
Appeal Decision

Unaccompanied site visit made on 26 October 2018

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 14 November 2018

Appeal Ref : APP/Q1445/C/18/3195706

Land at 2 Barrowfield Lodge, Barrowfield Drive, Hove, BN3 6TQ.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Hayes against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 3 January 2018.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised installation of 4 no. air source heat pumps at the front elevation of the dwelling at ground floor level and timber structures concealing the pumps.
- The requirements of the notice are (i) remove the 4 no. air source heat pumps from the front elevation of the dwelling at ground floor level, (ii) remove the timber structures concealing the air source heat pumps.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld

Ground (a) appeal and deemed application

Main Issues

1. The main issues in the determination of this appeal are the effects of the development on (i) the character and appearance of the host dwelling and surrounding area and (ii) the living conditions of occupiers of nearby residential dwellings with particular regard to noise and disturbance.

Character and appearance

2. The appeal site is a flat within a two storey building with basement. The surrounding area is predominantly residential and characterised by attractive, traditional buildings many with projecting bays and gable roof forms. Whilst the host building has some unsympathetic features overall it is an attractive building which retains many of its original features and is finished in a mixture of brick corbelling, hanging tiles and stone.
3. The notice concerns four air source heat pumps with timber screening. These pumps are located in front of the principal elevation of the property, two within the recess between two projecting bays and two straddling a projecting bay and a second recess.

4. The development plan (including the Brighton & Hove City Plan Part One (the City Plan) and saved policies in the Brighton & Hove Local Plan (the Local Plan)) mirrors the National Planning Policy Framework (the Framework) in recognising the importance of development that respects its setting. Saved policy QD14 of the Local Plan provides that planning permission for extensions and alterations to existing buildings will only be granted if certain specified criteria are met. One of these criteria is that development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. I have also taken into account as a material consideration Supplementary Planning Document 12: Design Guide for extension and alterations (SPD 12) which states that small storage structures should be sited to minimise views from the street and neighbours, be designed attractively in appropriate materials and be screened by landscape planting.
5. I do not agree with the Appellant that the development has enhanced the streetscene. The units are prominent. The screening partly obscures features of the building. The timber screening is out of character with the host dwelling its lattice design at odds with the exterior of the host dwelling. The units are not well designed nor well sited and materials are not appropriate to the host dwelling or surrounding area. They detract from the character and appearance of the host property and the surrounding area.
6. The development causes harm to the character and appearance of the host dwelling and surrounding area contrary to the development plan, the Framework and SPD 12.
7. I have considered whether the identified harm could be controlled by conditions. I have taken into account the Planning Practice Guidance but find that no conditions would adequately control the identified harm. I do not consider a requirement to plant climbers would mitigate the harm.

Living conditions

8. Policy QD27 of the Local Plan provides that development should not have an adverse impact on neighbours with regard to factors including noise.
9. I note the comments of neighbours concerned about potential disturbance. The Council produces a noise assessment report which concludes that the predicted night time noise levels do not comply with the Council's criteria. It also concludes that noise mitigation measures are possible which if implemented would result in the noise impact for residents being low.
10. On the evidence before me I am satisfied that the living conditions of nearby residents with regard to noise and disturbance could be adequately controlled by condition.

Conclusion

11. Whilst I have found that the harm by reason of noise may be controlled by condition I have also found harm to the character and appearance of the host dwelling and surrounding area. I have considered the environmental benefits of the heating system but this does not outweigh the identified harm and that harm means that planning permission should not be granted. I am not persuaded on the evidence before me that the sustainability

benefits could not be secured by alternative measures that do not create the identified harm.

Formal Decision

12. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

S. Prail

Inspector

