



Appeal Decision

Site visit made on 26 March 2008

by **B D Bagot** BA(Arch) MCP MRTPI

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

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Decision date:
8 May 2008

Appeal Ref: APP/Q1445/A/07/2059018

4-6 Vallance Road, Hove, East Sussex (rear of 60 St Aubyns)

- 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 HR Investments against the decision of the Brighton & Hove City Council.
- The application, Ref: BH2007/02201 dated 5 June 2007, was refused by notice dated 16 August 2007.
- The development proposed is a single residential unit - 2 floors part in ground.

Decision

1. The appeal is allowed and planning permission granted for a single residential unit - 2 floors part in ground - on land at 4-6 Vallance Road, Hove, East Sussex (rear of 60 St Aubyns), in accordance with the terms of the application No BH2007/02201 dated 5 June 2007 and the plans submitted therewith, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issues are whether the proposed dwelling would preserve or enhance the character or appearance of the conservation area, and whether there would be sufficient amenity space both for the adjoining dwellings at 60 St Aubyns Road, and for the proposed dwelling.

Reasons

3. The appeal site is an area of land on the south-east side of a bend in Vallance Road. The greater part of the site was formerly part of the rear garden of the end of terrace house at 60 St Aubyns Road, and a small part of the front garden of 4 Vallance Road is also included. The site is within the Old Hove Conservation Area, which extends to the north and south and mainly includes late C19 housing, together with some earlier and later development.
4. The proposed dwelling would be flat roofed and would have a split cross-section, with a single storey section on the frontage facing towards Vallance Road, and a 2 storey section at the rear that would be excavated into the ground. It would represent an ingenious and original design, making good use of the limited size of the site, and not resulting in any overlooking, overshadowing or loss of privacy for adjoining or nearby occupiers.
5. The style of the proposal would be different from that of the surrounding development, which is largely of 2 storey inter-war villas in Vallance Road, and taller classically proportioned terraces in St Aubyns Road and in Church Road to the north. However the imitation of earlier styles is generally discouraged, both by policy QD1 of the Brighton and Hove Local Plan adopted

in 2005, and by government advice regarding new buildings in conservation areas, in Planning Policy Guidance Note 15, Planning and the Historic Environment. The immediate surroundings of the site do not feature such a distinctive historic style of architecture that the replication of an existing style or pastiche design might be justified under the terms of the local plan policy. The architectural style of the proposed design is not an overriding reason for refusing planning permission.

6. The front of the dwelling would follow the stepped building line of existing structures between 4 and 6 Vallance Road, and its height would represent a stepping down from the single storey side extension to 4 Vallance Road towards the garages to the south. The dwelling would have a rendered finish like some other buildings in the vicinity, and its simple lines would act as a foil for the more ornate character of nearby older houses. It would not appear alien or out of keeping with the scale of the neighbouring houses, but would fit in well with the context of the site. The circumstances of this site seem to me quite different from those at 46 Highdown Road, Hove, to which the Council have referred. The proposed dwelling would not be harmful to the character or appearance of the conservation area as a whole.
 7. The amount of amenity space available for the occupiers of the dwelling would consist of a grass and patio area at the front, an internal courtyard and a patio at the rear of the site. The overall area would amount to 53 square metres, which would compare favourably with an area of 49 square metres that was considered adequate for a 2 bedroomed house in the case of another appeal decision concerning land in Brighton. The combined site coverage of the proposed house and the existing building at 60 St Aubyns Road would not be excessive in relation to the intensity of development in the locality.
 8. Because the appeal site is in separate ownership, it is not available for the use of the occupiers of the flats at 60 St Aubyns Road. However the amount of amenity space remaining for those occupiers is similar to that at other properties in the terrace, at Nos 64 to 68, where there is a garden wall separating those properties from adjoining properties in Vallance Road. That wall is on the same line as the close-boarded fence forming the south-east boundary of the appeal site with 60 St Aubyns Road. There is no evidence that if this appeal were dismissed, the land would effectively be put to use as additional garden land for the occupiers of 60 St Aubyns Road (see *Secretary of State for the Environment v British Waterways Board* [1985] AC 676). This case also differs from that at 202-204 Preston Road, Brighton, where the proposed development site was in same ownership as that of the main house at the time of the application.
 9. The greater part of the site is at present unused, and it is said to attract wildlife, including foxes. There is no access from the street, and the site provides no more than an incidental green space in the appearance of the surrounding area. Because of its low height, the proposed dwelling would maintain the general appearance of an open gap between the adjoining dwellings in Vallance Road. The implementation of a planting scheme for the front part of the site, including a new tree to replace the existing sycamore tree, would restore the contribution to the area made by the existing greenery on the site.
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10. No car parking would be provided on the site, but it has good access to public transport and local services, and is within a car parking zone where there are on-street parking controls. According to the appellants, there is no waiting list for residents' parking permits in the car parking zone, and the demand for on-street parking can be met in the area. The development would conform to local plan policy HO7 regarding car free housing.
11. The design of the proposed dwelling would be of a high standard, as required by policy QD1 of the local plan, and it would not conflict with the objective expressed in policy QD2 that all new developments should emphasise and enhance the positive qualities of the local neighbourhood. The proposal would make efficient and effective use of vacant land in accordance with policy QD3 and government objectives in Planning Policy Guidance Note 3, Housing. The intensity of development would be appropriate to the locality. Adequate amenity space would be provided, as required under policy HO5 of the local plan, and the dwelling would not appear cramped on its site. The proposal would preserve the overall character and appearance of the conservation area, and would be in accordance with policy HE6.
12. I conclude that the proposed dwelling would preserve the character and appearance of the conservation area, and that there would be sufficient amenity space both for the adjoining dwellings at 60 St Aubyns Road, and for the proposed dwelling.
13. I have considered the conditions suggested by the Council if the appeal is to be allowed and planning permission granted. It is reasonable to require the submission and approval, before the development is begun, of the colour of the proposed external rendering, and of a landscaping scheme for the front of the site (including a replacement tree). Conditions to require compliance with local plan policies regarding lifetime homes standards, efficiency in the use of energy, water and materials, and the minimisation of construction waste, may also reasonably be imposed. The provision of refuse and recycling facilities and cycle storage on the site is necessary before the dwelling is first occupied.
14. Because of the need to preserve the attractive appearance of the conservation area, it is reasonable to prevent the fixing of cables, wires, and other paraphernalia to the elevation of the building facing towards Vallance Road. The compact nature of the site and the proposed dwelling, and its proximity to other nearby dwellings, amount to exceptional reasons to justify the Council seeking to control further enlargement of the dwelling and the insertion of additional exterior windows or rooflights, that might otherwise be permitted under the terms of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
15. I note that the appellants have completed an agreement with the Council regarding a contribution towards the Sustainable Transport Strategy and payment to amend the relevant Traffic Regulation Order to ensure that the development remains car free.

Brian Bagot

INSPECTOR

Schedule of Conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- (2) No development shall take place until details of the colour of the rendering to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (3) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping for the front part of the site facing towards Vallance Road, which shall include details of a tree to replace the existing sycamore tree on the site.
- (4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- (5) No development shall take place until details to show how the proposed dwelling can be adapted to meet the needs of people with disabilities without major structural alterations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (6) No development shall take place until details to demonstrate that a high standard of efficiency in the use of energy, water and materials, equivalent to an EcHomes rating of "Very Good" or higher or a Code for Sustainable Homes rating of "Level 3" or higher, will be used in the construction and use of the dwelling hereby permitted. Development shall be carried out in accordance with the approved details.
- (7) No development shall take place until a written statement showing how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved statement.
- (8) The dwelling hereby permitted shall not be occupied until the refuse and recycling storage and cycle parking facilities shown on the approved plans have been provided and made available for use. Those facilities shall thereafter be retained for use.
- (9) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to the elevation of the building facing towards Vallance Road.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting

that Order with or without modification), no extension, enlargement or other external alteration shall be made to the building, and no windows, dormer windows or rooflights shall be constructed in the external walls or roofs other than those expressly authorised by this permission.

Brian Bagot

INSPECTOR