



Appeal Decision

Site visit made on 6 September 2010.

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

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

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Decision date:
21 September 2010

Appeal Ref: APP/Q1445/A/10/2125603

25 Lower Bevendean Avenue, Brighton, BN2 4FE.

- 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 Mr G Abelwhite against the decision of Brighton & Hove City Council.
- The application Ref: BH2009/02624, dated 26 October 2009, was refused by notice dated 12 January 2010.
- The development proposed is a new build dwelling on the side of existing property 25 Lower Bevendean Avenue.

Procedural Matters

1. The Appellant submits for my consideration revisions to the appeal application scheme (namely: a different parking alignment for space no.1; and, an enlarged ground floor that incorporates a WC) in place of the scheme upon which the Council took its decision. Those revisions are shown on drawing no. 'page 3, revision 3'. Both revisions seek to address particular objections that the Council does not sustain in its Appeal Statement.
2. The revised parking scheme is a minor adjustment (albeit to address the important matter of highway/pedestrian safety) that does not materially alter the nature of the proposed development.
3. The ground floor enlargement would be at the rear corner of the proposed dwelling and very much subordinate to it. The scale and appearance of the enlargement would not alter the overall impact of the original appeal scheme, in terms of the street scene or the effect upon neighbours. Thus, I consider it not to be an alteration that consideration of which would jeopardise the interests of third parties.
4. In the circumstances, I address the revised appeal scheme in my decision and take the Council's objections about parking safety and lifestyle homes no longer to be determinative matters in this case. That said, my comments in paragraphs 18, 19 & 20 apply.

Decision

5. I dismiss the appeal.

Main Issues

6. I consider the three main issues in this case to be the effect of the proposed development on; firstly, the character and appearance of the area; secondly,

the living conditions of adjoining occupiers, with particular reference to outlook; and lastly, transport infrastructure.

Reasons

Character and appearance

7. The appeal house is a generic style 1930s/50s semi-detached house in a suburban area. The area is similarly developed as a housing estate, with a few exceptions; notably the more recent adjoining building comprising a number of purpose built flats ('the flat building'). The proposed development would enlarge the appeal building into a short terrace, at the expense of a side garden and detached garage. Policies QD1 and QD2 of the Brighton & Hove Local Plan 2005 (LP) require a high standard of design concerning the positive qualities of the area and local characteristics, embracing such things as architectural detailing and the layout of streets and spaces.
8. For the style of appeal building involved on such a suburban estate as this, it is not uncommon to see characteristic short terraces of the type proposed. However, each house in the appeal building has typical half-bay windows. Whereas the proposed development would closely match the design of the appeal building with a fully integrated addition, bay or half-bay windows would be oddly missing in the architectural detail and result in a discordant facade.
9. The suburban houses of the appeal estate are generally closely spaced and there is a strong uniformity and rhythm in the street scene. I saw that that pattern pleasantly combines with a substantial central green area (a distance away from the appeal site) and results in a distinctive spacious character and appearance. In the appeal location, however, the flat building occupies the acute space between road junctions and, in my view, even with the side spaces of the appeal house and that behind it (no.44 Upper Bevendean Avenue) to complement its setting, the street rhythm is weakened here. The proposed development would worsen that situation as it would look cramped and out of place, due to the loss of the side space, compounded by the creation of a discordant façade to the appeal building.
10. Where and how cars are parked is critical to the quality of a housing area. The proposed forecourt parking would follow other examples in the appeal road. Here, in the appeal case with three spaces proposed alongside each other and occupying the whole available depth of the resultant frontage, the proposed parking arrangement would fail to be a visual amenity for residents and would not enhance the appearance of the built form of the surrounding development.
11. Thus, I conclude on the first issue that the proposed development would be harmful to the character and appearance of the area, in conflict with policies QD1 and QD2 of the Development Plan.

Living Conditions

12. Various flats face towards the appeal side space, over a grassed communal amenity area. LP Policy QD27 seeks to protect the amenity of residents, in terms of such things as outlook.

13. I examined the appeal side space from the communal amenity area of the flats. Given the distances and orientations involved, I came to the view that the replacement of the sizeable detached garage with an end, hipped roofed two-storey elevation would not look overly bulky and proximate to the adjoining occupiers. In the circumstances, I conclude on the second issue that the proposed development would not unacceptably affect the outlook of the adjoining occupiers, in accordance with the requirements of Policy QD27 of the Development Plan.

Transport infrastructure

14. The proposed development would create a new dwelling and result in additional travel demand due to the potential occupiers.
15. LP Policy TR1 expects development to provide for the demand for travel it creates and LP Policy SU15 seeks an appropriate financial contribution towards, or the direct provision of, the necessary services or infrastructure. LP Policy QD28 makes clear that where these things are to be achieved through a planning obligation, it should satisfy a number of tests concerning its provenance.
16. The Parties dispute the need for a financial contribution towards transport infrastructure. I acknowledge that no scheme to provide sustainable transport infrastructure to support the demand for travel generated by the proposed development is produced by the Appellant. Even so, the Council does not identify the construction or implementation of any scheme in its Local Transport Plan that would be necessary, directly related to the proposed development and fairly and reasonably related in kind to it. Under LP Policy TR1 the maximum use of public transport, walking and cycling is sought. The appeal site is in an accessible built-up area, with regular bus services nearby. There is plenty of scope to provide cycle storage within the appeal site.
17. In the circumstances, in the absence of evidence to the contrary, I conclude that the proposed development would not be harmful to transport infrastructure, in accordance with the requirements of Policy TR1, SU15 and QD28.

Other considerations

18. The proposed parking arrangement would comprise spaces of minimum required size. The revised alignment of space no.1 would place its outside flank somewhere beyond the limit of the donor, appeal house and its residual plot. Moreover, it would virtually abut the front door of the appeal house.
19. To my mind, space no.1 would have a negligible 'comfort margin' for fully reaching the front of the space having regard to potential over-shoots; a driver may park short and overhang the footway. So too with the other spaces, especially no.3. In my opinion, this would be an unsatisfactory arrangement that brings into question the feasibility of the proposed parking arrangement. That situation is compounded by potential obstruction by the street lamp on the rear edge of the footway and the effect of the speed bump in the road.
20. The questionable feasibility of the proposed parking arrangement adds to my conclusion on the first issue.

21. I have considered all other matters raised, including the efficient use of the appeal plot, but none alters my conclusion that the proposed development would be harmful to the character and appearance of the area.

CONCLUSION

22. Notwithstanding my conclusion on living conditions and my finding on transport infrastructure, my conclusion on the first issue (character and appearance) is sufficient reason to dismiss this appeal.

B C Scott
INSPECTOR