

Appeal Decision

Site visit made on 12 July 2016

by Andrew Steen BA (Hons) DipTP MRTPI

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

Decision date: 03 August 2016

Appeal Ref: APP/Q1445/W/16/3147518

60 Worcester Villas & 430 Portland Road, Hove BN3 5SJ

- 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 & Mrs John White against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00721, submitted to the Council on 2 March 2015, was refused by notice dated 19 January 2016.
 - The development proposed is demolition of existing single garage and part of an extension and the erection of a two bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within this plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies during the course of the appeal and the appellant had the opportunity to comment. Policies QD1, QD2, QD3 and HO4 of the LP that were referred to in the reasons for refusal have been superseded by Policies CP8, CP12 and CP14 of the CP. Policies QD5, QD14, QD27 and HO5 of the LP referred to in the reasons for refusal have not been superseded and remain part of the adopted development plan. I have based my decision on the current adopted policies.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers at 62 Worcester Villas with particular regard to outlook and light; and
 - whether prospective occupiers would enjoy satisfactory living conditions.
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Reasons

Character and appearance

4. The area surrounding 60 Worcester Villas and 430 Portland Road comprises a mix of commercial and residential development. Properties on the junction of the two roads comprise commercial uses on the ground floor with residential uses to the rear and above. Worcester Villas comprises predominantly Victorian brick semi-detached or terraced houses with canted bay windows. Development along Portland Road in the vicinity of the site is of similar character and appearance, although the terrace of shops from 430 Portland Road have flat roofs.
5. By contrast, the proposed development would comprise a detached modern design of building, with rendered and timber clad walls and zinc roof, and solar panels over the flat roofed section. The proposed dwelling would not reflect the scale of surrounding development, the limited depth and size of the site resulting in a proposed building that would be noticeably shallower than surrounding buildings. The differing roof forms and variety of features, such as square bay window and flat roofed projection with sloping solar panels on one side, would make the building appear prominent within the street scene. Consequently, the proposed building would be incongruous and out of character with surrounding development.
6. Whilst I accept that the principle of a modern design of building in this location may be acceptable and has been allowed on a similar site along Portland Road, it is the combination of factors regarding the scale and appearance of the proposed building that would not reflect the surrounding character and appearance and would draw particular attention to the proposed building.
7. For the above reasons, the proposed dwelling would harm the character and appearance of the surrounding area, contrary to Policy QD5 of the LP and Policy CP12 of the CP that seek to raise the standard of architecture and design in the city and provide interesting and attractive street frontages.

Living conditions of neighbouring occupiers

8. The proposed development would provide a two storey building on the site, in close proximity to the boundary with 62 Worcester Villas. That property is close to the boundary and contains windows in the elevation facing toward the proposed building.
9. I note that there is development on the boundary at present, comprising a pitched roof garage and link between that and the rear of the café at 60 Worcester Villas. Whilst this is closer to the boundary than the development proposed, it is single storey, lower and does not extend so far along the boundary as the proposed development. As such, the proposed development would be more visible and would dominate windows and the modest garden area of that neighbouring property, harming the occupiers' living conditions.
10. Whilst the outlook of those neighbouring occupiers would be harmed by the overbearing effect of the proposed development, the small gap to the boundary would ensure that there would be limited additional shadowing of that neighbouring property. Consequently, the proposed development would not result in a material loss of daylight and sunlight to the neighbouring property at 62 Worcester Villas.

11. Consequently, I conclude that the proposed dwelling would harm the outlook of the occupants of 62 Worcester Villas, such that the development would be contrary to Policy QD27 of the LP that resists development causing material nuisance or harm to the living conditions of neighbouring occupiers. The Council also refer to Policy QD14 of the LP that relates specifically to extensions and alterations, so would not be directly relevant to the proposed detached dwelling.

Living conditions of prospective occupiers

12. The proposed dwelling would be provided with modest outside amenity space to the front and rear. That to the rear is small and would be dominated by the proposed building, such that it would provide limited usable space. However, taking account of the additional space to the front and that the development would be a modest two bedroom dwelling, I consider that the amount of space is sufficient in this instance.
13. My attention has been drawn to other planning permissions that have been granted in the vicinity and that similarly sized flats may not have the amount of living space proposed in this instance. However, I have been provided with limited details of those developments. Consequently, I have reached my conclusion on the merits of the development proposed.
14. For the above reasons, I conclude that the proposed development would provide sufficient outside amenity space to ensure adequate living conditions for prospective occupiers of the proposed development. As such, the proposal complies with Policy HO5 of the LP and Policies CP12 and CP14 of the CP that seek to provide private useable amenity space in new residential development that is an integral element of the overall design.

Other matters

15. My attention has been drawn to a lack of a 5 year housing land supply. I understand that this should have been addressed with adoption of the CP, but relevant policies relating to the supply of housing land that may address that deficiency have not been provided. However, whilst the proposed development would contribute a single house to the supply of housing land, this would not outweigh the harm that would arise from the particular scheme before me in terms of the character and appearance of the area and the living conditions of neighbouring occupiers.

Conclusion

16. While I have found that the proposal would provide adequate living conditions for occupiers of the proposed development, that is not sufficient to outweigh the harmful effect the works would have on the character and appearance of the area and the living conditions of neighbouring occupiers. As such, I conclude that the appeal should be dismissed

Andrew Steen

INSPECTOR

