



Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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Decision date:
21 October 2010

Appeal Ref: APP/Q1445/A/10/2129679 **30 Goldstone Way, Hove, East Sussex BN3 7PB**

- 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 Ignacy Lechowicz against Brighton & Hove City Council.
- The application (Ref: BH2010/00109) is dated 28 December 2009.
- The development proposed is the erection of a front extension, new external access staircase and other external alterations.

Decision

1. I allow the appeal and grant planning permission for the erection of a front extension, a new external access staircase and other external alterations at 30 Goldstone Way, Hove, East Sussex BN3 7PB in accordance with the terms of the application Ref: BH2010/00109 dated 28 December 2009 subject to the conditions set out in the Schedule of Conditions attached hereto.

Preliminary Matter

2. The description of development given above differs from that on the original application form but is consistent with that on the appeal form. The original description '*Front extension to existing house*' does not fully describe the proposal shown on the submitted plans, particularly in regard to the reconfiguration of the access stairs and veranda balustrading proposed. In the interests of consistency, and for the avoidance of doubt, I have adopted the more comprehensive description for the purposes of this appeal decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the property and the surrounding area.

Reasons

4. The appeal property is a mid 20th century detached bungalow on the south-west side of Goldstone Way. The land falls sharply from south-west to north-east so that the properties on this side of the road, including No 30, are elevated well above street level whilst the two storey houses opposite are set a full storey below the road, thus having the appearance of single storey properties.
5. The proposal comprises three distinct elements. The first is a small forward extension on the right-hand side of the façade, including a front facing gable

- to reflect, but not precisely replicate, the slightly larger gable to the left-hand side. The second is the reconfiguring of the stepped access from street level up to the floor level of the dwelling whilst the third is the provision of a metal balustrade to the veranda that extends across the width of the property.
6. These same works formed part of a proposal for which planning permission (Ref: BH2009/00501) was refused in 2009 and the subsequent appeal (Ref: APP/Q1445/A/09/2108159) dismissed. The only material difference between that scheme and the proposal now before me is the omission from the present scheme of a large fully glazed porch that formed part of the earlier proposal. The sole reason for dismissing the previous appeal was the absence of detailed information about the glazed porch.
 7. In dismissing the appeal, the previous Inspector, having analysed the appeal property and surrounding area, and considered the Council's reasons for refusal, stated, "*I see no reason in principle why a further front facing gable could not be successfully assimilated in the design of the house and the overall street scene, even if not subordinate in size to the original gable, to create a double-fronted appearance. Although it would not replicate the rhythm of the more widely spaced gables on the neighbouring semi-detached bungalows, the building is in any event different from those neighbouring dwellings and from its detached neighbour to the west. Moreover, the existence of the low level integral garage and the stepped garden to the side of the driveway renders overall symmetry within the street scene practically unachievable*".
 8. He continued, "*Within that context and, bearing in mind that small changes to the appearance of neighbouring pairs of dwellings intended to be wholly symmetrical have occurred, I am not persuaded that either the lack of total symmetry implicit in the proposal or the lack of distinctly discernible subordination of the proposed second gable would, of themselves, be changes sufficiently harmful to the building or the street scene to conflict unacceptably with the intentions of the saved local plan policies cited by the Council, namely QD1, QD2 and QD14*".
 9. After considering the representations made by the appellant and the Council, and having visited and carefully inspected the site, I am in entire agreement with that assessment. Furthermore, having considered the reconfiguration of the entrance steps and the principle of the new balustrade proposed for the veranda, I am satisfied that, subject to the provision of further details of the balustrade, these too would accord with the design objectives of the LP Policies noted above.
 10. Accordingly, and having regard to all other matters raised, I am led to conclude that, as the proposal before me would not materially harm the character and appearance of the property or the area, and as there are no other considerations that would justify a decision other than in accordance with development plan policy, the appeal should be allowed and planning permission granted.

Conditions

11. In the event that the appeal is allowed and planning permission granted, the Council has suggested four conditions in addition to the statutory time limit. I

have considered the need for these, and any other conditions, in the context of DoE Circular 11/95 – *The Use of Conditions in Planning Permissions*. Otherwise than as set out in this decision and its associated conditions, it is necessary in the interests of proper planning that the development should be carried out in accordance with the approved plans. For the avoidance of doubt, I shall impose a condition to that effect.

12. In the absence of appropriate details on the submitted plans, the suggested conditions requiring samples of external facing materials and details of the veranda balustrading to be submitted to and approved by the Council are appropriate and necessary, as is the suggested condition seeking to control water run-off from hard paved surfaces so as to reduce the risk of flooding and pollution, and to achieve an acceptable level of sustainability for the development. I shall impose all these conditions, amending the Council's suggested wording as necessary to accord more closely with Circular 11/95 advice.

John G Millard

INSPECTOR

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details shown on the submitted location and block plans, and approved drawings numbered 1A, 1B, 2, 3, 4, 5 and 6 (all dated 17.12.08) and 7 to 15 inclusive (all dated 24.12.09).
- 3 No development shall take place until samples of the materials and colours to be used in the construction and finishing of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 4 Notwithstanding details shown on the approved plans, the development hereby permitted shall not begin until full details of the balustrade to the front veranda, including sections and profiles of the railings drawn to a scale of not less than 1:20, have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 5 The hard paved areas hereby permitted, including the parking space, shall be surfaced in a porous material and thereafter retained as such or shall be so constructed, and thereafter retained, as to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

- End of Schedule of Conditions -