



Appeal Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 31 October 2017

Appeal Ref: APP/Q1445/W/17/3177592 16 Hollingbury Place, Brighton BN1 7GE

- 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 David Bean of Nordstar Property Co Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/06564, is dated 21 December 2016.
 - The development proposed is redevelopment of the existing property to provide 3no residential units, including associated extensions and alterations.
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Decision

1. The appeal is dismissed and planning permission for the redevelopment of the existing property to provide 3no residential units, including associated extensions and alterations, is refused.

Main Issues

2. This appeal has been lodged following the Council's failure to determine the application. The Council in its appeal statement has put forward reasons for refusal had it been in a position to determine the application. These relate to the size and appearance of the extensions and alterations to the building and the effect the proposed development would have upon the occupiers of the adjoining property at No 118 Roedale Road (No 118).
3. I therefore consider the main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of adjoining occupiers.

Reasons

Character and appearance of the area

4. To the eastern side of Roedale Road the terrace properties have a uniform appearance and a gentle stagger to their roof heights as they rise northward following the topography of the land. The dwellings to the rear of the appeal site along the southern side of Hollingbury Place are a mix of single and two storeys. This gives the development along this road frontage a more varied appearance.
5. The proposed development would raise the roof considerably higher than that of the adjoining terrace properties along Roedale Road. The roof would also

- incorporate hips. In addition, the proposal would create a three storey projecting feature incorporating a hipped gable roof of significant size and projection at the corner.
6. I acknowledged that there is a variety of roof forms in the area and that, due to the topography of the land, the ridge heights of properties along differing road frontages will be higher than others. However, the properties along Roedale Road have an uninterrupted continuity to their gabled pitched roofs, ridges and eaves. The excessive height of the building, front corner projection and hipped and pitched roofs, would markedly contrast to the form of the terraced properties at Roedale Road, including their roofscapes. The contrived roof form would be out of keeping with the scale, ridge and eaves lines and the simple appearance of these terraced properties. Despite the additional bulk of the roof form having a setback, its increased height would be prominently visible from the adjoining highways. As a result the proposed development would detract from the uniformity of the Roedale Road streetscene and would appear as an incongruous development at the end of this road.
 7. I observed that the properties in the area are mainly two storey. The proposed development would be three storey, although the second storey would occupy the space within the roofslopes. Whilst I do not consider the footprint of the proposed development would be disproportionate to that of other terraces in the area, the height and scale of the building would be noticeably larger. Although hipped gable features are proposed to provide visual contrast within the façade of the proposed development, this does not deflect from the overall visual size and mass of the resulting building. As a result the proposed development would appear out of keeping with the properties in the area.
 8. The Council is concerned that the proposed development would have a disjointed and convoluted appearance because of the differing heights and integration of two different roof forms. I share this view. Furthermore, concern is also expressed about the gables and the variety of window sizes and detailing. Overall the proposed development, particularly with the corner projection, differing roof forms and numerous windows would, in my opinion, have a cluttered appearance.
 9. Taking these matters collectively, the proposed development would be a discordant development in this location and would be visually harmful to the appearance of this area, despite the proposed development maintaining a similar front building line as that of existing adjoining dwellings. This visual harm would be extremely prominent in views from the adjacent highway junction and surrounding public highways. The harm would also be clearly visible in the outlook of adjoining occupiers.
 10. I note that under separate permitted development rights and the prior notification process the existing building can be converted to residential use. I also acknowledge that the National Planning Policy Framework (the Framework) makes it clear that planning decisions should not attempt to impose architectural styles or particular taste. However, I do not consider the potential alternative residential use of the building or the design in this case is particularly original or sufficiently innovative to justify the proposal.
 11. I have been referred to other developments in the area but I have not been directed to precise locations or addresses. Whilst there may be examples of three storey development within the wider area and at corner locations this

does not obviate the requirement to consider this proposed development in the context of its immediate surrounding environment.

