



Appeal Decision

Site visit made on 17 December 2014

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 7 January 2015

Appeal Ref: APP/Q1445/A/14/2225692

Electricity Substation to the rear of 59 Lincoln Road, Portslade BN41 1LL

- 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 R Raggio, Urban East Anglia Properties Limited, against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/00387, dated 4 February 2014, was refused by notice dated 9 April 2014.
 - The development proposed is the change of use from an electrical substation to a storage unit.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from an electrical substation to a storage unit at Electricity Substation to the rear of 59 Lincoln Road, Portslade BN41 1LL in accordance with the terms of the application, Ref BH2014/00387, dated 4 February 2014, 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: Drawing No 01 – Proposed Storage Unit, by Robert Saunders Partnership, dated May 2014.
- 3) No development shall take place until a site investigation has been carried out to identify all previous uses of the site as well as all potential contaminants which may be associated with those uses. A conceptual model of the site shall be prepared, indicating the sources, pathways and receptors (including off-site receptors) associated with the potential contaminants and any unacceptable risks shall be highlighted.

The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remedy the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Before development begins, the site shall be remedied in accordance with the approved measures and a verification plan, setting out the data to be collected to demonstrate that the works are complete and identifying any requirements for monitoring,

maintenance or contingency action shall be submitted to and approved in writing by the local planning authority.

- 4) If, during the course of development, any contamination is found which has not been identified in the site investigation referred to in Condition No 3, additional measures for the remedy of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remedy of the site shall incorporate the approved additional measures.
- 5) No development shall take place until details of the finish to be applied to the roller shutter have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The development shall not, at any time, be connected to the water supply or have water infrastructure applied to it.

Procedural Matters

2. I have taken the address of the site from the appeal form whereas the application form gives it as St Aubyn's Crescent. Both are accurate and clearly refer to the same piece of land, but the Council uses the former address on the decision notice. I have done the same for consistency.
3. The description of development describes the proposal as a change of use, but for clarity, it includes the construction of a new building. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The site is located between the rear gardens of No 59 Lincoln Road (although it is not clear that the proposed development would be associated with that property) and No 54 Gladstone Road which have their western boundaries with St Aubyn's Crescent. It consists of a fenced compound with a 'frontage' to St Aubyn's Crescent that once contained an electricity substation. The substation equipment has now been removed. The proposed development would replace the compound with a single storey, flat roofed storage building to be accessed from St Aubyn's Crescent via a roller shutter.
6. The introduction of a building at the edge of the pavement would be at odds with the established pattern of development in the area which is given by lines of terraced houses set back from the highway. It would also be the only building to face this particular stretch of St Aubyn's Crescent. However, given that it would be flanked to the north by the tall boundary hedging of No 54 Gladstone Road and to the south by close-boarded fencing on the side boundary of No 59 Lincoln Road, it would form part of a continuous and largely opaque frontage. Thus in near views on St Aubyn's Crescent, the departure from the otherwise strong building lines would not be readily perceived.
7. Moreover, while it might be possible to see the roof of the building in longer views from the north and south, the existing open views across the site are

only available at first floor level. This is due to the boundary treatments already described, as well as a fence across the plot of No 59 Lincoln Road which acts as a barrier from the south. Therefore the single storey structure proposed would not have any significant effect on the spacious appearance of this corner. Nor would it be prominent or intrusive in the street scene.

8. Turning to materials, the building would be constructed in block and be finished in render. Render is the prevalent treatment on the houses in all three roads referred to above and so the development would not stand out in this respect. The metal roller shutter proposed for the St Aubyn's Crescent elevation has the potential to appear harsh in this residential setting if untreated, but a door which does not open over the highway is required for reasons of road safety. On balance, and given the presence of similar garage doors in nearby Gladstone Road, I consider that it would be possible to achieve a suitable finish.
9. For the reasons above, I conclude that the proposed development would not be harmful to the character and appearance of the area. Thus it would not conflict with the aims of Policy QD1, QD2 or QD14 of the Brighton and Hove Local Plan 2005 in this regard. In reaching this conclusion, I have taken account of a previous appeal decision for this site, which upheld the Council's refusal of planning permission for a domestic garage/storage unit¹. Whilst the Inspector gave significant weight to the unoccupied frontage on St Aubyn's Crescent and to the operative building lines in the area, the proposal was for a two storey building with a pitched roof which would have had quite a different effect to the scheme before me.

Other Matters

10. In reaching my decision, I have had regard to the previous Inspector's findings that a garage on this site could be detrimental to highway safety. Whilst the current proposal is for a storage unit rather than a garage, vehicles would be likely to attend. However, since the last appeal, the appellant has commissioned evidence to assess the effects of the proposal on the highway². The Council's specialist is satisfied that it would have no detrimental impact given the small number of trips it would generate. As the development would be sited in a relatively quiet residential area and that double yellow lines control parking close to the junctions, I have no reason to disagree.
11. I acknowledge that a nearby occupier has observed people trying to gain access to the existing fenced compound with a crowbar. The entrance to the proposed building would benefit from a high degree of natural surveillance and if a secure unit were provided, it may be that criminal activity would reduce.
12. Consequently, these other matters do not outweigh nor alter my conclusion in respect of the main issue of the appeal.

Conclusion and Conditions

13. For the reasons given above, I conclude that the appeal should be allowed. In considering the conditions to be attached, have had regard to the advice in the Planning Practice Guidance.

¹ Appeal ref APP/Q1445/A/08/2075693.

² Statement by Reeves Transport Planning, dated September 2014.

14. I have imposed the standard commencement condition and another to require that the development is carried out in accordance with the approved plans. The latter is for the avoidance of doubt and in the interests of proper planning.
15. The Council has suggested a condition which would require the site to be assessed for potential contaminants and for remediation to take place if any are found. Having regard to the previous use of the site as an electricity substation, and to the advice of the Council's specialist, I am satisfied that such a condition is necessary. For the same reason, the Council's suggested condition that the site should not be connected to the water supply is also appropriate.
16. Whilst the Council has not suggested it, I have imposed a condition to require details of the intended finish for the roller shutter to be submitted to the Council for approval. As explained in my decision, this is necessary to protect the character and appearance of the area.

Louise Phillips

INSPECTOR