

Appeal Decision

Site visit made on 30 January 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 21 February 2017

Appeal Ref: APP/Q1445/W/16/3160214

144 Church Road, Hove, East Sussex BN3 2DL

- 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 Peermark Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00880, dated 25 February 2016, was refused by notice dated 4 May 2016.
 - The development proposed is erection of 1 no single storey residential studio with mono pitched roof.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Cliftonville Conservation Area, and
 - The effect that the proposal would have on the living conditions of the future occupiers, with regard to outlook and living space.

Reasons

Conservation Area

3. The Conservation Area is characterised by mainly residential suburban development, with pockets of small scale workshop use and Victorian shop frontages along the main routes. Most dwellings in different styles and sizes share some unity due to their development within a fairly short period. The restricted palette of materials, largely consistent building lines, and the openness and leafiness in the front and back gardens are important to its appearance. Thus, the character and the appearance of the Conservation Area are important to its significance as an area of historic suburban townscape.
 4. The appeal site includes part of 144 Church Road and its roughly L-shaped back yard, which adjoins terraced buildings at 34 Seafield Road and 146 Church Road, and the pedestrian way to 146a Church Road. The yard is partly edged by boundary walls to roughly south west and south east, and a light well at the back of 144 Church Road to roughly north east. The main living area in the studio would be mostly within an irregularly-shaped back extension that would wrap around the present back outshut.
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5. Most nearby back gardens are fairly short, and the buildings include various extensions. Even so, together the back gardens provide important spaciousness and leafiness that can be enjoyed from the backs of the surrounding buildings. Thus, they contribute positively to the character, appearance and the significance of the Conservation Area.
6. By contrast, the extension would take up most of the width and all of the depth of the present yard. So, it would look squeezed in, and there would be little space around the extension to provide a sympathetic setting at the back of the existing building. The cramped appearance of the scheme would be harmfully at odds with most nearby development, and its built-up character would be unacceptably out of keeping with the suburban area.
7. The single storey studio at the back of 142 Church Road is not as deep as its wider yard, so there is a compact but useable outdoor space beyond the end of the studio. The openness in that space maintains the space about buildings that is important to the character and appearance of the area. Whilst the proposal would not be visible from the public domain that would not be sufficient reason to erode the character or the appearance of the Conservation Area, as it would be seen from the nearby buildings and gardens in any case.
8. The proposal would, in the terms of the *National Planning Policy Framework* (Framework), cause 'less than substantial harm' to the heritage asset. As the asset is the Conservation Area as a whole, its optimum viable use is not relevant. So, whilst the public benefits would include the new dwelling, they would be substantially outweighed by the harm that the proposal would cause to the significance of the asset as an area of historic suburban townscape.
9. Therefore, I consider that the proposal would fail to preserve or enhance the character or the appearance of the Conservation Area. It would be contrary to the aims of Policies CP12 and CP15 of the *Brighton & Hove City Plan Part One* (CP) to conserve or enhance the built heritage and the historic environment, Policy QD14 of the *Brighton & Hove Local Plan 2005* (LP) which aims to take account of existing space around buildings and the character of the area, LP Policy HE6 which reflects the thrust of the statutory duty with regard to conservation areas, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Outlook and living space

10. The wraparound layout and variable width of the main living space would not make it easy to furnish, and much of its space would be needed for circulation. However, the layout would not be so impractical that a single person would not have room to eat, relax and sleep, and the partial separation of the kitchen from the living area would be appreciated by some occupiers. The appellant's agent also states that the studio would meet the nationally described space standard of 37 m² for a one person one bed space flat with a shower.
11. Most outside space would be around a metre wide and enclosed by proposed and existing walls, so it would be barely sufficient for a washing line, planting and the like, but the deeper roughly triangular space by the patio door would be enough for the occupier to sit outside. Moreover, no local policy requirement for outdoor space for a dwelling of this size has been put to me, and for some occupiers, the very modest outdoor space would be preferable to

- none at all. So, I consider that the space in the dwelling and outside would not be so small that it would harm the future occupiers' living conditions.
12. Turning to outlook, the shower and the kitchen would not have windows, and the window closest to the main part of the existing building would light a corridor, so its outlook over the light well at 144 Church Road is not relevant. The other 2 south east facing windows would offer light and ventilation. However, the outlook from them would include the studio at 142 Church Road very close by, with the much taller outshut at 136 to 140 Church Road beyond, and those nearby buildings would have an unacceptably overbearing and oppressive effect on the future occupiers' outlook through those windows.
 13. The south facing patio door in the short angled wall of the studio, which would be close to the south corner of the yard, would provide the main outlook from the dwelling. However, the building at 34 Seafield Road includes a tall rear outshut that is fairly close to the south west boundary, which projects beyond the width of the site. Thus, it encloses much of the outlook over the garden wall to the south west. Beyond the studio at 142 Church Road, the tall rear outshut at 136 to 140 Church Road projects well beyond the depth of the site, so the outlook to the south east would be severely enclosed. Between these outshuts there would only be a narrow southerly view of the back gardens beyond. Therefore, taking into account the nearby boundary walls as well, the outlook from the dwelling would be unacceptably oppressive.
 14. The studio at 142 Church Road has a large glazed opening in its end wall at roughly a right angle to the outshut at 136 to 140 Church Road and a mostly deeper and wider outside space close by. So its occupiers can enjoy a much more open outlook through the patio door, above the boundary wall, and over the many nearby gardens. Thus, it differs from the proposal before me.
 15. Whilst the living space inside and outside the proposed dwelling would be acceptable, I consider that the proposal would harm the living conditions of the future occupiers, with regard to outlook. It would be contrary to LP Policy QD27 which aims not to permit proposals that would cause material loss of amenity to occupiers, and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

16. The proposal would amount to a windfall site that would contribute to the Council's 5-year housing land supply in line with CP Policy CP1. CP Policy SS1, which reflects the presumption in favour of sustainable development, was not a concern in the Council's reasons for refusal. However, whilst the economic gains would include jobs during construction, and the social gains would include the new dwelling, these gains would be significantly and demonstrably outweighed by the environmental harm that the proposal would cause to the Conservation Area and the outlook of future occupiers. Thus, the proposal would not amount to sustainable development.
17. Regard has been had to appeal decision ref APP/Q1445/A/10/2131396 for a studio unit at 142 Church Road. The main differences between that scheme and the proposal have been discussed in the main issues. So, the site and the studio at 142 Church Road differ from the proposal in this appeal, which I have dealt with on its merits and in accordance with its site specific circumstances, my statutory duty and relevant local and national policy.

Conclusion

18. For the reasons given above and having regard to all other matters raised, including the support of some interested parties, the appeal fails.

Joanna Reid

INSPECTOR