



Appeal Decision

Site visit made on 4 August 2008

by **John Papworth** DipArch(Glos) RIBA

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

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Decision date:
19 August 2008

Appeal Ref: APP/Q1445/A/08/2072621 16 Hill Drive, Hove, East Sussex BN3 6QN

- 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 S Cohen against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03293, dated 31 August 2007, was refused by notice dated 3 March 2008.
- The development proposed is described as new 3 bedroom single storey Carbon neutral eco home set in rear garden of no. 16 Hill Drive and new garden walls around 16 Hill Drive.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues to be;
 - The effect of the development on the character and appearance of the Hill Drive area of Hove.
 - The effect of the development on the living conditions of neighbouring and prospective residential occupiers with particular regard to outlook, daylight and amenity space.

Reasons

Character and Appearance

3. The area around the site comprises a variety of styles and sizes of dwelling and is close to shops and transport. I note that Local Plan Policy QD1 encourages innovation subject to the character of the area and I do not discount the possibility of a modern design being able to be accommodated here. In addition I welcome the description of this being a 'carbon neutral eco home'.
4. The site is presently part of a rear garden fenced on the footway boundary and as such is a break in the open frontage that extends round two sides of No16 and along the front of dwellings in Deanway. The proposed setting back of the dwelling would continue this openness. However, included in the description and shown on the drawing is a wall on the boundary around the remaining part of No16's garden to the front. Whilst outside the red-line application site, this would outweigh the advantages of the open front at the appeal site and cause harm to the character and appearance of the corner in my view.

5. Notwithstanding the improvement in the openness of the appeal site frontage, the predominantly blank walls of the proposed dwelling and the appearance of being squeezed into a narrow site detract from the character and appearance of the development and the area in my judgement. The existing buildings in the area have a pleasing relationship with the street through having windows, presenting an inviting face. The appeal scheme turns its back on the street and presents, I consider, an uninviting face which would cause harm to the streetscene. I am not persuaded that the lack of outward facing windows is needed to conserve energy and similarly I am not persuaded that the use of only inward facing courtyard windows would maximise passive gain from the low winter sun.
6. In conclusion on this issue I find the design uncompromising in relation to the character and appearance of the area, causing visual harm and containing little in the way of interest to justify an appearance that is so at odds with its surroundings. Hence it is my view that the proposal fails to accord with the aims of Local Plan Policies QD1, QD2 and QD3 as it does not make a positive contribution to the visual quality of the environment, failing to take account of local characteristics where these are of value, and, whilst making effective use of the site, this is at the expense of the prevailing townscape.

Living Conditions

7. With regard to number 4 Deanway, conditions could control the slab level relative to the neighbouring house. Whilst not so high as to cause real harm to daylight and sunlight in my estimation, I consider the form and proximity to be unacceptable due to the visual impact. Turning to number 16 Hill Drive, this family-sized house would have very little remaining garden to the rear, being described at the site inspection as being in the order of 5m, but it appears that there is a reliance on the use of the front garden by addition of the enclosing wall. A low wall that might be permitted development would not provide privacy, and a higher wall would cause harm as previously stated. In the circumstances I consider the usable space left to this dwelling to be insufficient in size and quality, and the effect of the proposals on both neighbouring occupiers to be contrary to the aims of Local Plan Policy QD27 of protecting the amenity of residents.
8. The proposed new dwelling is in the form of an enclosed box with an open frontage space and built tight to the other three boundaries. The only private space available for what appears as a four or five person house would be the open internal courtyard. The outlook of all rooms would be to this space also. Whilst therefore private with regard to outside views and noise, I consider the space limited in area and quality with the risk of compromising privacy between users of the dwelling. The proposals do not in my judgement reach the quality of design sought by Local Plan Policies such as QD27 and HO5.

Other Matters

9. The Council raises various other concerns in the reasons for refusal; lifetime homes, cycle and vehicle parking, waste management and refuse storage. Were all else acceptable in these proposals I consider these other matters could be addressed by way of negatively worded conditions requiring schemes or further details. I have no reason to consider that the schemes could not

satisfy the Local Plan policy requirements cited. In addition, I am unable to comment on the advice that the appellant claims to have received from Council Officers regarding failings in a previously refused scheme and how they might be rectified, but I have determined this appeal on the information before me.

Conclusions

10. The proposal would make good use of previously developed land close to transport and services and aims to be carbon neutral with low energy uses. The design is modern as encouraged by the Local Plan policy referred to, but in this location and on such a small site I consider the windowless box form to be an uncompromising addition to the streetscene that would cause visual harm. This failing is added to the lack of amenity space and the adverse effect on the two neighbouring occupiers, so as to indicate that the scheme is unacceptable in this position. For the reasons given above I conclude that the appeal should be dismissed.

S J Papworth

INSPECTOR