

Appeal Decision

Site visit made on 24 May 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 22 June 2016

Appeal Ref: APP/Q1445/W/16/3143739

1 Goldstone Street, Hove, East Sussex BN3 3RJ

- 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 S A Alajmi against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01788, dated 13 May 2015, was refused by notice dated 26 October 2015.
 - The development proposed is "Erection of two storey 2 bedroom house including part demolition of single storey part."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council adopted the Brighton and Hove City Plan Part 1 (City Plan) in March 2016, subsequent to the date of their decision notice. Saved Policies EM6, QD1, QD2 and QD3, of the Brighton and Hove Local Plan 2005 (Local Plan) have been superseded by policies within the City Plan. I have determined the appeal on this basis and I have afforded significant weight to the relevant recently adopted policies of the City Plan. I am satisfied that the Appellant is aware of the change in policy context and has had the opportunity to make any comments in respect of this change. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road with particular regard to outlook and daylight and sunlight; and whether adequate living accommodation would be provided for any future occupiers of the proposal with particular regard to internal space provision.

Reasons

Character and appearance

4. The appeal site lies on the eastern side of Goldstone Street, within a wider residential area. I observed that the buildings which previously occupied the
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appeal site have recently been demolished. The absence of any built form within the appeal site provides a gap between the properties of 37 Goldstone Road and 3 Goldstone Street, which allows views across rear gardens and provides a spatial quality within the streetscape. A gap at first floor level between these buildings would also have been provided when the appeal site comprised a single storey building, which would also have provided a spatial quality within the streetscape. Gaps between buildings, including that provided by a single storey building opposite the appeal site, are a recurring and characteristic feature along Goldstone Street. The gap between buildings provided by the appeal site therefore positively contributes to the character and appearance of the streetscape and area.

5. The proposal would introduce a part two, part single storey dwelling onto the appeal site. Whilst I acknowledge that the painted rendered elevations, sash windows and pitched roof of the proposal would be typical of other dwellings along Goldstone Street, the two storey element of the proposal would occupy a considerable width of the plot and would maintain only a modest gap at first floor level between itself and 37 Goldstone Road. This would considerably reduce the spatial qualities of the streetscape and would appear out of keeping with the general pattern of development along Goldstone Street.
6. In addition, the small size of the proposed windows and their haphazard positioning, notwithstanding there would be some level of alignment at ground and first floor level, would bear little relationship with the larger windows, including bay windows, and general appearance of 3 Goldstone Street. Given the proposed dwelling would immediately adjoin 3 Goldstone Street, it would be reasonable to expect it to reflect the characteristic qualities of this property to a greater extent.
7. I therefore consider that the proposal would appear as a cramped and discordant form of development that would result in harm to the character and appearance of the streetscape and area. This is notwithstanding the appeal site is not located within a conservation area.
8. The proposal would therefore be contrary to Policy CP12- Urban Design, of the City Plan, that requires, amongst other things, development to raise the standard of architecture and design in the city and to respect the diverse character and urban grain of the city's neighbourhoods. The proposal would also be contrary to the broad aims and objectives of the National Planning Policy Framework (the Framework) that seeks planning to secure high quality design and to take account of the different roles and character of different areas.

Living conditions in respect of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road

9. The proposal would introduce a garden wall on the southern boundary of the appeal site, approximately 3.4m higher than the level of the rear garden space of the basement flat at 37 Goldstone Road. The two storey rear elevation of the proposal would extend along a considerable length of the western boundary of the rear garden of 35 Goldstone Road.
10. I observed that the rear garden area of the basement flat at 37 Goldstone Road is modest in size. Despite its modest size and the lower level of this garden to that of the appeal site, the steps leading from this garden to the appeal site

provide an element of spaciousness. The introduction of the 3.4m high boundary wall would result in a considerable sense of enclosure to this garden and would be, in my judgement, overbearing for the occupiers of this property. This would result in a considerable reduction in their enjoyment of their rear garden space.

11. Furthermore, the two storey element of the proposal, given that it would be of a substantial height and would extend along a considerable length of the garden of 35 Goldstone Road, would result in a substantial sense of enclosure to this garden and would be, in my judgement, overbearing for the occupiers of 35 Goldstone Road. This would result in a considerable reduction in their enjoyment of their rear garden.
12. I therefore consider that the proposal would result in significant harm to the outlook of the occupiers of the basement flat at 37 Goldstone Road and the occupiers of 35 Goldstone Road, notably in respect of their rear garden areas.
13. However, I am satisfied, given the northern and eastern orientation of windows to habitable rooms and the northern orientation of the garden of the basement flat at 37 Goldstone Road, that there would be no significant additional overshadowing of habitable rooms or of the rear garden area of this property as a result of the proposed garden wall. I am also satisfied that the proposed two storey element of the proposal would not result in any additional overshadowing of habitable rooms or of the rear garden of 35 Goldstone Road. This is due to the siting of this element of the proposal to the north-west of windows to habitable rooms and to the west of the garden of this property, and the movement of the sun from east to west. My views on this are supported by the Daylight, Sunlight and Overshadowing Report 2015 submitted in support of the appeal.
14. I therefore do not consider that the proposal would result in any significant loss of sunlight or daylight for the occupiers of the basement flat at 37 Goldstone Road or the occupiers of 35 Goldstone Road. Nevertheless, this does not outweigh the harm I have found in respect of outlook in respect of the occupiers of these properties.
15. The proposal would therefore be contrary to saved Policy QD27- Protection of Amenity, of the Local Plan, that requires, amongst other things, to resist development where it would cause loss of amenity to existing and future adjacent occupiers and residents. This policy is consistent with the broad aims and objectives of the Framework, that seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Whether adequate living accommodation would be provided for any future occupiers

16. The proposal would provide a two bedroom dwelling for up to three occupiers. The overall internal floorspace would be 59.25sqm, according to the Appellant's evidence. Whilst the Council does not have any standards in respect of residential floorspace provision, I consider the overall floorspace would be excessively modest for three occupiers. This would be particularly noticeable within the proposed kitchen/living area and the proposed bedroom on the ground floor. The excessively modest sizes of these rooms would result in cramped living conditions for any future occupiers. The requirement for

storage and furniture would likely reduce the circulation space within these rooms which would exacerbate this harm.

17. I acknowledge that the proposed dwelling would be provided with adequate daylight and sunlight. However this would not outweigh the substandard internal floorspace that would be provided. In addition, I do not consider that any constraints within the appeal site or the modest benefit that one additional dwelling would make to housing supply in the city, would either justify or outweigh the inadequate level of internal space provision of the proposal and resulting cramped living conditions for any future occupiers.
18. The proposal would therefore be contrary to saved Policy QD27- Protection of Amenity, of the Local Plan, that requires, amongst other things, to resist development where it would cause loss of amenity to future users and residents. This policy is consistent with the broad aims and objectives of the Framework, that seek to secure a good standard of amenity for all future occupiers of land and buildings.

Other matters

19. The Council raises a concern that the loss of the existing lawful use of the land has not been fully justified. However, it is not clear, based on the evidence before me, what the existing or previous lawful use of the land is. I cannot therefore be certain which use class the land falls under. Nevertheless, given my findings above in respect of the harm that would arise to the character and appearance of the area and neighbour living conditions and the inadequate living conditions that would be provided for any future occupiers, this is not a matter that I need to come to a view on. My decision does not, therefore, affect any subsequent application under s191 or s192 of the Town and Country Planning Act 1990 (as amended).
20. I acknowledge a number of third party concerns, including in respect of highway safety, privacy, noise and disturbance and daylight and sunlight. However, the Council has not objected to the proposal on neighbour living conditions grounds beyond the effects the proposal would have on the occupiers of 35 Goldstone Road and the basement flat at 37 Goldstone Road. Based on the evidence before me and my own observations, I see no reason to conclude otherwise. In respect of highway safety, this matter did not form one of the Council's reasons for refusal, and based on the evidence before me, I have no substantive reasons to conclude that this matter weighs against the proposal.
21. The recently adopted City Plan sets out an agreed housing provision target of 13,200 new homes for the city. The Council sets out that the Inspector that examined the City Plan was in support of the Council's approach to assessing their five year housing land supply on the basis of this agreed target. I can therefore be reasonably confident that the Council can demonstrate a five year supply of housing land. However, even if a five year supply of housing land cannot be demonstrated, the limited contribution that one additional dwelling would make to housing supply in the city, albeit a benefit that would weigh in favour of the proposal, would be modest, and would not outweigh the harm I have identified in respect of the above main issues.

Conclusion

22. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR

