



Appeal Decision

Hearing held on 25 November 2008

Site visit made on 25 November 2008

by **John Papworth DipArch(Glos) RIBA**

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

The Planning Inspectorate
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Decision date:
1 December 2008

Appeal Ref: APP/Q1445/A/08/2073236

9 Station Road, Portslade, Brighton BN41 1GA

- 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 Momentum Homes Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04148, dated 8 November 2007, was refused by notice dated 4 February 2008.
- The development proposed is a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance.

Decision

1. I allow the appeal, and grant planning permission for a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance at 9 Station Road, Portslade, Brighton BN41 1GA in accordance with the terms of the application, Ref BH2007/04148, dated 8 November 2007, and drawings 0047/PA/001 and 010 subject to conditions 1) to 11) in Annex 2.

Main Issues

2. I consider the main issues to be;
 - The effect of the development on the character and appearance of the Station Road area of Portslade.
 - The effect of the development on the living conditions of prospective occupiers with particular regard to natural light and ventilation.
 - The effect of the development on the aims of policies on sustainable development.
 - The effect of the development on the provision of lifetime homes.

Reasons

Character and Appearance

3. There were discrepancies between drawings 10 and 11 with regard to the height of the parapet. The appellant stated that the parapet would be level with the adjoining building, as shown on drawing 10 and on a computer generated image. It was agreed that drawing 11 should be disregarded and that the parapet height could be the subject of a condition.

4. There is symmetry about the centre of the adjoining brick building, and this is carried through to the two flanking rendered buildings to a lesser extent. However, the appeal building to the south is not only the shorter of the two, but is positioned in a prominent corner location where the double roof and the plain, and to my mind, unattractive, side wall and rear are in full view. I acknowledge that there is a wide variety of buildings within the vicinity, of which I find the brick neighbour and the saw-tooth pitched roof buildings to the south among the more attractive. I find that the appeal building detracts from the area as it appears a poor termination of the terrace and the exposed rendered side wall of the brick building is of little value in the street scene.
5. I consider the appeal proposal, with a height which suits its prominent location, to be an enhancement of this corner position, on the main road frontage, and there are also benefits to the side and the rear elevations. I note that the proposed mansard dormers do not line with the windows below, but they do, in my judgement, appear well placed within the roof and that to me is the more important consideration. Within the varied streetscene and given the indifferent quality of the existing building I conclude that the appeal proposal would enhance important aspects of the location including the view along Station Road and hence would accord with the aims of Brighton and Hove Local Plan Policies QD1 and QD2 which seek proposals which take account of design aspects of the surroundings, and local characteristics.

Living Conditions

6. The Council stated that the cill level was too high at 1700mm and that the deep plan form had too few windows for a good quality of living space. On the first point, it was agreed that the cill is at 1350mm and that this would be acceptable and could be secured by condition. On the second point I am assured that the proposal complies with the Building Regulations which set standards for the design and construction of buildings to ensure the safety and health of people in them. Mechanical ventilation of bathrooms and kitchens is required in any event and can assist in preventing condensation, albeit at an energy cost. In general I do not consider the size and location of windows relative to the size and shape of rooms to be harmful to the health or wellbeing of prospective occupiers, and not adversely affect their living conditions.
7. However, the kitchen to the fourth floor does appear to me to be offset from the window and some way from it, with the door tending to throw a further shadow over the work surface. Here the use of a sun-pipe or lay-light could be appropriate as discussed and would not have any effect on the appearance from street level. I consider that with this addition, covered by condition, the proposals would provide an acceptable standard of accommodation, including improvements over the present arrangements, and would satisfy the requirements of Local Plan Policy QD27 on amenity in particular.

Sustainability

8. The proposal would make better use of previously developed land within a very short distance of transport, shops and services, all in line with Development Plan aims and those of Central Government guidance such as Planning Policy Statement 3 "*Housing*" and Planning Policy Guidance Note 13 "*Transport*". The lack of car parking provision in this location is acceptable in my view and the
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requirements of Local Plan Policies SU2 on efficiency in the use of energy, water and materials and SU13 on the minimisation of construction waste can be met by schemes resulting from conditions, including achieving Level 3 of the Code for Sustainable Homes. The new flats would make additional demands on public transport in the area and a Section 106 Undertaking has been submitted which I am satisfied would provide for these demands in line with guidance published by the Council and agreed at the Hearing.

