



Appeal Decision

Site visit made on 6 December 2011

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 3 January 2012

Appeal Ref: APP/Q1445/A/11/2160445

Courtyard at rear of 218 to 234 Portland Road, Hove, BN3 5QT

- 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 Mr Tony Gravenor (Portland Glass Ltd) against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/02682, dated 23 August 2010, was refused by notice dated 4 August 2011.
 - The development proposed is the demolition of existing workshop and store building and erection of two 2 bed 2 storey live/work units including cycle spaces, bin storage areas and 2 car parking spaces. Revised version of previous application BH2009/01982.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposed site layout on the living conditions of future and existing adjoining occupiers;
 - The effect of the proposal on the outlook of existing occupiers to the south of the site;
 - The effect of the proposal of character and appearance of the area.

Reasons

Living Conditions

3. The appeal site comprises a courtyard behind and to the south of a two plus attic storey terrace on Portland Road. The ground floor of this terrace is in commercial use with two storeys of flats above. Numerous windows in the rear elevation of the terrace face south toward the appeal site.
 4. The appeal proposal would create a pair of two storey live/work units with principal elevations facing north towards the rear of the Portland Road terrace. Extensions project from the rear of the Portland Road terrace meaning that the appeal site is not a uniform width. However, at their closest, the principal elevations of the appeal units would be some 6m from the rear of the Portland Road terrace. At other points the distance between the existing and proposed
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- buildings would be greater and efforts have been made to offset the proposed window positions to avoid direct overlooking.
5. Nevertheless the gap between the buildings would not be wide enough to provide an external space of acceptable quality for future residents. The surrounding buildings, in particular the Portland Road terrace, would have an overbearing effect on such a confined area. The fact that the proposed principal elevations face north and that, together with the proposed fencing between the two units and the recently constructed double garage, there would be a continuous line of built structure along the southern edge of the space, all serve to reinforce this conclusion.
 6. I accept that the courtyard is no longer required to provide delivery access to the Portland Road commercial units, but note from the application drawings that it would still provide them with bin storage and fire escape access. It would also serve as the only means of pedestrian and vehicular access for the proposed units and, given the very limited amount of private external space, would also provide their main outlook. I do not consider that the space available is sufficiently large to satisfactorily meet all of these requirements. As such it would be detrimental to the living conditions of occupiers of the proposed units.
 7. The appeal site also contributes to the outlook for the residents of the Portland Road flats. The roofs of the proposed buildings would, to some degree, infringe upon the outlook from the first floor flats, although views over and around the roofs would still be available. The outlook from the second floor flats would not be materially affected. I therefore do not consider that the proposal would have an unacceptable effect on the living conditions of the Portland Road flats.
 8. Therefore I conclude that, by virtue of its constrained layout, the proposal would have a detrimental effect of the living conditions of future occupiers contrary to policy QD27 of the Brighton and Hove Local Plan (LP). This policy seeks to protect the amenity of occupiers. Nor would it comply with LP policy QD1 which requires proposals to achieve a high standard of design and make a positive contribution to the visual environment. The first reason for refusal also refers to LP policy QD2 on key principles for neighbourhoods. However this adds little to my consideration of this issue.

Outlook of Occupiers to the South of the Site

9. The proposed units would be located close to the southern boundary with 49 Hogarth Road and 34 Reynolds Road. I had the opportunity to view the situation from the garden of 49 Hogarth Road and saw that the gardens have a generally open outlook. There would be a significant distance between the rear of number 49 and the nearest proposed unit. If anything the distance to 34 Reynolds Road would be greater and, in both cases, the units would affect a relatively short length of the respective boundaries.
10. The single storey elements would be within 0.5m of the boundary and rise above the existing fence by approximately one metre. The two storey elements would be set back from the boundary and take the form of sloping roofs. This would reduce their visual impact on views from the adjoining properties and they would not therefore appear incongruous or unacceptably increase the sense of enclosure. As such the proposal would not have a

detrimental effect on views from the south of the site and would comply with LP policies QD1 and QD2.

Character and Appearance

11. The site is visible from a limited range of public viewpoints. The proposed units would be seen in the context of the Hogarth and Reynolds Roads houses and the rear of the Portland Road terrace. The relationship between the front of the proposed units and the rear of the Portland Road terrace would be very apparent from Hogarth Road. Given the scale of the opposing buildings, the gap would appear uncomfortably narrow and not typical of the location - which is essentially suburban in character.
12. The units would be smaller in scale than the adjoining buildings and therefore in keeping with their subservient location. However their built form incorporates a lowered eaves level which, although it contributes to this reduced scale, is not characteristic of the area. The proposed fenestration and detailing does not reflect that of surrounding buildings. I therefore consider that the massing and appearance of the proposal does not respect the local character of the area. As such it does not comply with LP policy QD2 which requires proposals to enhance the positive qualities of local neighbourhoods. Nor does the proposal live up to the aims of LP policy QD1 which requires a high standard of design including the creation of areas of distinction in locations of 'drab and uninteresting character.'
13. I have taken into account the planning permission for a two storey house adjoining 49 Hogarth Road which, if constructed, would further restrict views to the site. However this does not lead me to a different conclusion on this issue.

Other Matters

14. The proposal would create some 42 sq m of workshop floorspace in place of the existing 48 sq m of Use Class B1/B8 space which would be lost through demolition. Whilst I recognise that the existing floorspace is constrained and that the Council's Economic Development section supports the proposal, the benefit is not sufficient to outweigh my conclusions on the main issues.
15. The appellant has referred to the requirements of Planning Policy Statements (PPS) 1¹, 3² and 4³ which together favour mixed use schemes, the efficient use of previously developed land and sustainable economic development. Equally the PPS's require proposals to achieve a high standard of design, make places better for people and respond to local characteristics. In my view the balance of national planning policy does not support the proposal. The publication of the draft National Planning Policy Framework does not alter this conclusion.
16. The appellant refers to three nearby schemes where the outcomes are said to support the appeal proposal. Two of the cited cases concern character and appearance issues. These matters are specific to each site and proposal and the conclusions reached on the other schemes are not transferable in this case. The third concerns the mix of residential and other uses. However the mix of uses is not a cause for concern in the appeal proposal.

¹ Planning Policy Statement 1: Delivering Sustainable Development

² Planning Policy Statement 3: Housing

³ Planning Policy Statement 4: Planning for Sustainable Economic Growth

17. Certain local residents support the proposal on the basis that it would improve the appearance and security of the area. Whilst I have sympathy with these views, the improvements sought could be achieved by other, less harmful, means.

Conclusion

18. For the reasons outlined above the appeal does not succeed.

Simon Warder

INSPECTOR