
Appeal Decision

Site visit made on 9 February 2016

by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC

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

Decision date: 26 April 2016

Appeal Ref: APP/Q1445/W/15/3135402
Audley House, Hove Street, Hove, Sussex, BN3 2DE

- 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 Alex Cosgrove against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00860, dated 11 March 2015, was refused by notice dated 3 August 2015.
 - The development proposed is for a new two bed detached dwelling and car park alterations to vacant space to the south of Audley House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have given consideration to the recently adopted City Plan Part One and note that following the adoption of it on 24 March 2016, the development plan for the City changed and some but not all, of the Brighton & Hove Local Plan 2005 policies were removed and superseded by new policies.
 3. Furthermore, I note that the City Plan Part One along with the retained Local Plan Policies form part of the Development Plan for Brighton & Hove, and the retained Local Plan policies will continue to apply until replaced by the City Plan Part Two Development Plan Document at some future date.
 4. In the case of this appeal, former Local Plan Policies QD1, QD2 and QD3 have all now been replaced with Policy CP12 (entitled Urban Design) of the City Plan Part One, whilst in addition former Policy QD3 has been replaced by Policies CP8 (Sustainable Buildings) and CP14 (Housing Density) of the City Plan Part One.
 5. However, Local Plan Policies HE6, HE10 and QD27 have all been retained. I have given full weight to the Policies in the City Plan Part One and to the retained policies.
 6. I have noted a number of minor inconsistencies between the submitted drawings. In particular, the exact location of the proposed building varies slightly in relation to the existing boundary wall which runs east to west, and the exact location of the two existing masonry piers to Audley House also varies. However, notwithstanding these anomalies, I acknowledge that the
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Council consider the proposed building would be located 4.5 metres away from the north elevation of Hove Manor and I have considered the appeal on this basis.

Main Issues

7. The main issues of the appeal are the effect of the proposed development on :
- heritage assets;
 - the living conditions of the existing occupants of adjacent properties in respect of outlook, and sense of enclosure; and
 - the living conditions of future occupants of the development in respect of private amenity space, and the proximity of the existing car parking area.

Reasons

Heritage assets

8. The appeal site is located in an existing access driveway and parking area to Vallence Court, and is between Audley House and Hove Manor. It is within the Old Hove Conservation Area, which is a designated heritage asset. The adjoining Audley House, is also locally listed and is therefore a non-designated heritage asset.
9. The proposed development would be the erection of a detached three-storey two bedroom dwelling with a pitched roof, having a gable end on the front elevation with recessed external balconies at first and second floor levels. The building would fill the width of the fairly narrow plot, would be positioned close to the back edge of pavement and would not make provision for a private garden area.
10. In respect of the appeal site being in a Conservation Area, under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to give special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework), anticipates, amongst other things, that great weight shall be given to the conservation of designated heritage assets. Further, paragraph 135 of the Framework sets out that *"the effects of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.
11. The surrounding area is mixed in terms of architectural styles, age of buildings and building uses. Immediately behind the site is Vallence Court a residential development, to the south is Hove Manor a block of flats with a retail and commercial parade at street level and Audley and Regent House dating from the 1920's, are to the north.
12. Audley House is a large building which was originally constructed as a purpose built fire station. It has since been converted to residential and office accommodation. It is a neo-classical architectural design with an almost symmetrical front elevation. Although it has been converted to another use, its

front elevation has retained the integrity of the original design with a commanding attractive visual street presence.

13. Hove Manor, a 1930s six-storey block of flats is positioned immediately to the south of the appeal site and is a large development both in terms of height and footprint. On its north elevation facing the appeal site, there are some balconies, a ground floor entrance door and windows to habitable rooms. Despite its age this building has been relatively unaltered, retaining much of its original architectural quality and to my mind is a positive building within the street.
14. The appeal site being located between these two large buildings is a very important gap in the street scene. This space allows views of the side elevations of these large buildings and also oblique views of the area behind them, including some trees in the rear gardens of properties in the next street being visible and together with views of Vallenge Court.
15. The proposed house would erode this space, and as a result would harm the spatial settings of both Audley House and Hove Manor and obscure the longer distant views of the rear gardens and Vallenge Court.
16. In addition, the development on the narrow plot would appear cramped and the proposed vertical proportions, gable roof form and balcony features on the front elevation together with the external materials and finishes would all combine to make the building very visually prominent.
17. The appellant states that the proposed development relates well to the density of the surrounding area and strikes the right balance between making efficient use of the site and respecting the existing context. However I disagree with this, because whilst the density of the immediate area is one of large buildings (i.e. Audley House and Hove Manor) of high density, these buildings do have some space around them and between them, and the proposed development would erode that existing spacial context thus increasing the existing density.
18. In particular the proposal would be visually challenging to Audley House which is in close proximity, thus detracting from it. To my mind this would result unbalancing the visual symmetry of the front elevation of Audley House, which contributes to its significance. Furthermore, the scale, proportions, general design and siting of the new building on the plot would not relate well to the other detached or semi-detached houses in the area. These factors would result in the development being incongruous, visually discordant and generally a poor design. Therefore, the development would harm the setting and significance of Audley House, and would fail to preserve or enhance the character or appearance of the Conservation Area and therefore not comply with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would not comply with paragraphs 132 and 135 of the Framework. I consider that the proposal could cause less than substantial harm to the Conservation Area as a whole, given its nature. However, the public benefits of one dwelling would not be sufficient to outweigh this harm.
19. Also, the development would not be in accordance with Policies CP12, and CP14 of the adopted City Plan Part One, which seek, amongst other things, to ensure new development is of a high standard of design, respects the sense of place and diverse character of the neighbourhood. Neither would the development be in accordance with retained Policies HE6, and HE10 of the Brighton and

