

## Appeal Decision

Site visit made on 12 September 2016

by **C. Jack, BSc(Hons) MA MA(TP) MRTPI**

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

Decision date: 21<sup>st</sup> September, 2016

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### Appeal Ref: APP/Q1445/W/16/3152750

#### 6 Roedean Crescent, Brighton BN2 5RH

- 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 Richard Page against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/00964, dated 16 March 2016, was refused by notice dated 11 May 2016.
  - The development proposed is the demolition and re-development of a single housing plot to create a six bedroom house on 3 levels.
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#### Decision

1. The appeal is allowed and planning permission is granted for the demolition and re-development of a single housing plot to create a six bedroom house on 3 levels at 6 Roedean Crescent, Brighton BN2 5RH in accordance with the terms of the application, Ref BH2016/00964, dated 16 March 2016, subject to the conditions set out in the Schedule to this decision.

#### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

#### Reasons

3. Roedean Crescent is an established residential street comprising a wide variety of substantial detached houses. It is located towards the eastern edge of the city, in an elevated position above Brighton Marina. As existing, 6 Roedean Crescent (No 6) is a two-storey detached house in Tudor style, set notably down from the road and screened to a significant degree by mature vegetation at the front. The proposed development is to replace the existing house with a three-storey house of modern design, utilising a palette of comparatively traditional materials.
  4. In general, properties on the northern side of Roedean Crescent are set on rising land above the road, with properties on the southern side being set down from the road. This has resulted in a number of properties, particularly on the northern side of the road, being particularly prominent in the street scene, including several examples of substantial three-storey rebuilds or refurbishments of modern design and materials. I saw during my site visit that some of these houses are immensely striking, both from Roedean Crescent and in wider views, including from the main coast road. These now form a strong element of the already eclectic mix of styles and ages of houses and the range of materials that contribute to the general character and appearance of
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- Roedean Crescent. In this context, the proposed dwelling of patently modern design would not be generally out of character with the wider street scene.
5. The main parties agree that the principle and the scale of the proposed development are acceptable, and I see no reason to disagree. Notwithstanding this, the Council is principally concerned that the proposal would harm the character and appearance of 'this part of' Roedean Crescent, in the immediate vicinity of the appeal site, rather than necessarily the wider street scene. In this part of Roedean Crescent, on the southern side, there is a row of Tudor style houses that are similar to each other but have somewhat varying sizes, layouts and detailing. No 6 sits roughly midway along this row, where the houses are among the least prominent in Roedean Crescent, being set below the road and generally screened at least in part by boundary walls and mature vegetation. Of these properties, No 6 is a particularly unobtrusive example due to its screening and degree of set down from the road. On the opposite side of the road the eclectic mix of properties seen elsewhere in Roedean Crescent continues.
  6. The proposed modern design would result in a house of strikingly different appearance to the existing property and its neighbours. However, it would be well set down into the site and as a result, despite being set forward of the existing footprint, it would not be prominent in the street scene. The new house would have a respectful relationship with the adjacent buildings, having adequate separation from them and similar overall height. The building, which would appear essentially two-storey from the road with the entry level being on the first floor, would further add to the eclectic mix of designs and juxtapositions between properties already evident in the road.
  7. Furthermore, given the wide variety of design solutions in the road, including some very imposing modern properties, I consider that this modern solution, albeit different from the other examples, would not adversely affect the diverse character and appearance of the wider street scene. Moreover, this area is not subject to any special protection and there is also no significant evidence before me that the existing Tudor style house particularly merits retention in this location.
  8. I am mindful of the good design requirements of the National Planning Policy Framework (The Framework), including Paragraph 60 and the need to avoid stifling design, imposing particular styles or tastes, or requiring certain development styles. While I note that the Council does not seek to prevent modern designs *per se*, and indeed has permitted examples nearby, I am not persuaded that the appeal proposal would be harmful in this part of the road and I consider that it would be generally consistent with the good design aims of The Framework. For these reasons, the design, siting and bulk of building would not harm the character and appearance of this part of Roedean Crescent.
  9. I note the Council's concerns that the existing boundary vegetation within the site cannot be relied upon to permanently preserve or screen views of the site. While this may be true, I have found that the proposed development would not be harmful to the character and appearance of the area and I consider this would be fundamentally the case with or without the existing front boundary vegetation, albeit vegetation would, as is often the case, help to soften and assimilate the building into its surroundings. Nonetheless, removing front

vegetation is apparently not the appellant's intention since the submitted plans show planting along the front boundary, excepting the access points. Appropriate landscaping would be beneficial to the character and appearance of the development and details could be reasonably addressed by way of a landscaping condition.