12. For the above reasons the proposed development would be harmful to the character and appearance of the area and would be contrary to Policy CP12 of the Brighton and Hove City Plan Part One which seeks development to have a strong sense of place and to respect the urban grain, amongst other matters. The proposal would also conflict with paragraphs 17 and 58 of the Framework that aim to ensure development takes into account local character.

Living conditions of adjoining occupiers

13. No 118 is positioned at a lower land level to that of the appeal site and land to its west. To the rear of this property there is a conservatory together with outdoor open living space. The existing two storey flat roof extension running alongside Hollingbury Place to the rear of the appeal property projects a considerable distance beyond the rear building line of No 118. As a result the rear living environment of No 118 is to some extent enclosed to its northern side by the existing development at the appeal site.
14. I note that the proposal would reduce the eaves height of the rear projection by approximately 0.4 metres and that the proposed roof would pitch away from No 118. The proposal would also be stepped in along the full length of the common boundary with this adjoining property which is not the case presently. Notwithstanding this, the proposed development would increase the length of development adjacent to No 118. It would also increase the roof height of the original building positioned at the corner. Although the proposed development would be stepped in from the common boundary by a short distance, the increase in size of the proposed development would be clearly visible to the occupiers of No 118.
15. The proposed development by reason of its increased height, length and close proximity would be significantly more dominant in the outlook from habitable rooms and the rear outdoor space of No 118 than that of the existing development. These habitable living spaces are places in which the occupiers are likely to spend a reasonable amount of their time. I therefore find that the proposal would have an increased harmful dominating and enclosing impact upon the living environment of the adjoining occupiers at No 118 and would diminish the residential enjoyment of their home.
16. In addition to the above I observed on site that No 18 Hollingbury Place (No 18), positioned just beyond the rear boundary of No 118, is also situated at an elevated land level to that of the rear living environment of No 118. That property is also clear in the outlook of No 118. Increasing the length of built development at the rear of the appeal site and reducing the gap between it and No 18 would compound the sense of enclosure experienced by the occupiers of No 118.
17. Given the orientation of the appeal property to No 118 I do not consider the proposed development would significantly overshadow No 118 or that increased overlooking would occur as a result of the proposed development.
18. For the above reasons the proposed development would be harmful to the living conditions of adjoining occupiers and would be contrary to Policy QD27 of the Brighton and Hove Local Plan. This policy seeks to prevent development

that would cause nuisance and loss of amenity to the existing and/or adjacent residents/occupiers, amongst other matters.

Other Matters

19. I have been referred to the sustainable dimensions of the Framework. The proposed development would support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. Construction costs would contribute to the local economy and provide employment during construction. The proposal would make beneficial use of a previously developed windfall site and provide three needed high quality family units within a sustainable location in the City. The appeal site would be within easy walking distance of shops, services and facilities, as well as bus and train services that would provide sustainable transport options. The appellant considers that the Council would also benefit from income from the new homes bonus, as well as annual council tax. The new occupiers would also support the existing local facilities and contribute to the spend in the local economy. The proposal would contribute toward the City's targets for housing delivery in a location where there is policy support for additional houses. However, given that the proposal is only for three dwellings, I attach moderate weight to these social and economic benefits.
20. The proposed accommodation would accord with national size guidance and cycle parking and waste storage provision would be provided for future occupiers. The occupiers of the ground floor flat would have access to a private outdoor space. I acknowledge that the proposal may also assist in reducing antisocial behaviour and fly-tipping within the area around the existing building. I accept these would be benefits of the proposed scheme.
21. Notwithstanding all this, the proposed development would cause substantial harm to the character and appearance of the area and to the living conditions of the adjoining occupiers placing it in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs heavily against the scheme. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the identified environmental harm. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.
22. The appellant's statement makes reference to a nearby listed building and area that is defined as a conservation area. However, the Council's completed questionnaire indicates that the site is not in or adjacent to a conservation area or would affect the setting of a listed building.

Conclusions

23. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR