
Appeal Decision

Site visit made on 26 April 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/Q1445/W/15/3141168

92 Baden Road, Brighton BN2 4DP

- 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 Daniel Lewis, Mouse Slug Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03006, dated 14 August 2015, was refused by notice dated 7 December 2015.
 - The development proposed is the erection of a pair of semi-detached 2 storey dwellings, 1 no. 2 bed and 1 no. 3 bed.
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Decision

1. The appeal is allowed and permission is granted for the erection of a pair of semi-detached 2 storey dwellings, 1 no. 2 bed and 1 no. 3 bed at 92 Baden Road, Brighton BN2 4DP, in accordance with the terms of the application, Ref BH2015/03006, dated 14 August 2015, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of No 92 Baden Road in relation to outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises land to the rear of No 92 Baden Road, a two storey end terrace property, and previously formed part of its long rear garden. The site has a long frontage onto Eastbourne Road but also turns the corner with a short frontage onto Bevendean Road. The proposal is for a pair of semi-detached houses fronting Eastbourne Road in a distinctively modern style.
4. Many of the long rear gardens of the terraced houses further along Baden Road have been subdivided in order to construct a series of modern terraced houses fronting Bevendean Road, which runs parallel to Baden Road for some distance. However, in this case, the long frontage onto Eastbourne Road provides an opportunity to develop a pair of properties side by side. These would be seen

in the context of three individual detached houses on quite wide plots on the other side of Eastbourne Road, not alongside terraced houses, and as such the plot widths would not appear narrow or the houses cramped within the street scene. The properties would not extend forward of the side elevation of No 92 and would also be set back from the frontage on Bevendean Road.

5. The pair of semi-detached properties would be unashamedly modern in style with a monopitch roof sloping from the front to the back, rendered walls, large modern style vertical window openings and slight corner projections at first floor level. This would contrast with the more functional detached houses opposite but there is a precedent for the modern style nearby in Bevendean Road with its three storey asymmetrical roofed terraced houses. With little existing character nearby to relate to, the appeal site provides a further opportunity for an innovative design approach.
6. The monopitch roof form would be without precedent in the vicinity but this is not problematic in itself, would be consistent with the overall design approach and would reduce the impact of the proposal to the rear alongside the garden of No 90. The front eaves would be about 0.5 m higher than those of No 92 alongside, but this would not be significant given the gap between the two, and although somewhat higher than the eaves of the detached houses opposite, the road separating them is wide which reduces the impact on the street scene.
7. Whilst the front elevation of the two semi-detached houses combined would be quite wide, about 15.5 m, this would be broken up visually by the vertical window openings and first floor corner projections in a slightly different colour render. These projections are only slight and would not result in a noticeably top heavy building. There is no doubt that the combination of the height, width, roof form, materials and overall design of the building would result in a relatively prominent building within the street scene, but it would not be unduly bulky and, given its context, would be seen as an interesting and worthy contribution to the architectural character of the area.
8. The proposed boundary treatment, a low rendered wall with horizontal timber slats between pillars above, would complement the building in a distinctive way. Whilst about 2 m in height for most of its length, the current unattractive close boarded fencing is about this high and the proposed timber slats would allow limited views through. The boundary treatment would need to be high at each end to protect the privacy of the private amenity areas, and because the building would be close to the back of the footway there would be no space for front gardens like the houses opposite. In these circumstances the character of this side of the road would be different in any event and an unusually high boundary treatment would therefore be justified.
9. For these reasons the proposal would make a positive contribution to the character and appearance of the area in compliance with saved Policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (the Local Plan). These require new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment, and secondly discourage the replication of existing styles and pastiche designs in areas without a distinctive historic style of architecture.

Living conditions

10. The distance between the main rear elevation of No 92 and the flank wall of the nearest property would be about 17.9 m, reducing to about 15.3 m in the case of the two storey rear extension. These distances are more than the generally accepted minimum for a rear to side relationship in a built-up area and sufficient to avoid the houses appearing overbearing in the outlook from rear facing windows. The building would also be screened by the large evergreen bushes within the rear garden of No 92. Although not raised as an issue by the Council, this screening would also minimise the loss of privacy from the side facing secondary bedroom window of the nearest house.
11. For these reasons the proposal would not cause significant harm to the living conditions of the occupiers of No 92 in relation to outlook or privacy and would comply with saved Policy QD27 of the Local Plan which seeks to ensure that development does not cause a loss of amenity to adjacent residents.

Conditions

12. The Council suggested seven conditions should the appeal be allowed and I agree they meet the relevant tests. I have amended them slightly for clarity. In addition to the standard implementation time limit it is necessary to define the plans which have been approved to ensure the design quality of the scheme. A condition controlling the materials to be used is necessary to ensure the satisfactory appearance of the building together with a condition to ensure cycle parking facilities are provided in the interests of sustainable travel. To comply with Council policies further conditions are necessary to ensure that a good standard of energy and water efficiency is achieved in the new homes and that they are built to lifetime homes standard to ensure flexible accommodation for a range of users.

Conclusion

13. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GA03, GA04, GA05 and GA06.
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. These shall include:
 - samples of all hard surfacing materials
 - samples of all render and roof treatment (including details of the colour of render/paintwork to be used)
 - samples of the proposed window, door treatments and rainwater goods
 - samples of all other materials to be used externally

The development shall then be carried out in accordance with the approved details.

- 4) Prior to first occupation of the development hereby permitted, secure cycle parking facilities shall be provided for the occupants of, and visitors to, the development, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained for use at all times.
- 5) None of the residential units hereby approved shall be first occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
- 6) None of the residential units hereby approved shall be first occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
- 7) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application or Building Notice or Initial Notice to enable the building control body to check compliance.