

Appeal Decision

Site visit made on 30 January 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 21 February 2017

Appeal Ref: APP/Q1445/W/16/3160266

39 to 41 and land adjacent to 39 to 41 Queen Victoria Avenue, Hove, East Sussex BN3 6XA

- 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 David Cook of Cook Brighton Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03632, dated 7 October 2015, was refused by notice dated 8 April 2016.
 - The development proposed is "new office and duplex flat on area of hard landscaping adjacent to 39 Queen Victoria Avenue. Entrance to new flat via shared entrance to No 41 Edward Avenue".
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site includes an end of terrace building and a hard surfaced area as deep as the terrace that extends to roughly the back edge of the public highway in Edward Avenue. The building is part of a uniform parade that faces Queen Victoria Avenue, which includes ground floor commercial units and upper floor residential accommodation. Each terraced building has a similar form and width, and steps down with the sloping topography between the junctions of Elizabeth Avenue and Edward Avenue with Queen Victoria Avenue. So the parade has a consistent appearance that respects the lie of the land, and each terraced building contributes to the ordered rhythm in the parade.
4. The wider area is mainly characterised by suburban residential development, where most dwellings are set back a similar distance from the curved and linear streets in front gardens. Their layout respects the established front building lines, so the development pattern contributes positively to the openness around the junctions of one street with another. There are similar hard surfaced areas at each end of the parade, so its form respects the building lines in Elizabeth Avenue and Edward Avenue. The layout and design of the parade is also in keeping with the mainly residential development close by. The spaciousness in the nearby streets and around the junctions contributes positively to the suburban character of the area, and to the sense of place.

5. The proposal would reflect the stepped down siting of the other buildings in the terrace. However, due to its narrow width, deeper step down, different proportions and dissimilar fenestration pattern, it would be detrimentally at odds with the uniform rhythm that is important to the character and appearance of the parade. Due to its bulk, form, and siting at the end of the parade, the proposal would harmfully intrude into the spacious streetscape at the prominent corner where Edward Avenue meets Queen Victoria Avenue. So, the proposal would be a harmfully discordant and intrusive addition that would unacceptably interrupt the ordered rhythm in the parade, disrupt the urban grain, erode the consistent character and spacious appearance of the parade and its surroundings, and thus, damage the sense of place.
6. The modest commercial premises and one bedroom maisonette would amount to windfalls that would contribute to the Council's employment and housing land supplies. So, the economic gains would include the new commercial unit, and the social gains would include the new dwelling. However, all of the gains would be significantly and demonstrably outweighed by the environmental harm that the proposal would cause to the character and appearance of the parade and the surrounding area. Thus, the proposal would not amount to sustainable development.
7. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy CP12 of the *Brighton & Hove City Plan Part One* which aims to respect the character and urban grain of the city's neighbourhoods, Policy QD14 of the *Brighton & Hove Local Plan 2005* which seeks respect for context and to take account of the existing space around buildings, and the National Planning Policy Framework which aims to take account of the character of different areas.
8. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR