
Appeal Decision

Site visit made on 31 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/Q1445/W/16/3153866

The Parade, Valley Drive, Brighton, Brighton & Hove BN1 5FQ

- 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 Woodhart Carpentry Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03338, dated 15 September 2015, was refused by notice dated 15 January 2016.
 - The development proposed is the extension of existing terrace to form 1no. two bedroom maisonette to first and second floor access via communal passage way to the rear of 'The parade' from Gableson Avenue and mixed use unit to ground floor a with access from Valley Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two plans have been submitted with the appeal, drawing number 1325 02 which illustrates a two bedroom flat and drawing number 1325 02A that shows a one bedroom flat. The description of the proposal on the application form and decision notice describes the proposal to be a two bedroom maisonette. However, Informative 2 on the Council's decision notice indicates that the Council's decision has been based on drawing number 1325 02A. The appellant's statement also clarifies this to be the correct drawing. I therefore consider this to be the applicable drawing and confirm that I have considered this appeal having regard to this plan.
3. Policy QD2 of the Brighton and Hove Local Plan referred to by the Council in its reason for refusal has been superseded by Policy CP12 of the City Plan Part One (the City Plan) which has been adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policy.

Main Issue

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

Reasons

5. This local parade of commercial units with residential maisonettes above is located within a residential area of mainly semi-detached two-storey
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- properties. The land levels incline from Valley Drive into Gables Avenue. The land to the northern end of the parade is enclosed by a low wall with closeboarded fence above which follows the curve of the pavement and highway gradient. This enclosed area is landscaped and, although occupying a corner plot, reflects other enclosed frontages of dwellings in the area.
6. The surrounding residential properties are set back behind front gardens. The existing space to the end of the parade, although enclosed, retains a set back from the junction in the same way as the surrounding dwellings. There is openness to the street scape around the highway junction which features a grass island. This openness contributes to the character and appearance of the area at this point. This spaciousness is notable when approaching the junction from the adjoining highways.
 7. The development would add further built development to the northern end of the parade, closer to the highway junction. Although a small landscaped area would be retained to the side, the development would encroach into the space around the junction. This would significantly erode the openness and would be detrimental to the appearance of the area for this reason. Given the prominence of the appeal site at this highway junction the visual effect of the proposed development would be substantial on the approaches to this junction.
 8. In addition to the above, there is a rhythm to the parade, which comprises 4 commercial units with shop fronts of similar widths with regularly positioned maisonette windows above. Whilst the extension of the parade would be of similar design and constructed of matching materials to those of the existing parade, with a similar outdoor area at the entrance to the maisonettes, the new unit would be significantly narrower than the existing ones. The existing visual rhythm of the parade would, therefore, not be replicated. To my mind, the development would appear as a cramped addition to the parade and would appear constrained within the site. This would be particularly noticeable when viewed from Valley Drive.
 9. For these reasons, I conclude that the development would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy CP12 of the City Plan, which seeks all new development to establish a strong sense of place by respecting the diverse character and urban grain, amongst other matters. It would also be contrary to paragraphs 56, 60 and 64 of the National Planning Policy Framework (the Framework) that seek to promote or reinforce local distinctiveness and attach great importance to the design of the built environment.

Other Matters

10. I acknowledge the development would make a small contribution to address the Council's projected shortfall in commercial space in the City and, in this respect, the proposal is supported by Council's City Regeneration team. The development would also provide an additional home within the urban area and optimise the development potential at this previously developed site in a sustainable location. The appellant suggests that there is currently a housing shortfall in the City and that there is a need for windfall sites, such as this plot. However, in its appeal statement the Council indicates that following the adoption of the City Plan it is able to demonstrate a 5 year Housing Land Supply. The appellant has not challenged this position and I have no reason to come to any other conclusion.

11. The Framework and Policy SS1 of the City Plan require decisions to be made with regard to the presumption in favour of sustainable development. Accordingly I have considered whether the appeal proposal can be regarded as sustainable development. The new commercial space and dwelling proposed are clear benefits of the development and would support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. Notwithstanding this, the proposed development would harm the character and appearance of the area, placing it in conflict with the environmental dimension. Viewed as a whole I find the scheme is not sustainable development. Furthermore, having considered all of the policies drawn to my attention, including those supportive of the scheme, the visual harm arising from the development leads me to conclude that there is conflict with the development plan as a whole.
12. Whilst the landscaped space to the end of the parade may currently be under-utilised and the residential unit could provide a good level of amenity for future occupants without creating overlooking or harm to the living conditions of neighbouring occupiers, these considerations do not outweigh the harm identified above or justify the proposal.
13. The appellant has offered support for the imposition of conditions, if permission were to be forthcoming, relating to, amongst other things, control the appearance of the development and cycle and refuse/recycling storage provision. However, such conditions would not overcome the harm that I have identified above.

Conclusions

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR