



Appeal Decision

Site visit made on 8 December 2010

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

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

Decision date: 4 January 2011

Appeal Ref: APP/Q1445/A/10/2134163

Norton Close, Hove, BN3 3AP.

- 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 JCSE Ltd. against Brighton & Hove City Council.
 - The application Ref: BH2009/02421 is dated 5 October 2009.
 - The development proposed is: remove garages and concrete base, reduce level of site by 1.2 metres and erect 2 no. new one-bedroom houses, refurbish and convert existing Coach House into one bedroom house.
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Procedural Matters

1. A planning permission (BH/2005/01532/FP) has been implemented through internal works towards the conversion and alteration of a storage building (Coach House) to one bedroom dwelling and new front boundary wall. The appeal application follows a withdrawn application (BH/2009/00938) for a similar scheme involving four dwellings in total.
2. The appeal site is within both the Cliftonville and the Willett Estate Conservation Areas (C&WECAs) for which I have a duty under section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing their character or appearance.
3. Further to the appeal application, the Appellant produces a revised drawing no.805/PA/200 REV.C that shows the culmination of various minor amendments in response to the Council's observations. The Council confirms it accepted the revised drawing to be part of the submitted application and, similarly, I take it into consideration with the appeal.

Decision

4. I dismiss the appeal and refuse planning permission for: remove garages and concrete base, reduce level of site by 1.2 metres and erect 2no. new one-bedroom houses, refurbish and convert existing coach house into one bedroom house.
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Main issues

5. I consider the two main issues in this case to be the effect of the proposed development on; firstly, the character and appearance of the area, with particular reference to the C&WECAs; and secondly, the living conditions of the potential occupiers, with particular reference to outlook.

Reasons

Character and appearance

6. The appeal site is a strip of back-land that separates the rear gardens of opposing historic terraces near a central urban area. In the Council's respective Conservation Area Character Statements it is recognised that the C&WECAs are characterised by consistent and harmonious detailing of such things as period roof design, as well as brick elevations relieved by decorative and other details. The historic assets of the appeal location are marred by the existing concrete garages and the large concrete multi-storey car park with its service road alongside. The Coach House is at the site entrance, nearest the multi-storey car park.
7. The proposed development would replace the concrete garages with a low, flat block structure occupying the full extent of the site length-wise from the Coach House and breadth-wise over the rear part. The thrust of policies QD1 and QD2 of the Brighton & Hove Local Plan 2005 is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood. LP Policy HE6 reflects my statutory duty towards the C&WECAs and encourages, amongst other things, the removal of unsightly and inappropriate features.
8. In connection with the component of the proposed development involving an extension to the Coach House, LP Policy QD14 requires that to be well designed, sited and detailed in relation to the host building, adjoining properties (in this case, the proposed atrium dwellings) and the surrounding area.
9. Internally, the proposed development would amount to a modern design of atrium centred dwellings. Externally, its box-like form would not reflect its residential function, due to its principal façade being predominantly an unrelieved continuous brick elevation connecting the Coach House conversion through much of the middle length of the site, terminating across its breadth towards the rear. Whereas the structure would occupy ground level from the proposed pedestrian access, it would be sited essentially at lower ground or semi-basement level in relation to the prominent townscape around it.
10. For the above reasons, I find that the proposed development would bear no relation to the recognised characteristics of either conservation area. Although it would remove structures of poor appearance, it would neither emphasise nor enhance the positive qualities of the neighbourhood, because of its predominantly featureless, somewhat subterranean built form and flat profile.
11. Furthermore, due to the 'left over' shape and size of the outdoor space, the layout of the proposed development would result in pedestrian access arrangement that would not amount to a footway, a courtyard or a mews

configuration. As such it would be isolated by service roads from the street; it would not connect and complement the local layout of streets and spaces, at odds particularly with the requirement (e) of LP Policy QD2.

12. Accordingly, I share the Council's view that the proposed development would look cramped and incongruous. I am left in no doubt that it would fail to preserve or enhance the character or appearance of the C&WECAs. I conclude on the first issue that the proposed development would be harmful to the character and appearance of the area, in conflict with the requirements of policies QD1, QD2, HE6 and QD14 of the Development Plan.

Outlook

13. Much of the block structure proposed would have no outward facing windows, but would support atrium style courtyards and enclosed garden patio areas. LP Policy QD27 seeks to protect the amenity of potential occupiers, amongst others. The Council concludes that, given the size of the respective private amenity areas, there would be adequate outlook available to future occupants.
14. Outlook suffers where there is an overbearing effect. Although this is typically due to the proximity, scale and mass of development, in my experience, outlook is particularly sensitive to a significant interference or loss of an occupier's view out that leads to feelings of claustrophobia.
15. Aside from the Coach House extension, there would be no outward looking windows to speak of in the proposed development. The inward looking arrangement onto courtyards and patios would provide the source for views out and these would be upward from a depressed ground level over potentially high boundary walling. The potential occupiers would experience enclosure and, due to the short distances involved, feelings of claustrophobia. Thus, I find differently to the Council on this matter.
16. Planning Policy Statement 3 *Housing* makes clear that regard must be given to the achievement of high quality new housing. The proposed development would fail in that regard, for the above reason.
17. I conclude on the second issue that the proposed development would unacceptably affect the living conditions of the potential occupiers, in conflict with the objective of LP Policy QD27.

Other Considerations and Conclusion

18. I acknowledge that the LP encourages innovative and distinctive design, but the proposed development would not be integrated successfully into its context for the reasons I have given.
19. I note the Appellant's comment about the Council's handling of the appeal application. However, my consideration of the appeal is limited to the planning merits of the proposal. I have considered all other matters raised, including concerns by third parties about such things as noise and privacy, but none alters my conclusions on the main issues, which lead me to dismiss the appeal.

B C Scott

INSPECTOR

