



Appeal Decision

Site visit on 24 November 2010

by Graham Self MA MSc FRTPI

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

Decision date: 7 December 2010

Appeal Ref: APP/Q1445/A/10/2133151

Land at 9 Ridgeside Avenue, Patcham, Brighton BN1 8WD

- The appeal is by Mr and Mrs R Counsell. It is made under Section 78 of the Town and Country planning Act 1990, against a refusal of planning permission by Brighton and Hove City Council.
 - The proposed development was described in the application as: "Erection of flat roofed detached dwelling and creation of new off road parking space". The proposed development was described in the council's refusal notice as: "Erection of detached 2 storey, 2 bedroom house replacing existing garage".
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Decision

1. I dismiss the appeal.

Reasons

2. The main matter of dispute in this case is the design of the proposed house and whether it would suit its surroundings, having regard to relevant planning policy.
3. The proposed house would face the end of a cul-de-sac which branches off Ridgeside Avenue. The house would have an essentially rectangular shape with a flat roof, which would be mostly bordered by a parapet. The attached single-storey garage would also have a flat roof. The garage roof and most of the house roof would be sedum-covered; the front part of the house roof would be metal-covered. The front elevation of the house would have floor to ceiling glazing on the ground floor, with similarly full-height glass panels at first floor level. These panels would be a mixture of obscure, opaque and partly translucent coloured glass.
4. Ridgeside Avenue serves a residential area which appears to have been developed from the 1930s onwards. There is a mixture of houses and bungalows. Most of the dwellings are built of brick, although the bungalow immediately west of the appeal site has rendered walls. The majority of the dwellings in the vicinity of the appeal site have tiled, hipped roofs.
5. The area around the appeal site does not have any special designation for policy purposes – for example, it is not part of a conservation area. Moreover, policy QD1 of the Brighton and Hove Local Plan provides that unless a development proposal is within an area featuring a distinctive historic style of architecture, the replication of existing styles and pastiche designs will be discouraged; and it is debatable whether this area has a "distinctive historic

style of architecture" within the meaning of policy QD1. Be that as it may, policy QD2 provides that new development should take account of local characteristics, including the design of existing buildings.

6. Taking into account the explanatory text of the plan, it is apparent that the general thrust of these policies is to support variety of design when new buildings are inserted into already developed areas, especially in residential areas described by local people (during consultation on the plan) as "bland", whilst also trying to ensure that new development respects and complements the character of areas which are attractive and worthy of preservation.
7. The residential area around Ridgeside Road near the appeal site is attractively mature, not bland. Although some aspects of the design of the proposed development (such as the brick material on some external walls) would reflect the characteristics of the surrounding area, other design elements such as the shape of the house, the finishing materials used on the front elevation, the window size and shape, and the proportion of window to wall areas would all contrast with the pattern of nearby development. The limited amount of space around the house itself would also contrast with the relatively spacious setting of most of the other properties in the neighbourhood.
8. The house (particularly its front elevation) would be prominent in views along Ridgeside Avenue from the south. The development would have a distinctive architectural quality; but in this prominent position, the house would be an incongruous feature in the street scene and would not reflect or complement the character of the surrounding area.
9. A technique of urban design sometimes referred to in textbooks as "closing the vista" is alluded to in part of the appellants' case, which contends that the proposal would "repair and complete the street scene". Since the appeal site does not appear as an unsatisfactory void in views northwards, this is not a situation where the street scene needs repairing, and even if that were so, the proposed development would not be suitable for such a purpose.
10. Part of the appellants' case is that in other parts of Patcham there are flat-roofed dwellings adjacent to properties of more traditional design. That is so, but other developments do not have the same combination of design and location factors which apply to the appeal proposal. For example, the flat-roofed houses in Braeside Avenue shown in one of the appellants' photographs have an obviously different shape to their pitched-roof neighbour; but the general scale and proportion of window openings and most of the external finishing materials are broadly similar, so there is variety without jarring disharmony. Development elsewhere has not set a precedent justifying the proposal.
11. I share the local planning authority's concern about the limited private outside amenity space which would be available to potential occupiers of the proposed dwelling. Even allowing for possible screening, significant parts of the garden would probably be overlooked from the higher ground within the plot of No 9 Ridgeside Avenue or from the house itself. Alternatively, to provide an effective screen, vegetation would have to be so high as to cause undesirable overshadowing. The garden area immediately north of the proposed house would be of limited amenity value because it would be very enclosed and would receive hardly any sunlight. These concerns by themselves might not justify refusing permission, but they are supplementary objections.

12. The proposed building would accord with current guidance on matters such as water run-off, biodiversity and insulation. Some letters from local people are in favour of the proposed development, and some of the objections raised by other residents (for example, relating to traffic generation, parking and nature conservation) are either weak or are based more on assertion than evidence. These points help to support the proposal, but do not outweigh the objections described above.
13. Several parties have commented on the recent change of national policy under which gardens to residential properties are not now to be regarded as "previously developed land". This is another issue which has only supplementary relevance, but tends to support the council's case more than the appellant's case.
14. I conclude that the City Council's decision to refuse planning permission should stand, so the appeal does not succeed.

G F Self

Inspector

