



Appeal Decision

Site visit made 16 March 2011

by Doug Cramond BSc MRTPI

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

Decision date: 12 April 2011

Appeal Ref: APP/Q1445/A/11/2144091

Site rear of 69 New Church Road, Hove BN3 4BA

- 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 Portland Properties Ltd against the decision of Brighton and Hove Council.
 - The application Ref BH2010/02573, dated 10 August 2010, was refused by notice dated 4 October 2010.
 - The development proposed the demolition of existing garage and erection of detached two bedroom dwelling (resubmission of BH2009/02867).
-

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues to be the effects on the character and appearance of the locality and on living conditions for neighbours.

Reasons

3. The appeal site is comprises a garage and an area of presently unused land fronting Richardson Road to the rear of the flat conversion at 69 New Church Road and alongside 1 Richardson Road which is a two storey dwelling with attached garage. The street beyond this is mainly characterised by shops with residential accommodation over. A substantial Victorian Church stands opposite the site whilst to the rear lies the back garden of no.67. The area as a whole has a pleasant appearance. The proposal is to erect a small detached dwelling, of contemporary design with a curved roof, comprising a single storey with a basement. A courtyard well area would lie to the rear, to one side would be a narrow pathway and areas for bins and cycles and the front elevation would lie close the footway behind raised planters.
 4. The Council is concerned about the design of the proposed structure but for my part I consider that the elevational treatment and roof form, whilst different from that found locally, would not be inappropriate taken on its own. The difficulty to my mind is that it would not have space, it would simply appear to be too hemmed in and be harmful to the streetscene and character of the area in that regard. It would be aligned too close to boundaries and
-

too tightly alongside the properties to the south and north. Whilst a garage has sat here reasonably comfortably the dwelling proposed would be shoe-horned on to the site and look contrived from public vantage points. This would represent overdevelopment which would be jarring on the eye and out of character.

5. The Brighton and Hove Local Plan (LP) includes Policy QD2 which calls for new development to emphasise and enhance the positive qualities of a local neighbourhood and take into account, amongst other things, local scale and design and the framework against which the development would be set. I consider that this development would run contrary to this policy primarily through its cramped nature.
6. Turning to living conditions; the appeal site was previously embodied as amenity space with the approved scheme for flat conversion of the property to the south. It appears to have been largely severed off without the garden space being provided and residents claim that refuse storage has not been provided in accordance with approved plans either. The appeal plans appear to show some reduced sub divided amenity areas for the flats and new bin stores and the appellant argues these would be adequate. They do not however form part of the application 'red-line' area. In any event I find the proposition that these spaces would comply with the requirements of LP Policy HO5 on amenity space would fail. They would be insufficiently sized, unfortunately orientated and not particularly useable. Even if they were implementable under the appealed application they would appear to be a token gesture not providing adequate living conditions for residents of no.69. Furthermore, the bin stores are shown very close to the ground floor flat and could give rise to amenity concerns.
7. I appreciate the benefits of effective use of urban land and note that there are LP policies which encourage this, albeit in suitable instances only. I have taken this factor into account along with the sustainability credentials of the scheme but these matters do not outweigh my concerns over the main issues.
8. For the reasons given above I conclude that there would be unacceptable adverse effects on the character and appearance of the locality and on living conditions for neighbours. Accordingly I shall dismiss the appeal.

Doug Cramond

INSPECTOR