



Appeal Decision

Site visit made on 11 September 2009

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

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Decision date:
10 November 2009

Appeal Ref: APP/Q1445/A/09/2103090

162 Carden Hill, Hollingbury, Brighton, East Sussex BN1 8GN

- 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 Ms Lena Johansson against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00716, dated 18 February 2008, was refused by notice dated 23 October 2008.
- The development proposed is demolition of existing house and erection of new residential unit.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be the effect of the proposal, firstly on the character and appearance of the area, and secondly on the living conditions at the neighbouring properties (Nos 160 & 164) in terms of outlook.

Reasons

Character and Appearance

3. The appeal site comprises a post-war bungalow that has been extended with various additions including a large tiled front dormer extension. It lies in an elevated position on a steeply sloping site which is terraced. To the front of the dwelling is a high level terraced area enclosed by a mock 'classical' balustrade, with shrub planting between brick retaining walls on the lower levels. A single garage is centrally set within the slope at street level. The adjacent properties, in a similarly elevated position, are of a contemporaneous era, but of varying designs. There is an open park area on the opposite side of the road.
4. Although the Council has raised concerns that inadequate information has been supplied with the application to fully assess it, particularly regarding its relationship with the properties either side, in my view the appellant has provided a considerable amount of detailed information which seeks to explain and illustrate the proposal fully. In my opinion, there is sufficient information to adequately assess the proposal.
5. I share the Council's view that there is no objection in principle to replacing the existing property, which is not of any particular architectural merit. I also note that Policy QD1 of the Brighton and Hove Local Plan specifically discourages replication of existing styles and pastiche designs, unless within an area

- featuring a distinctive historic style of architecture. This policy also encourages the opportunity to be taken to create new buildings of distinction on suitable sites. Therefore, it seems to me, that local policy would in principle support a modern design in this location, subject to certain criteria being fulfilled.
6. The proposed design would be uncompromisingly contemporary utilising modern materials and would comprise a series of block-like structures set over three levels, with large glazed windows at the front. The lower floor would be set into the hillside, and a front section comprising a kitchen/dining area would project forward of the other parts of the house. The highest part of the house would be set back roughly in line with the existing neighbouring properties either side. The proposed design concept does not draw on any others in the vicinity and would be unlike any others nearby.
 7. I appreciate the appellant has attempted to achieve an interesting and high quality modern design. However, I do have serious concerns about various aspects of the scheme. For example, I consider that the forward projecting part of the proposal, protruding well forward of the adjacent dwellings, would appear incongruous and intrusive in relation to those properties, as well as discordant in the street scene. I acknowledge that the existing houses are not in a fixed line, since the road curves in this location. I also note the appellant states that the front projecting part of the dwelling would only be slightly set forward of the position of the existing high level terrace, and that part of the design rationale for this element was to create a more sheltered and private front garden area for the neighbouring property at No 160. Nevertheless, in my judgement, the forward projection of this part of the living accommodation would appear more prominent than the existing terraced area and, to my mind, would create a greater impression of bulkiness. I consider it would appear discordant in this context.
 8. I also consider that the proposed dwelling, which would extend quite close to both the flank boundaries at various points, would appear overly wide in relation to the size of the plot, thus appearing somewhat cramped. I appreciate the existing dwelling is close to the flank boundaries, particularly on the side adjacent to No 164. However, because I believe the proposed new dwelling would appear larger and more bulky than the existing one, partly because of its eye catching, imposing and striking modern appearance, I consider that a greater degree of separation would be required in this instance.
 9. I therefore conclude on the first issue that the proposal would harm the character and appearance of the area. It would be contrary to Policies QD1 and QD2 of the Brighton and Hove Local Plan (BHLP) which together seek to achieve high quality designs that, whilst encouraging new buildings of distinction on suitable sites, also take into account local characteristics of areas and seek to enhance their positive qualities.
 10. I note the appellant is proposing to landscape the front garden and remove the existing garage, thus improving the garden's visual appearance. I also note the appellant states that access to the dwelling would be improved. I acknowledge the proposed dwelling's sustainable credentials, and that considerable effort has been taken to reduce its carbon footprint. However, these advantages do not outweigh my concerns in relation to the first issue.
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Living Conditions

11. The Council is concerned that the proposed dwelling would obscure views from the adjacent properties because of the forward projection of part of the proposed dwelling. However, whilst some side views may be interrupted by the projecting part of the building, particularly at No 160, I do not consider there would be any significant loss of outlook to neighbouring properties (Nos 160 & 164) and I do not consider this is a reason for the appeal to fail.
12. I therefore conclude on the second main issue that the proposal would not harm living conditions at adjacent properties in terms of outlook. I do not consider there would be a conflict with Policy QD27 of the BHLP which seeks to protect the amenity of adjacent residents, including their outlook.

Other matters

13. The Council has raised concerns that there is insufficient information to demonstrate how elements of waste management have been incorporated into the scheme, including the submission of a Waste Minimisation Statement. It is also concerned that insufficient information has been submitted to show how the proposal would comply with 'lifetime homes' standards. I consider these are matters that could be dealt with by suitably worded conditions requiring information to be submitted to the Council for approval before works commence, and are not reasons for this appeal to fail.
14. I note the appellant's frustration at the manner in which the planning application was processed by the Council. However, this has not influenced my conclusions in relation to this appeal which I have assessed having regard to the development plan, Government policy and other relevant considerations.

Conclusion

15. Although I do not consider the proposal would harm the living conditions at neighbouring properties, I conclude that it would be unacceptable in terms of its effect on the character and appearance of the area.
16. Therefore, for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

M C J Nunn

INSPECTOR