Lifetime Homes

9. Local Plan Policy HO13 requires proposals for conversions to show that, wherever it is practicable, Lifetime Homes criteria have been incorporated into the design. It was agreed that this proposal should be considered as a conversion. The appellant put forward a range of measures that I consider appropriate to the appeal scheme, and to provide a reasonable flexibility for any future occupier to be able remain in their home even where there is reduced mobility or other impairment. I acknowledge that the new accommodation would be accessible only by stairs and that this must have some effect on these aims, but find that the requirements of the Local Plan policy can be met wherever it is practicable, and hence, provided these measures are secured by conditions, the proposals do comply.

Conditions and Undertakings

10. There was discussion over the detail of the Council's submitted conditions and, with minor alterations, I concur that conditions covering storage of refuse, cycles and the like, materials, Lifetime Homes, the Code for Sustainable Homes and a Waste Minimisation Plan, would be required to comply with policies and to secure a high standard of design that provides the enhancements that I have identified. In addition, I have referred to the need for conditions ensuring the agreed parapet height and cill heights, and the provision of natural light to the kitchen. I consider also that the chimneys are an essential feature and should be secured by condition.
11. The undertaking to provide a Sustainable Transport Strategy Contribution is necessary to compensate for the lack of parking space and I have attached full weight to this in the third main issue. I consider this undertaking satisfies the tests in Circular 5/05 "*Planning Obligations*"; it is relevant to planning, necessary to make the proposal acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development proposed, and reasonable in all other respects.

Conclusions

12. The proposal would provide additional housing, notwithstanding the Council's ability to meet targets, and would be in a sustainable location. There would be an enhancement of aspects of the building and its contribution to the streetscene and with conditions, the accommodation would be to an acceptable standard and comply with relevant national and local policies. For the reasons given above I conclude that the appeal should be allowed.

S J Papworth

INSPECTOR

ANNEX 1

APPEARANCES

FOR THE APPELLANT:

M Lewis DiplArch(Dist)	25 St Nicholas Lodge, Church Street, Brighton BN1 3LJ
L Russell	Liam Russell Architects Castleworks, Westgate Street, Lewes, East Sussex BN7 1YR
S Currie	Liam Russell Architects Castleworks, Westgate Street, Lewes, East Sussex BN7 1YR

FOR THE LOCAL PLANNING AUTHORITY:

C Simpson	Planning Officer Brighton & Hove City Council
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DOCUMENTS

Document	1	Notification letter dated 8 September 2008 submitted by Council
Document	2	Planning Obligation signed and dated 14 November 2008 submitted by appellant

ANNEX 2

Conditions attached to planning permission for a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance at 9 Station Road, Portslade, Brighton BN41 1GA.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until a scheme for the storage of refuse, recycling and cycles has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be in place and available for use prior to the occupation of the first of the new flats. The approved provision shall be retained for the storage of refuse, recycling and cycles thereafter.
- 3) No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until annotated drawings have been submitted to and approved in writing by the Local Planning Authority showing the provisions to be made to comply with the Lifetime Homes

- Standards, and the approved provision shall be incorporated within the development.
- 5) No development shall take place until details of measures to ensure that the development achieves Level 3 of the Code for Sustainable Homes have been submitted to and approved in writing by the Local Planning Authority and the approved measures shall be incorporated within the development.
 - 6) No development shall take place until a written statement consisting of a Waste Minimisation Plan confirming how demolition and construction waste will be recovered and re-used on site or on other sites has been submitted to and approved in writing by the Local Planning Authority and the approved measures shall be carried out during the demolition and building phase of the development.
 - 7) The parapet level shown on drawing 0047/PA/010 is to be at the same level as that of the adjoining building at 8 Station Road.
 - 8) The underside of the cills to the mansard dormer windows shall be no higher than 1350mm off the finished floor level of the fourth floor.
 - 9) No development shall take place until a scheme for the provision of natural light to the kitchen on the fourth floor has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be in place and available for use prior to the occupation of that flat and retained thereafter.
 - 10) The development hereby permitted shall not be occupied until the two chimneys have been constructed in accordance with details shown on submitted plan 0047/PA/010.
 - 11) No development shall take place until a scheme for the drainage of rainwater from the roof has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be carried out.