10. The Council is also concerned that the proposed traditional materials are not suitable in association with the modern design. I accept that a large expanse of hanging tiles is proposed, which in a more visually prominent location may serve to accentuate the uniform expanses of walls and the strong lines of the proposed design. However, as this building would not be prominently positioned the extensive use of hanging tiles would not have any such significant impact on the character and appearance of the area.
11. Notwithstanding, the use of the right traditional materials would be crucial to successfully assimilate the proposed design into this part of the road and ensure a high quality finished development. Traditional materials are most prevalent in the immediate vicinity and their use with the proposed design would be more suitable than modern materials in this instance, helping to integrate the building. However, I consider that in order for the use of traditional materials to be fully successful with the proposed design, and help to reinforce local distinctiveness, it would be necessary to ensure they are sympathetic to the area, including in terms of colour, texture, and quality. This could be reasonably addressed by way of a condition requiring the prior approval of samples.
12. I note that some materials, such as bungaroosh, are not necessarily associated with this area of the city; however the extent of its proposed use in this case is relatively limited and it nevertheless remains a characteristic material of the Brighton area more generally. Accordingly I do not consider that this would adversely affect the character and appearance of the area in this instance. For these reasons I consider that the proposed use of relatively traditional materials for the proposed development would not harm the character and appearance of this part of Roedean Crescent or the wider street scene.
13. In light of my reasoning above, I conclude that the proposed development would not harm the character and appearance of the area. Accordingly, I find no conflict with adopted Policy CP12 of the Brighton and Hove City Plan Part One 2016, which among other things expects development to raise the standard of architecture and design. I also find no conflict with retained Policy QD5 of the Brighton and Hove Local Plan 2005, which seeks to ensure that development has interesting and attractive frontages.

### **Other Matters**

14. I have also had regard to the various matters raised by interested parties, including that the proposal would result in overlooking and that incorrect bus services have been referenced. The Council considered overlooking in its report and concluded that the design had regard to the privacy of neighbours and so the development would not be likely to significantly affect neighbouring living conditions in this respect. There is no significant evidence before me that the proposal would result in a harmful impact on privacy from overlooking and therefore I see no reason to disagree with the Council's findings in this regard.

15. The bus service described in the application may be incorrect. Either way, given that the development proposed is acceptable in principle as a one for one replacement of an existing dwelling within a built up area, this is not a factor against which it would be reasonable to withhold planning permission in this instance. Accordingly, the various other matters raised do not outweigh my findings in respect of the main issue above.

### **Conditions**

16. I have considered the list of suggested conditions provided by the Council. In addition to the standard time limit, I have imposed a condition specifying the approved plans as this provides certainty. Conditions requiring samples of external materials and in relation to landscaping are necessary in the interests of character and appearance. The provision of cycle parking and the crossover and access are necessary to ensure the satisfactory and sustainable operation of the completed development. Conditions relating to energy performance and water efficiency are also necessary in the interests of sustainable development.
17. I consider that the removal of national permitted development rights is not necessary as I have no significant evidence before me of clearly justified exceptional circumstances.
18. I have considered the appellant's suggestion that the standard water efficiency requirement of 125 litres per person per day should apply. However, I note from the Council's submission that the standard it currently requires is the 'optional requirement' of 110 litres, as detailed in the Building Regulations 2015. I have therefore specified the 110 litres standard in the condition, and I note that the Council has also provided some information as to how this requirement may be achieved.

### **Conclusion**

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should succeed.

*Catherine Jack*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; A100; A101; A102; A103; A104; A105; A107; A108; A109; A110; A111; A112; A113; A114; A115; A116 and A117.
- 3) No development above ground floor slab level shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Samples required shall include:
  - a) all brick, render and tiling, including details of the colour of render/paintwork
  - b) all cladding, including details of treatment to protect against weathering
  - c) all hard surfacing materials
  - d) the proposed window, door and balcony treatments.

Development shall be carried out in accordance with the approved details.

- 4) The development shall not be occupied until a scheme and timetable of landscaping have been submitted to and approved in writing by the local planning authority. The scheme and timetable shall include details of:
  - a) existing and proposed ground levels
  - b) all hard surfacing
  - c) all boundary treatments
  - d) all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme and timetable. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for bicycles to be parked and that space shall thereafter be kept available at all times for the parking of bicycles.
- 6) The development shall not be occupied until the crossover and access have been completed in accordance with the approved plans.

- 7) The development shall not be occupied until an energy efficiency standard of a minimum of 19% CO2 improvement over the requirements of the Building Regulations Part L 2013 (TER Baseline) has been achieved.
- 8) The development shall not be occupied until a water efficiency standard of 110 litres per day per person maximum indoor water consumption has been achieved.