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## Appeal Decision

Site visit made on 12 November 2013

**by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 7 January 2014**

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**Appeal Ref: APP/Q1445/A/13/2200269**

**4 Elrington Road, Hove, East Sussex BN3 6LG**

- 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 David Dayan against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00803, dated 08 March 2013, was refused by notice dated 13 May 2013.
  - The development proposed is described on the application form as: Renewal of planning permission BH2007/03959 for the erection of 1 new detached 3 bedroom house at 4 Elrington Road, Hove, BN3 6LG.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a three bedroom detached house at 4 Elrington Road, Hove, East Sussex BN3 6LG in accordance with the terms of the application, Ref BH2013/00803, dated 08 March 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TA 636/01, TA 636/02, TA 636/03 (rev C), TA 636/04 (rev F), TA 636/05 (rev J), TA 636/06 (rev H), TA 636/07 (rev B), TA 636/08 (rev N), TA 636/09 (rev G), TA 636/10 (rev J), and TA 636/11 (rev H).
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.

### Application for costs

2. An application for costs was made by Mr David Dayan against Brighton and Hove City Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The description of development on the application form refers to 'renewal of planning permission BH2007/03959'. I note that the 2007 permission was not implemented and has therefore expired. In any event, renewal of planning permission is not an act of development in itself and I consider that a more

accurate description of the development proposed is the erection of a three bedroom detached house. Therefore, I have described the development as such within my decision.

### **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

5. The appeal site is an undeveloped plot of land within a residential area, situated in between Nos 2 and 6 Elrington Road, a short distance from the junction with Hove Park Road which is to the south. Both roads are characterised by sizeable detached and semi-detached dwellings set back from the roadside in established front gardens. In combination with the mature street trees, the gardens give the area a verdant and attractive quality.
6. The tendency for dwellings to be set back from the edge of the pavement creates a sense of spaciousness within the surrounding area. However, I noted at the time of my visit that the space in between dwellings, particularly in the area surrounding the junction between the two roads is limited, with narrow driveways or passageways providing access to rear gardens.
7. In terms of architectural style, the prevailing pattern is of early 20<sup>th</sup> century housing with examples of modern infill development, including the dwelling opposite at 1a Elrington Road and the property currently under construction at 34 Hove Park Road. The Council raise no objection in principle to a new dwelling of modern design and, given the surrounding context, I see no reason to disagree with this view.
8. In terms of overall height the proposed dwelling would be marginally higher than the ridgeline of No 2 but set below that of No 6. The flat roofed form of the building and the projecting two storey bays would contrast with the sloping roof form and low eaves level of the chalet bungalow at No 2. However, the overall height would not be disproportionate to this neighbouring dwelling and the two storey bay to the front would be set well below the adjacent ridgeline.
9. In addition, the second floor element would be set back behind the front elevation, providing a staggered building line that would break up the mass of the front façade and reduce the apparent bulk of the building when viewed from street level. The result would be a gradual step up in height between the three dwellings, reflecting the shallow incline of Elrington Road as it rises to the north. Consequently, the height of the dwelling would be well related to its immediate neighbours and the scale of properties within the wider area.
10. The building would be set in from the boundaries to the side, allowing access to the rear and providing separation from neighbouring dwellings. In this respect, the gap between the dwelling and the adjacent properties at Nos 2 and 6 would not be inconsistent with the general pattern of the surrounding area (as described above) and, as a result, I am satisfied that the proposal would not appear cramped in relation to the width of the plot.
11. The front of the dwelling would be set back into the site, aligned with the building line established by Nos 2 and 6. Thus, the depth of the front garden would be consistent with the prevailing pattern and would maintain the open

and spacious character of the area. Although the dwelling would have a relatively elongated floor plan, its depth would not be dissimilar to the dwelling at No 6 and the main bulk and mass of the structure would be set back behind the building line and not prominent from public vantage points.

12. Furthermore, the depth of the plot is substantial and the proposal would provide garden areas to the front and rear, the scale of which would be more than adequate to serve the needs of a dwelling of the size proposed. In this sense, the footprint and scale of the dwelling is not disproportionate to the size of the site.
13. In view of the above, I consider that the proposal is a well designed scheme that would reflect the scale, siting and massing of the adjacent dwellings and the pattern of development within the surrounding area. Therefore, I conclude that the dwelling would not cause harm to the character and appearance of the surrounding area and that it would comply with the aims of saved Policies QD1 and QD2 of the Brighton and Hove Local Plan (2005) which seek, amongst other things, to ensure that developments are well designed, taking account of the height, scale and bulk of surrounding buildings. The proposal would also conform to the requirement for good design, as set out within section 7 of the National Planning Policy Framework.

#### *Other Matters*

14. Comments were submitted from the owner of 6 Elrington Road in relation to the planning application with regard to loss of light and the potential for the development to affect future plans to develop his property. Given the layout and scale of the development proposed and its relationship with No 6, I am satisfied that it would not lead to any significant loss of sunlight to habitable rooms or the garden area and that satisfactory living conditions would be maintained for existing and future residents.
15. No proposals for any development at number 6 are before me and any planning application, or appeal, must be considered on its own merits. Therefore, this is not a matter which would justify withholding the grant of planning permission in this case.

#### *Conditions*

16. In the absence of a statement from the Council or any specific details relating to conditions, I have considered the imposition of conditions with regard to advice contained within Circular 11/95 *The Use of Conditions in Planning Permissions*. In addition to the statutory condition relating to the commencement of work, I have added a condition requiring that development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Materials are specified within the application form but I have not been provided with details of the external finish or appearance of these materials. Therefore, a condition is necessary to ensure that samples of these materials are submitted to and agreed by the Council to ensure that the external appearance of the development is satisfactory.
17. In their response to the planning application the Local Highway Authority requested a condition to ensure that the driveway was kept free from obstruction and available for car parking. No evidence has been provided of

any parking issues within the area or to demonstrate that the driveway would not be used for its intended purpose. Therefore, I am not satisfied that this condition is necessary. Similarly, the proposed garage would have adequate space for the secure storage of bicycles and a specific condition relation to cycle stands is therefore unnecessary.

**Conclusion**

18. For the reasons set out above, and having regard to all other matters raised, I consider that the appeal should be allowed.

*Chris Preston*

INSPECTOR