



Appeal Decision

Site visit made on 26 February 2013

by David Hogger BA MSc MRTPI MCIHT

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

Decision date: 19 March 2013

Appeal Ref: APP/Q1445/A/12/2186240

Land adjacent to 19 Roedean Road, Brighton BN2 5RA

- 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 Tallon Properties Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/02371, dated 27 July 2012, was refused by notice dated 27 September 2012.
 - The development proposed is the construction of a 2 storey, three bedroom end of terrace house.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Tallon Properties Ltd against Brighton and Hove City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Amended plans were submitted by the appellant that show alterations to the front elevation of the proposed dwelling, including the introduction of a front door and associated access. However, there has been no consultation on the amendments and they have not been considered by the Council, who state that they should not be taken into account in my determination of the appeal. I consider that the proposed amendments are significant and I have therefore determined the appeal based on the plans that were originally submitted and upon which interested parties had the opportunity to comment. I have considered whether or not alterations to the submitted plans could be achieved through the imposition of an appropriate condition but conclude that the scale and nature of the proposed changes and the lack of consultation mean that this would not be an appropriate way forward.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the amount and quality of private amenity space that would accompany both the proposed dwelling and the host property; and

- the effect of the proposal on the living conditions of neighbouring residents, particularly in terms of outlook and overlooking.

Reasons

Character and Appearance

5. The proposed two storey dwelling would sit at what I would describe as the upper end of a terrace of houses that are stepped along this part of Roedean Road and it would be located on land which is currently the open side garden to the end terrace unit and which lies at the junction of Roedean Road and Cliff Approach. The existing terrace displays an attractive uniformity in terms of its appearance, despite there being a few modifications, for example in terms of the porches and the type of glazing used.
6. In terms of proportions the proposed dwelling would reflect those of the other units in the terrace but it would not have a door in the front elevation and the proposed fenestration would display significantly different characteristics to the existing terrace, particularly in terms of the location and size of the windows.
7. The National Planning Policy Framework (NPPF) confirms that great importance should be attached to the design of the built environment and that development should add to the overall quality of an area and reflect the identity of local surroundings (while not preventing appropriate innovation). I consider that the appearance of the proposed dwelling would not sufficiently reflect the appearance of the other dwellings in the terrace and that it would appear incongruous in this setting. I would not describe the differences in appearance between the existing terrace and the proposed dwelling as 'appropriate innovation'.
8. On the first issue I conclude that the proposed dwelling would have a significantly detrimental effect on the character and appearance the area and that the requirements of saved policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (LP), which seek to ensure that a high standard of design would be achieved and that a positive contribution to the visual quality of the environment would be made, would not be met.
9. I have considered whether or not my concerns could be overcome by the imposition of a suitable condition but have concluded that the changes to the design that would be required would be so significant that such an approach would not be appropriate.

Amenity Space

10. With the exception of the host property (No 19) the other dwellings in the terrace have reasonably sized back gardens. No 19 enjoys a small rear garden and a larger area to the side which is open to views from the public realm. The proposed development would result in the retention of a small amenity area to the rear of No 19 and a correspondingly small amenity area to the rear of the proposed dwelling.
11. The Council did not refer to LP saved policy HO5 in its third reason for refusal but I am required to take into account all the relevant policies of the Development Plan and it is clear that it is the Council's objective to ensure that amenity space should be provided which would be appropriate to the character of the development. The proposal is for a three bedroom property which would

be suitable for family use and I do not consider that the small amount of private garden area proposed would be sufficient to meet the needs of a family. Although it is not a matter on which my decision has turned I am similarly concerned that the area of amenity space that would be retained by the host property would be inadequate for family use.

12. The Council did refer in its reason for refusal to LP saved policy QD27 which is entitled 'Protection of Amenity'. The appellant challenges the relevance of this policy but in my opinion it does seek to protect amenity and garden land is an amenity. Therefore I accept the Council's interpretation of this policy and have taken it into account in my determination of this appeal.
13. On the second issue I conclude that the amount and quality of private amenity space for both the proposed dwelling and the host property would be inadequate. The requirements of LP saved policies HO5 and QD27, which seek to ensure that appropriate amenity space would be provided and existing amenity protected, would not be met.

Living Conditions of Neighbours

14. The end elevation of No 2 Cliff Approach that faces the proposed development includes two windows. At first floor level is a principle window to a bedroom, while at ground floor level is a secondary kitchen window. The proposed dwelling would include two main windows to bedrooms in the elevation that faces No 2. There would be a distance between the two elevations of between about 7 and 8 metres. Although No 2 would be at a slightly higher level than the proposed dwelling, thus preventing direct views, there would nevertheless be a very close relationship between the two properties that would be overbearing and which because of the short distance between them, would result in an unacceptable level of inter-visibility between the two properties at first floor level.
15. On the third issue I conclude that the proximity of the proposed dwelling would significantly harm the living conditions of the neighbours at No 2 Cliff Approach, in terms of loss of outlook and loss of privacy. LP saved policy QD27 seeks to protect the amenity of residents and this proposal would not meet that objective.

Other Matters and Conclusion

16. The appellant refers to the redevelopment of 1-3 Cliff Approach but I have not been given all the details of that scheme and in any event I am required to determine this appeal on its own merits.
17. For the reasons given above and having considered all other matters, the appeal is dismissed.

David Hogger

Inspector