Hove Local Plan, which seek, amongst other things, to ensure new development is of a high standard of design, takes into account the design of existing buildings and the spaces between buildings, preserves or enhances the character or appearance of the conservation area, and is of a high standard of design which is compatible with the locally listed building (i.e. Audley House).

Living conditions of the existing occupants of adjacent properties

20. There are bedroom, kitchen and bathroom windows at first and second floor levels in the north flank elevation of Hove Manor and the development would be 4.5 metres away from this elevation and some of these windows.
21. Given that the development would be on the north side of these windows, there would not be a loss of sunlight, and the proposed pitched roof to the development would not result in an unacceptable loss of daylight to these windows. However, due to the close proximity of the development and its height, the outlook from some of these windows, in particular the bedroom windows would be affected. This would result in the residents of the affected flats having their living conditions harmed by an increased sense of enclosure and the visually overbearing impact.
22. I acknowledge that the appellant considers that the windows in the side elevation of the neighbouring building are secondary windows or windows serving bathrooms and as such as less sensitive. However, the Council's Officer report states and two residents of Hove Manor also comment, that the windows in the north elevation are bedroom windows and secondary living room windows as well as non-habitable room windows serving bathrooms and kitchens. Consequently, I have given little weight to the appellant's comments that these windows are less sensitive.
23. Therefore, the development would not be in accordance with retained Policy QD27 of the Brighton and Hove Local Plan, which seeks, amongst other things, to ensure new development would not cause a loss of amenity to adjacent residents.

The living conditions of future occupants

24. The bedrooms in the development would be located on the ground floor in a prominent position in relation to the street, pedestrians, vehicles and the existing car park area. These bedroom windows would be separated from the public space by a very small area of planting. The lack of private amenity space would result in little separation between the dwelling and passing pedestrians, causing lack of suitable privacy for the ground floor rooms. Whilst in my view, the close proximity of the existing car parking area to the proposed dwelling, would give rise to vehicle fumes, noise and light pollution from car headlights all combining to cause an unpleasant environment, and would not lead to attractive living conditions for the future occupiers.
25. In addition, the front door would open onto the communal driveway with little defensible space. Given that the existing parking area serves both office and residential accommodation, it is likely to be continually busy throughout a prolonged period. Consequently, I consider that the proposed development would provide an unacceptable living environment for the future occupiers of the proposed dwelling, regarding the lack of defensible space and lack of private amenity space.

26. I acknowledge that the internal floor area of the development would be in line with the Government standards, and I accept that not all residents want a garden.
27. However, my findings regarding the lack of private amenity space outweigh these other living condition considerations such as meeting the minimum floor space standards and not all residents wanting a garden; and in light of this the development would conflict with retained Policy QD27 of the Brighton and Hove Local Plan, which seeks, amongst other things, to ensure new development would not cause a loss of amenity to future occupiers.

Other Matters

28. The Council have acknowledged that they cannot currently demonstrate a five year housing land supply, and in light of this the appellant points to paragraph 49 of the Framework. This sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 14 of the Framework advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

29. I have found that the proposal would result in a poor form of development which would not preserve or enhance the character or appearance of the Old Hove Conservation Area, would cause harm to the setting of and significance of Audley House, cause harm to the living conditions of the existing residents of the adjacent property Hove Manor, and would not provide adequate living conditions for the future residents of the new development. Although the net gain of an additional dwelling unit counts in its favour, this along with any other benefits individually or in combination, are significantly and demonstrably outweighed by the totality of the identified harm. The proposal does not therefore constitute sustainable development, when considered against the Framework as a whole.
30. For the reason given above, and taking all other matters into consideration, including the submissions of nearby residents, I conclude that the appeal should be dismissed.

Karen Radford

INSPECTOR

