
Appeal Decision

Site visit made on 10 February 2014

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 12 February 2014

Appeal Ref: APP/Q1445/A/13/2207686

12 The Cliff, Brighton, BN2 5RE

- 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 Mike Wilson against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01949, dated 13 June 2013, was refused by notice dated 21 August 2013.
 - The development proposed is demolition of existing dwelling and garage and erection of new dwelling house with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site has a planning history which includes a previous appeal (APP/Q1445/A/12/2181473, dated 26 March 2013) against a decision for; replacement of single (3 bedroom) dwelling and garage with single (5 bedroom) dwelling with garage. Whilst the previous appeal related to a residential dwelling, it differed significantly to the proposal subject of this appeal. I have therefore considered the proposed development on it's individual merits.

Main Issue

3. The effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located on The Cliff, which is characterised by two and three storey dwellings of various types and styles. The appeal site currently accommodates a detached dwelling with a front gable and traditional pitched roof, with brick and tiled elevations. The proposed development would be of a contemporary form and appearance, which would be arranged in 3 'wings', each of which would have a different height. The proposed dwelling would be finished with a mixture of render and timber cladding.
5. The appellant has set out that the design was created to complement the differing heights and changing levels of the neighbouring properties, however I consider that the resulting 3 'wing' design would appear disjointed and I agree with the Council it could be mistaken as separate dwellings. In addition, I

consider that the proposed design would be too far removed from the character of existing dwellings in close proximity to the appeal site, which whilst varied in type and style are of a more traditional ilk and construction. I am mindful that the National Planning Policy Framework (the Framework) advise against imposing architectural styles and stifling innovation or requiring conformity to certain development forms or styles, the Framework also sets out that it is, however, proper to seek to promote or reinforce local distinctiveness. Whilst I acknowledge that a contemporary individual design could be accommodated on the site, I consider that the proposed development would not promote or reinforce local distinctiveness and for the reasons above, would be an incongruous feature within the street scene.

6. The Council has also raised concern about the mass and scale of the proposal. However, I observed on my site visit that the footprint of the dwelling could be comfortably accommodated within the appeal site, as could the increased height of the central 'wing', given the topography of the area and heights of the neighbouring properties. I therefore, do not share the Council's concern on these matters and I do not consider that the scale and mass of the proposal would be overly dominant in the street scene.
7. I acknowledge the examples of other similar developments provided by the appellant. However, I am mindful that none of those provided have the same individual circumstances or location as the appeal site and that each proposal should be considered on its own merits.
8. In conclusion, I note the support received for the proposal and the views of appellant's supporting professionals. I also acknowledge that the external materials, scale and mass of the proposed development would be acceptable in the context of the appeal site. However, I consider that the proposal by virtue of its disjointed design would result in an incongruous feature that would be harmful to the character and appearance of the area. I therefore consider that the proposal is contrary to Policies QD1 Design – quality of development and design statements, QD2 Design – key principles for neighbourhoods and QD5 Design – street frontages of the Brighton & Hove Local Plan (2005), which I consider to be the policies of most relevance of those referred to by the Council.

Other matters

9. The occupant of a property opposite the appeal site has raised concern that the proposal would lead to increased overlooking. I observed on my site visit that properties to the north of The Cliff are set at a higher level and there would be a separation distance between the properties of approximately 20 metres. As a result, I concur with the Council that the proposal would not lead to any significant overlooking. However, the acceptability of the proposed development in relation to this matter does not outweigh the identified harm.

Conclusion

10. For the reasons set out above and considering all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Manning

INSPECTOR