



Appeal Decision

Site visit made on 4 September 2017

by **L Gibbons BA (Hons) MRTPI**

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

Decision date: 2nd October 2017

Appeal Ref: APP/Q1445/W/17/3177542

8 Lloyd Road, Hove BN3 6NL

- 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 Ms N Mutawa against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05174, dated 24 August 2016, was refused by notice dated 24 February 2017.
 - The development proposed is redevelopment of garage at rear of site to provide for detached dwelling house fronting Lloyd Close. Removal of existing rear conservatory. Creation of parking space on Lloyd Road (served by existing vehicle crossover).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development on the character and appearance of the area; and,
 - ii) Whether the proposal would provide suitable internal and external accommodation for the future occupiers.

Reasons

Character and appearance

3. The wider area in which the appeal site is located contains detached and semi-detached houses of a mix of designs and ages. The roof designs in the area are either pitched or hipped with dormer windows a feature. There are a number of street trees and mature planting within the gardens and the area has a pleasant suburban appearance. Lloyd Close is a cul-de-sac with chalet bungalows set back from the road within mature gardens and the buildings are not highly visible in the street scene.
4. The proposal is for a dwelling which would be located within the rear garden of No 8 Lloyd Road with the front elevation facing towards Lloyd Close. The proposed dwelling would have a ridgeline which would be lower than neighbouring properties. I acknowledge that there would be a small increase in building footprint on the plot. However, the eaves height would be much higher than surrounding buildings and this would draw attention to the building. The dwelling would have a mansard roof and a parapet which are not

common features in the surrounding area and would contrast significantly with the adjoining properties. The two-storey flank walls of the dwelling and balconies would add to its bulk. Although the dwelling would have a similar building line to No 8 Lloyd Road, it would come somewhat forward of No 10 Lloyd Close.

5. Due to the significantly contrasting design of the building, and its position along Lloyd Close the house would be a highly prominent feature which would be detrimental to the street scene. The house would look significantly out of context with the design and scale of the properties in the immediate area even taking account of the varied designs found locally.
6. It is proposed to remove a number of trees and planting along the boundary and within the rear garden of No 8. I note that the trees relate to the former use of the site. However, I note that the trees are not of the highest quality. There would be a small area of hedgerow proposed at the front of the dwelling and some planting along the boundary towards No 8. Although it would be some time before this would mature it would make a small contribution to the verdant quality of the area. Were other matters acceptable, landscaping could be controlled by a suitably worded condition. The loss of trees and planting would not cause significant harm to the character and appearance of the area. However, this is not sufficient to outweigh the harm I have found in respect of the dwelling.
7. There is an example of a dwelling recently constructed along Lloyd Close. It has a modern design. However, it differs from the appeal proposal considerably. It has very low eaves with dormer windows and a scale and profile which is very compatible with the chalet bungalows on Lloyd Close. I have also been referred to schemes for new dwellings within the surrounding area, including along Hove Park Way, Shirley Drive and Woodland Drive. The schemes for Hove Park and Woodland Drive are similar to adjoining properties in terms of roof, eaves height and overall design. The proposal for Shirley Drive also has low eaves and is set within a slope. Therefore, to my mind they do not represent a direct parallel to the circumstances before me.
8. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with Policy CP12 of the Brighton and Hove City Plan Part One (CP) 2016. This amongst other things seeks new development that raises the standard of architecture and design in the city.
9. The Council has referred to Policy QD14 of the Brighton and Hove Local Plan (LP) 2005. However, this relates to extensions and alterations to existing buildings and does not demonstrate or substantiate an adverse impact in respect of new dwellings.

Future occupiers

10. Internal accommodation. There would be three bedrooms within the first floor of the house. The Council does not raise any concerns in respect of the two larger bedrooms or room sizes for all three. However, the third bedroom would have a small projecting bay that would incorporate a window looking towards Lloyd Close. No other windows are proposed in this room. I note that the window has been designed to take account of potential overlooking towards No 8 Lloyd Road. Nevertheless, even taking account of the measurement

provided by the appellant and that it would be full length, the window would be narrow and due to its position within the room it would not provide much natural light for the majority of the bedroom. This would result in the room feeling dark and enclosed. I consider that the space for sitting within the bay would be limited and the outlook very constrained due to its position within the bay.

11. For the reasons given above, I conclude that the proposed development would fail to provide a good standard of internal accommodation for the future occupiers. It would be in conflict with saved Policy QD27 of the LP. These amongst other things seek new development where it would not cause material nuisance and loss of amenity to the proposed, existing and /or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
12. External accommodation. The dwelling would be provided with a garden. It would differ in shape from the majority of the gardens in the area which are regular. I accept that the Council do not have any specific standards for garden sizes. Nevertheless, in this case much of the rear private garden would be narrow, and it would be north facing with little sunlight to the garden. Although there would be some space for sitting out and play it would not be very useable due to these factors. There would be additional garden space to the east although much of this would only receive sunlight in the mornings.
13. I accept that some occupiers may not require garden space. However, the accommodation would be suitable for a family and I consider that there would not be sufficient useable space for play which a family could reasonably expect.
14. I note that examples of dwellings provided by the appellant incorporate smaller gardens than the adjoining properties. However, from the drawings provided these have larger front gardens and more space to the sides which differs from the scheme before me.
15. I conclude that the scheme would not be acceptable in terms of the quality of the outdoor space to be provided and that the development would conflict with saved Policy HO5 of the LP.

Other matters

16. The dwelling would be located to the west of No 8 Lloyd Road. The side elevation would be seen across the majority of the rear garden of No 8. However, the buildings would be separated by the garden of No 8 and the side garden of the new dwelling with sufficient distance between the two. The retained garden would be private with considerable space to sit out. The garden is west facing and it would not feel dark or enclosed and the dwelling would not appear overly intrusive. The dwelling would be some distance from No 10 Lloyd Road which has a very long garden. The proposal would be acceptable in this respect.
17. Local residents raise concerns in respect of parking and highway safety. The Council does not object to the proposal in this respect subject to suitable conditions. Based on the evidence before me and observations on the site visit, I see no reason to disagree with these matters. However, this is not sufficient reason to justify the appeal proposal.

18. Concerns are raised in respect of land ownership. This is a private matter between any parties which may be concerned and this is not a matter which has contributed to my decision.

Conclusion

19. The appellant refers to the CP and the housing requirement only meeting 44% of the identified need and refers to the housing supply including windfall dwellings. Notwithstanding, the proposed development would provide an additional dwelling within the area which has very limited weight in favour of the scheme. The scheme would not cause harm to the living conditions of the occupiers of No 8 and No 10 Lloyd Road.

20. However, I have found that the scheme would cause harm to the character and appearance of the area, and the development would not be acceptable in terms of the living conditions of the future occupiers in relation to the third bedroom and garden space. The proposal would be in conflict with the development plan when considered as a whole.

21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR