



Appeal Decision

Site visit made on 1 February 2011

by L Rodgers BEng CEng MICE MBA

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

Decision date: 22 February 2011

Appeal Ref: APP/Q1445/A/10/2120834

29 Medina Villas, Hove, East Sussex, BN3 2RN

- 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 Gramm Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2009/01359, dated 8 June 2009, was refused by notice dated 12 October 2009.
 - The development proposed is erection of a 5 storey, 4 bedroom dwelling with integral garages at lower ground floor level with ramped access.
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Decision

1. I dismiss the appeal.

Procedural matters

2. The address above reflects that given on the application. Although the site is later described on the Council's decision notice and the appeal form as "Land to the rear of 29 Medina Villas," the site area is clearly shown on the submitted drawings and no confusion should arise.
3. The application was submitted with the intention of using the basement floor for garaging. However, this feature was omitted during the course of the application process and permission is now sought for a 4 storey detached property with 4 bedrooms. The Council has confirmed that this was the basis on which it reached its decision. I shall do likewise.
4. The Appellant has submitted a planning obligation made pursuant to Section 106 of the Town and Country Planning Act 1990. This is in the form of a Unilateral Undertaking dated 21 May 2010.

Main Issues

5. I consider the main issues to be the effect of the development on the living conditions of neighbouring residents and, bearing in mind that the appeal site lies within the Cliftonville Conservation Area and the statutory test which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, the effect of the development on the character and appearance of the area.

Reasons

The living conditions of neighbouring residents

6. The proposed building would be set around 13.5m away from the main rear elevation of No 29 Medina Villas and would be considerably closer to its low level rear projection. Given this limited separation and the height and mass of the proposed building I consider that the occupiers of No 29 would see it as a dominant and imposing feature.
7. Notwithstanding that the development would include partial obscure glazing to some of the rear facing windows it is also my view that the residents of No 29 would feel as though they were being overlooked at very close quarters. In my view, even perceived overlooking at this range is likely to make residents feel that their privacy has been severely compromised.
8. For these reasons I find that the impact of the proposed development on the living conditions of neighbouring residents would be unacceptable and contrary to Policy QD27 of the Brighton and Hove Local Plan 2005 (LP). This says, amongst other matters, that planning permission will not be granted for development where it would cause material nuisance and loss of amenity to adjacent residents and occupiers.
9. Notwithstanding the effect on the residents of No 29, the use of obscure glazing in the rear facing bedrooms of the proposed development would itself result in poor living conditions for users of those bedrooms. This adds to my overall level of concern with the proposal.

Character and appearance

10. The proposed building would be similar in height and depth to the adjacent building at No 34 Albany Villas and its design would reflect a number of features found locally in the conservation area. Notwithstanding that it would be considerably narrower than No 34 and there would be no obvious alignment of floor levels I consider it would have a 'quirky' appearance in the street scene that would not be unduly out of place with some of the other nearby buildings and the general character of the area.
11. Despite the hardstanding in front of the adjacent block of garages I do, however, share the Council's disquiet that the frontage treatment shown on the submitted drawings would not reflect the mostly softer treatments of the other residential properties nearby. I am also concerned that when seen from Albany Villas over the adjacent garage block, the relationship of the proposed building and 29 Medina Villas would appear cramped.
12. I accept that the current untidy and overgrown nature of the appeal site currently detracts from the character and appearance of the area and may lend itself to unsociable behaviour. In this respect the proposed development would represent an improvement. However, I find on balance that the concerns expressed above would outweigh any such improvement and the proposal would not, contrary to LP Policy HE6 and the statutory test, preserve or enhance the character or appearance of the conservation area.

Conclusion

13. The proposed development would have an unacceptable effect on the living conditions of neighbouring residents and it would fail to preserve or enhance

the character or appearance of the conservation area. I therefore see no need to determine whether the submitted Unilateral Undertaking is necessary and meets the other requirements of Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

14. Against this background, and having had regard to all other matters before me, including the more efficient use of land in a sustainable urban location, I find nothing to alter my conclusion that the appeal should fail.

Lloyd Rodgers

Inspector

