of such land, part of which appears to lie within the appeal site area. However, this matter is a separate issue from the specific planning merits of the proposal before me, which I have considered on its own merits.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR