
Appeal Decision

Site visit made on 3 May 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 7 June 2016

Appeal Ref: APP/Q1445/W/16/3142344
14 Portland Villas, Hove BN3 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Emery against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00279, received by the Council on 26 January 2015, was refused by notice dated 29 September 2015.
 - The development proposed is demolition of existing property and erection of new detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided copies of the adopted CP Policies and retained LP Policies relevant to the appeal, which included Policies CP12 and CP14 of the CP and Policy QD27 of the LP. Policies QD1, QD2, QD3 and QD14 of the LP that were referred to in the reasons for refusal were not forwarded. Policy QD14 of the LP related to extensions and alterations to existing buildings so did not appear to be directly relevant to the proposed development. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.
3. Revised plans were submitted during the course of the planning application, following discussions with the Council. I understand that these were the plans considered by the Council in coming to its decision and I have based my decision on these later plans.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed replacement dwelling on the character and appearance of the site and surrounding area; and
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- the effect of the proposed replacement dwelling on the living conditions of neighbouring occupiers at 12 Portland Villas with particular regard to outlook and light.

Reasons

Character and appearance

5. Portland Villas comprises houses of a variety of designs and styles, including a mix of detached and semi-detached bungalows and two storey houses. Most houses are traditional in appearance, including Victorian properties and later development that seeks to reflect that style. No. 14 is a detached bungalow and the properties to either side are two storey semi-detached houses.
6. The proposed building would contain a dormer window to the front and extensive flat roof over the proposed dwelling. The shape of the roof would contrast with surrounding dwellings that do not have dormer windows to the front and the depth of surrounding houses is provided by projections to the rear with pitched roof at right angles to the main roof. Consequently, the roof configuration, including dormer and large flat roof, would appear bulky and prominent compared to other dwellings in the street.
7. The front elevation of the proposed dwelling includes full height glazing that would provide a vertical emphasis to the design of the building and draws further attention to the height and bulk of the roof. The amount of glazing would be greater than that of surrounding houses, particularly at first floor level. The proposed materials, in particular the limestone block walling and metal roofing, would not reflect those of surrounding dwellings.
8. The combination of the dormer window to the front elevation, bulk of the roof, the amount and design of glazing and proposed materials would mean that the proposed dwelling would appear incongruous within the street scene and would dominate the surrounding buildings. As such, the proposed replacement dwelling would harm the character and appearance of the site and surrounding area.
9. For these reasons, I conclude that the development is contrary to Policies CP12 and CP14 of the CP that seek to ensure development is of a high standard of design that respects the character and appearance of the area.

Living conditions

10. The shape of the proposed dwelling, with flat roof over much of the second floor, would present a tall and bulky elevation in close proximity to neighbouring occupiers at no. 12. That property has a number of rear and side windows on the side closest to the proposed building. The height and bulk of the proposed building would dominate those windows, causing harm to the living conditions of occupiers of that neighbouring property.
11. The Council suggest that the height and bulk of the proposed building in close proximity to the property boundary would affect the amount of light to windows in the side of no. 12. However, the orientation of the proposed dwelling in relation to no. 12 would mean that the effect is restricted. As such, the proposed development would not materially affect overshadowing to windows or the rear garden area of that property. Consequently, the proposed

development would not result in an unacceptable loss of daylight or sunlight to occupiers of that property.

12. For these reasons, I conclude that the proposed replacement dwelling would have a harmful effect on the outlook of neighbouring occupiers at 12 Portland Villas, contrary to Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.

Other matters

13. My attention has been drawn to other contemporary designs that have been incorporated into similar areas elsewhere in the city. Although the current proposals would not reflect the character and appearance of the site and surrounding area, an alternative contemporary design may better reflect that character and appearance. I do not accept that a similar design to other buildings in the street would necessarily confuse collective unity, nor that dismissing this appeal would necessarily result in a building that would be a poor reflection or imitation of the more traditional designs in the street.
14. I note that the appellant has received support from the local Councillor and neighbours and that the scheme was revised during the course of the application following discussions with the Council. However, I do not consider that these matters overcome the harm to the character and appearance of the area and to the living conditions of occupiers of 12 Portland Villas.

Conclusion

15. On the basis of the above considerations, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR

