

Appeal Decision

Site visit made on 4 January 2017

by **David Cliff BA Hons MSc MRTPI**

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

Decision date: 30 January 2017

Appeal Ref: APP/Q1445/W/16/3158469 148a Preston Drove, Brighton BN1 6FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Cooper against Brighton & Hove City Council.
 - The application Ref BH2016/01940, is dated 23 May 2016.
 - The development proposed is demolition of existing dilapidated garage buildings and addition of a four bedroomed family dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. In its appeal statement the Council sets out what its reasons for refusal would have been had it been in a position to determine the application. These relate to the proposal's adverse impact on the character and appearance of the Preston Park Conservation Area and the effect of its scale and massing on neighbouring living conditions.
3. The main issues are therefore (i) whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area and (ii) its effect on the living conditions of the occupiers of neighbouring properties with particular regard to outlook for the occupiers of 111 Stanford Avenue.

Reasons

Preston Park Conservation Area

4. The site comprises several single storey buildings in generally poor condition. It forms a triangular shaped parcel of land located to the rear of residential properties which front on to Stanford Avenue and Edburton Avenue, and to the rear of mixed commercial/residential properties which front on to Preston Drove. The residential properties surrounding the site have generally small rear gardens.
 5. Whilst the existing site is predominantly open, the existing buildings do not make a positive contribution to the character or appearance of the Conservation Area, although their low profile means that they do not appear as particularly obtrusive in views of the site from surrounding properties. The
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Council's statement notes that any dwelling on the site should be suitably subservient in scale and deferential in appearance to the historic housing that surrounds the site. Taking account of my observations at my site visit, I broadly concur with this assessment taking into consideration the tight constraints of the site resulting from its location to the rear of existing properties on all three sides.

6. The proposed dwelling would be part single storey and part two storeys and it would be of a contemporary appearance. The proposed finished floor level of the development would be lower than the existing ground level. The limited height of the single storey parts of the development would result in them being unobtrusive from surrounding properties. The two storey element would adjoin the northern boundary of the site to the rear of the existing properties on Preston Drive.
7. Despite the finished floor level of the development being lower than the existing ground level, the two storey element of the development would be substantially higher than the existing buildings. Whilst inset on either side, it would also be of a considerable width and massing. The proposed elevation plans show that part of it would be higher than the first floor window sill levels of the adjacent properties on Preston Drive and higher than the eaves levels of properties on Edburton Avenue. The central section of the two storey element containing a large expanse of glazing and protruding above the two storey sections on either side, would appear as particularly prominent and at odds with the traditional design and appearance of surrounding buildings. Located to the rear of existing buildings, I consider that the two storey element, by reason of its size, massing and appearance, would appear as unacceptably intrusive and incongruous in views of the site from surrounding properties.
8. Although the development would not be visible from surrounding roads and public vantage points, it would be seen (the two storey element in particular) from the rear of a good number of residential properties. The site therefore has a collective public value in this context. Given the existing appearance of the site, an appropriate development proposal has the potential to enhance the character and appearance of the Conservation Area. However, for the reasons outlined above, I consider that the design of this appeal proposal would result in visual harm to this part of the Conservation Area.
9. Whilst the existing boundary treatments would be replaced by more attractive lower louvered fencing, this benefit would not outweigh the harm I have found to result from the first floor element of the proposed development.
10. I conclude on this issue, that the proposed development would not preserve or enhance the character or appearance of the Preston Park Conservation Area. It would be contrary to the relevant design and heritage aims of retained policy HE6 of the Brighton and Hove Local Plan 2005.
11. In the context of paragraph 134 of the National Planning Policy Framework, the proposal would cause *less than substantial* harm to the significance of the designated heritage asset affected. However, I must attach considerable importance and weight to that harm which I find would not be outweighed by any public benefits, including the modest benefit of one new family dwelling towards the local housing supply.

Living conditions

12. The Council's primary concern in this regard centres on the outlook of the occupiers of 111 Stanford Avenue. Whilst the first floor element of the proposed development has been set back from the boundary, it would still be close to the boundary with 111 Stanford Avenue. Even with the lower finished floor level, the first floor flank wall of the development would raise substantially above the existing boundary fence. Given its proximity to the rear ground floor windows and rear garden area of No. 111, I consider that it would appear as unacceptably overbearing in the outlook for the occupiers.
13. The appellant has drawn my attention to other development that has recently taken place in the area, including at 7 Semley Road. However, I am not aware of the particular circumstances justifying the approval of that scheme and, in any case, I have to consider the current appeal proposal on its own merits. The approval of other schemes in the area by the Council does not outweigh the harm I have found to result from this appeal proposal.
14. The Council has also raised concerns regarding the visual dominance of the glazed part of the building. Whilst I have concerns in this regard in terms of how this would be viewed in the context of the Conservation Area, I do not consider that its relationship with neighbouring properties is such to result in unreasonable impacts upon living conditions.
15. In conclusion on this issue, the proposed development would result in significant harm to the living conditions of the occupiers of 111 Stanford Avenue, contrary to the relevant amenity aims of policy QD27 of the Brighton and Hove Local Plan.

Other matters

16. The appellant refers to concerns regarding the Council's delivery of housing, including the speed of delivery. In this context the proposal would provide for a new family sized dwelling. However, this would represent only a very modest contribution to the overall supply of housing, the benefits of which would be outweighed by the harm I have identified.
17. I note the sustainability credentials included within the design of the proposal. Such measures are supported by planning policies but do not override the need to also comply with other relevant policies, in this case regarding the effect upon the character or appearance of the Conservation Area and the need to safeguard neighbouring living conditions.
18. The appellant also refers to security benefits from the proposal that would arise from the development of the site. However, there is no persuasive evidence before me of any existing security issues and I have given this potential benefit only minimal weight.

Conclusion

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

David Cliff

INSPECTOR

