



Appeal Decision

Site visit made on 26 September 2011

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 28 October 2011

Appeal Ref: APP/Q1445/A/11/2153030

Rear of 116 Goldstone Crescent, Hove, East Sussex BN3 6BF

- 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 Coastal Management Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00132, dated 17 January 2011, was refused by notice dated 25 March 2011.
 - The development proposed is the erection of a two-storey flat roofed building comprising a 2 bedroom single dwelling with energy cabin, cycle store and refuse store.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Two amended plans were submitted with the appeal. These show the photovoltaic panels on the front and rear elevations which are shown on other submitted plans. As these merely correct an omission, and ensure consistency, I am satisfied that no-one's interests would be materially prejudiced by my dealing with them.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) the effect of the proposal on the living conditions of the occupiers of 114-116 Goldstone Crescent, with particular regard to privacy and outlook, and on those of the occupier of Flat 32, Balmoral Court with particular regard to outlook.

Reasons

Character and appearance

4. The site forms a steeply sloping area of land fronting Nevill Road, which has been fenced off from the lower level rear garden of the 2-storey house at 116 Goldstone Crescent. To the south of the site is Balmoral Court, a split-level block of flats, which has 2½ storeys at the front and 2 further basement storeys. The proposed house would be a highly contemporary design, with split levels and flat roofs, notable features of which would be sedum roofs and

planted walls, with arrays of photovoltaic cells. From Nevill Road it would appear as a single storey building, with parking in front.

5. Such juxtaposition would create a stark contrast of a very modern, small scale and low profile dwelling next to the traditional, if unexceptional, architecture of Balmoral Court and the substantial difference in height and bulk of the two properties, and their closeness to each other would not fit comfortably. I recognise that, in places, innovative designs can fit in satisfactorily with dissimilar buildings, and in isolation, the design of the house in this case is of a high standard. However, Balmoral Court is one of several large blocks of flats on both sides of Nevill Road, where there is a clearly established pattern of development. On the north side of the site, the street frontage is characterised by trees and rear fences of houses on Goldstone Crescent. In such an unvaried context, the proposed dwelling would appear as incongruous, rather than enlivening the street scene, and in my view, it would be highly damaging to the character and appearance of the area.
6. I appreciate that the proposal is markedly different from the one that was dismissed on appeal in 2008; even so, the Inspector's finding in that case, that the proposed building would look awkward, applies here as well. Since that time, Planning Policy Statement 3 (PPS3): *Housing* has been amended to exclude private garden land from the definition of previously developed land. Whilst this does not preclude building on such sites, the change has the effect of emphasising the importance of ensuring that development on garden land is appropriate in its setting.
7. I therefore find on the first main issue, that the proposal would result in serious harm to the character and appearance of the area, in conflict with saved Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan.

Living conditions

8. The proposed dwelling would sit at a much higher level than the houses on Goldstone Crescent. The design of the house seeks to address the sloping land by having split levels, so that the highest part of the house would be closest to Nevill Road. Even so, the view from the gardens and rear facing windows of the nearest houses on Goldstone Crescent would be of a high mass of building, which would loom over the existing residential properties. I recognise that Balmoral Court dominates the outlook of the Goldstone Crescent houses which back onto it, and that Balmoral Court is even higher than the building now proposed. However, I do not consider that this relationship is a good example to follow. Moreover, the proposed house would be sited much closer to the boundary with No 116, and this adds to its overbearing impact.
9. The proposed house would have a terrace at the rear, from where clear views over the boundary fence could be obtained of No 116 and its neighbour at No 114. I consider that the occupiers of the neighbouring houses would experience an uncomfortable degree of overlooking which would materially harm their living conditions. I note that tree planting is proposed at the rear of the appeal site, and on the site visit it was evident that some new trees had been planted. Regardless of whether the planted trees would be sufficient to act as a screen, trees may die or become diseased, or may be removed, and I do not consider that they are an appropriate means of mitigating overlooking or an overbearing outlook.

10. The proposed house would be constructed close to the boundary with the Balmoral Court block. A bedroom window in a lower floor belonging to Flat 32 faces the appeal site. I saw the window both from within the flat and from outside on my site visit. Whilst the profile of the proposed house would allow light to reach the bedroom window, the outlook from the bedroom would be of the side wall of the house, at a distance of 3-4m. A higher part of the house would also lie close to the window, and this would compound the oppressive and bleak outlook that would be available from the window.
11. The window would still be able to obtain natural light from over the roof of the dwelling; however, a large tree lies behind the proposed house, and this already limits light reaching the bedroom window. Whilst light to and outlook from bedrooms may not be as important as they are in principal rooms such as living rooms I consider that in this case, the bedroom would become darker and much more uninviting, so as to materially harm the occupiers' living conditions.
12. I therefore find on the second main issue that the proposal would result in material harm to the living conditions of neighbouring occupiers, and would conflict with saved LP Policy QD27 which deals with the protection of amenity, including those of adjacent residents.

Other matters

13. The proposed dwelling would be highly energy-efficient, and this would accord with sustainability objectives in national and local policy. However, neither this nor the draft National Planning Policy Framework outweighs the strong objections I have found in respect of character and appearance and neighbours' living conditions.
14. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR

