



Appeal Decision

Site visit made on 29 September 2008

by **Roger Mather MA Dip Arch RIBA FRTPI**

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

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Decision date:
9 October 2008

Appeal Ref: APP/Q1444/A/08/2062641

Land to the rear of 24 Dyke Road, Brighton BN1 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Mike Holland brings the appeal against the decision of Brighton & Hove City Council.
- The application (Ref: BH2007/02033) dated 23 May 2007, was refused by notice dated 24 July 2007.
- The development proposed is three-storey (inclusive basement) single-family dwelling.

Decision

1. I dismiss the appeal.

Procedural Matter

2. Had the Council been able to support the proposal it would have sought a completed agreement to prevent future occupiers from being eligible for on-street parking permits because the site would remain genuinely car free. Consequently, if I were in agreement with the proposed development, it would still be necessary to address the need for an appropriate agreement and my consideration of the appeal is on that basis.

Main Issues

3. The appeal property comprises a semi-detached three-storey plus basement villa in multiple-occupation that occupies a prominent corner position within the West Hill Conservation Area. Many similar properties have been converted to flats or are in multiple-occupation. The appeal site is occupied by a garage and adjoining outbuilding that is used for residential purposes. Following demolition of these structures, the appellant would erect a detached house on a similar footprint, fronting onto Leopold Road.
4. From this, the written representations and my inspection of the site and surrounding area, the appeal raises four main issues. The first is whether the proposed development would satisfactorily preserve the character and appearance of the West Hill Conservation Area. The second is whether the scheme would provide acceptable living conditions for future occupants, particularly in relation to amenity space. The third is the effect on the living conditions of households in the existing villas in relation to amenity space and outlook. The fourth is whether the proposal would compromise policies for renewable energy and energy efficiency.

Reasons for Decision

5. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Planning Policy Guidance 15: Planning and the Historic Environment (PPG15) represents well-established government policy on such areas and I shall accord it substantial weight. It is clear that the western part of the Conservation Area is characterised by substantial Victorian Villas of a rather grand scale, with important gaps between buildings, particularly at corners, that give a spacious character to the street scene, worthy of continued protection.
6. This somewhat unsightly site is prominent in the Conservation Area and a redevelopment that would have an entirely appropriate form and appearance in this sensitive position would most likely sit comfortably and harmoniously alongside its neighbours. The proposed building, however, squeezed into the gap between two substantial buildings would be significantly smaller. Consequently, it would contrast sharply with the villas in terms of scale and massing, such that the design falls short of what I think is necessary to preserve the historic context. That is because its form would create entirely the wrong effect by emphasising an inappropriate bulk that would be a clear breach of the distinctive character of this part of the Conservation Area as well as being disruptive in the gap. It misses the opportunity for a significant improvement on what is there now, failing to match the building to the quality of the historic context.
7. I have reservations too about the detail, which I agree is an inappropriate hybrid building that is neither a grand Victorian villa nor a mews building. Consequently, I conclude on the first issue that the proposed development would neither preserve the character nor the appearance of the West Hill Conservation Area. To permit the development in these circumstances would be to disregard the historic context that led to the designation of the Conservation Area as well as the duties imposed by the Act, guidance in PPG15 and Local Plan Policies HE6 (a) & (c), QD1 (a) & (b) and QD2 (a), (c) & (e).
8. The restricted size of the plot is such that the proposed three-bedroom house would be set against two boundaries to maximise the use of the site. It would thereby appear cramped, emphasising over development with insufficient space to provide any private amenity space for future occupants. I am concerned too that there is no space to provide kitchen/dining area windows and there would be no outlook. Natural lighting in this area would be through a roof light. Consequently, my overall conclusion on the second issue is that the proposed family house would not achieve acceptable living conditions for future occupants in relation to private amenity space and outlook, contrary to the requirements of Local Plan Policies HO5 and QD27.
9. The new house is designed to avoid overlooking but non-habitable rooms would have windows facing the host building and 22 Dyke Road. All of these windows could be obscure glazed to avoid direct overlooking as well as achieving privacy for future occupants, although they would be sufficiently close to the villas to give a perception of overlooking into habitable rooms. While there would be some overshadowing, given the orientation and the distances involved, I do not

think that it would give rise to any significant loss of daylight/sunlight into neighbouring flats, such as to be unacceptable. However, its bulk would be overly oppressive, only a few metres away from habitable room windows in the villas. There would be some loss of garden to accommodate a light well but this is unlikely to materially harm the living conditions of households in the flats that use the remaining amenity space.

10. Consequently, I conclude on the third issue that the proposed house would have an unacceptable impact on the living conditions of existing households in relation to an overbearing impact on outlook and the perception of overlooking. That would conflict with Policy QD27 of the Local Plan.
11. The site waste management plan to recycle demolition materials would minimise construction waste. Council policies also require new development to demonstrate a high level of efficiency in the use of water, energy and materials. No details have been submitted but clearly the basement would have inadequate natural lighting to avoid dependency on artificial lighting. In that respect it would conflict with Policy SU2 of the Local Plan.
12. I have considered all other matters drawn to my attention but none is of such significance as to outweigh the considerations that led to my conclusions on the main issues. I further conclude that the appeal should not succeed.

Roger Mather
INSPECTOR

