



Appeal Decision

Site visit made on 20 January 2009

by **Elizabeth Fieldhouse** DipTP DipUD
MRTPI

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:
10 February 2009

Appeal Ref: APP/Q1445/A/08/2086874

Diplocks Yard, 73 North Road and land at the rear, Brighton BN11YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr John Blake against Brighton & Hove City Council.
- The application Ref BH2008/02421 is dated 11 July 2008.
- The development proposed is the construction of new part single storey, part two storey offices.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this appeal are whether the proposed development would serve to preserve or enhance the character or appearance of the North Laine Conservation Area and the effect of the proposed development on the amenities of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site lies within the North Laine Conservation Area and was used for the storage of market barrows many years ago. More recently it has had a variety of temporary uses but was a vacant space at the time of my visit. The proposed use would be compatible with the range of uses in the area and would bring a vacant site back into operational use for offices. In respect the business use, I consider that the applicable parts of policy EM4 of the Brighton & Hove Local Plan 2005 (LP) would be met.
4. The appeal site is a narrow strip of land between 40-46 Queens Gardens and 40-42 Upper Gardner Street and is accessed through an entrance under the neighbouring dwelling from North Road. The appellants indicate that they own the appeal site but do not have ownership of the building adjoining and under which the site is accessed. The Queens Gardens properties are 19th century dwellings with rear additions that extend to the appeal site. The property on Upper Gardner Street is a former school that has been developed for a mixture of houses, flats and community hall.
5. The proposed building would provide 310sqm floorspace with 207sqm on the ground floor and 103sqm on the mezzanine floors with the whole of the site (7.5m by 39m) utilised to provide four office units of varying sizes. Access

- would be via a gated entrance from North Road that would pass the proposed meter cupboard, compactor, refuse store, and disabled toilet on one side with bicycle storage on galvanised hoops on the other side. I note that the proposed ground floor plan indicates parking for five cycles with an area of landscaping adjoining the building whereas proposed long section EE provides for seven cycle hoops and less landscaping. The application form indicates five spaces would be provided and I have taken this as the proposed level of cycle parking provision.
6. Access to the individual offices would be via a path adjoining the boundary with properties accessed off Upper Gardner Street. Only the final unit would span the full width of the site. Mezzanine floors would be provided in all units other than that which would be opposite flats to the east which abut, and are screened by slatted timber brise soleil from the appeal site. Natural lighting to the offices would be mostly provided by large areas of glazing in the top of the barrel vaulted roof structure with roof lights provided in the flat sedum roof to the unit without a mezzanine floor.
 7. In my opinion, a building of the scale proposed could be accommodated without harm to the character or appearance and I find no harm in the use of a barrel roofed structure only part of which would be apparent from North Road through the entrance arch. Nevertheless, I am concerned about the detailing of the development, particularly those parts that would be viewed from North Road or neighbouring dwellings. A previous proposal for a three storey office block was refused planning permission in 2007 (BH2007/01780). In considering that proposal, the Council had found the colour coated metal standing flat roofing acceptable but considered that, if a flat roofed design was to be pursued, it should be concealed behind parapet walls rather than having fascias. I do not find this comment provides a justification for the use of corrugated aluminium roofing, corrugated aluminium or western red cedar cladding and galvanised steel grills to bin stores, meter cupboard and entrance gate. Such materials, particularly the corrugated aluminium sheeting would be reflective and uncharacteristic of its context or the prevailing pallet of materials.
 8. In addition, the North Road entrance would be closed by a galvanised steel grill entrance door and vertical western red cedar cladding. Although the materials may be locally sourced, in my opinion, galvanised steel and western red cedar is not characteristic of the area and would not only be discordant in the street scene, but the galvanised entrance gate would look utilitarian and lack interest. In my opinion, the proposed exterior treatments of the building and associated elements would be harmful to the visual quality of the area, particularly those parts terminating the view in from North Road and framing the entrance.
 9. I am mindful of the provision in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and for the reasons given, I consider that the proposal would not preserve or enhance the character or appearance of the area, and would fail to meet the provisions of LP policies HE6 and QD1. For this reason the appeal should fail. I do not find the benefit of bringing a vacant and redundant site back to life a justification for the harm I have identified.
 10. There would be minimal potential for soft landscaping but the hard landscape would be very visible through the entrance grill. Although a pallet of surfacing

materials has been suggested, they do not reflect the character of the area or the historic context of the site. However, I consider final details of landscaping could be adequately covered by condition. Nevertheless, this does not overcome the harm I have already identified.

Neighbouring occupiers' amenities

11. The appellants provide an analysis of the sunlight, daylight and overshadowing effect of the proposal. The report concludes that right to light of the rear of the properties surrounding Diplocks Yard would not be infringed, with improved transmissivity for the section of roof adjacent to 40 Queens Gardens and an improved wall reflectance of the new development of 0.833. The report also found that there would be minimal overshadowing of the ground floor windows at the spring equinox to 39, 40 and 41 Queens Gardens. Therefore the report concluded that the proposal would not cause a significant amount of overshadowing to the existing properties. The impact on daylighting to properties, particularly the brise soleil apartments, would be minimised by lowering the building which is reflected in the flat roof part of the proposal.
12. The report states that overall daylight levels to existing properties were not high, however by lowering the new development and improving the reflectance properties the impact on day light levels would be minimised. Therefore I consider that suitably clad the proposed development would not harm neighbouring occupiers' amenities by reason of loss of sunlight, daylight or overshadowing. Nevertheless, I have not found all the proposed materials acceptable and, without appropriate reflective materials, I consider that there would be some loss of light, harming neighbouring occupiers' amenities.
13. The dwelling that forms the frontage to the street under and between which the access passes has a door at the rear that opens onto the area where bicycle parking is proposed, with proposed section EE showing a cycle hoop in front of the door and the proposed ground floor plan indicating cycle parking immediately outside that entrance. Proposed elevation JJ indicates that the cycle hoops would be at right angles to the entrance which would result in the bikes obstructing part of the entrance path to the development but potentially leaving the back door to the dwelling clear. In any event, the private garden to the dwelling is shown to be fenced off from the appeal site but no access to the area is shown and I saw no door in the rear elevation to the dwelling. In my opinion, details of rear access from the property and entrance into its amenity space have not been fully considered. This adds to the harm I have already identified in the proposal.

Conclusion

14. In the light of the submitted details and the design and access statement, I am satisfied that matters relating to sustainable development could be adequately covered by condition. I have had regard to other developments in the area, but do not find any a justification for the proposal which I have considered on its merits in the light of the development plan and all material considerations. For the reasons given above, I conclude that the appeal should be dismissed.

Elizabeth Fieldhouse

INSPECTOR

