The Planning Inspectorate

Appeal Decision

Site visit made on 26 June 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/Q1445/W/17/3170891
107 Boundary Road, Hove BN3 7GB

- 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 Coleman of Castlemist Finances Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2017/00002, dated 1 January 2017, was refused by notice dated 27 February 2017.
- The development proposed is demolition of existing house and erection of building to form 7 flats with associated parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined this application a scheme for the demolition of the existing house and erection of 7 flats has been allowed on appeal, Ref: APP/Q1445/W/16/3165865. The only issues in that case were whether or not financial contributions towards affordable housing and sustainable transport were necessary. As a result of a Viability Assessment the Council accepted a substantially reduced contribution of £4,561 in respect of affordable housing, which was secured by a S106 agreement.

3. As a consequence of the above appeal decision, the appellant submitted a revised Viability Assessment in relation to the current appeal which stated that the scheme could support a reduced contribution of £3,458. This has been accepted by the Council and a completed S106 agreement to secure this sum, and the contribution towards sustainable transport, has been provided during the appeal process. Although the Council confirmed that its third reason for refusing the scheme has been overcome, the appellant has continued to contest the requirement for the affordable housing contribution. I will therefore return to this matter later in my decision.

Main Issues

4. The main issues are therefore:

   a) The effect of the proposed dormer window on the character and appearance of the host property and the surrounding area;

   b) Whether or not the proposal would provide satisfactory living conditions for future occupants of the second floor flat;

   c) Whether or not a contribution towards affordable housing is necessary to make the development acceptable in planning terms.

Reasons

Character and appearance

5. No 107 is one of a group of four, two-storey dwellings of almost identical design with gables facing the road and bay windows on two floors. The roofs of these properties are prominent, symmetrical and distinctive features that give a sense of rhythm to the street scene in this part of Boundary Road. The existing dormer window in the southern roofslope of No 107 is the only feature that disrupts the otherwise repetitive roof pattern in this row of properties. Dormer windows that feature within other properties in the vicinity are therefore not a determining factor in my assessment of the appeal proposal.

6. The proposed replacement building that has been allowed on appeal will be wider and deeper than the existing dwelling, but would have a symmetrical form. Its main roof form will reflect the shape of the properties on either side, enabling its increased scale to be integrated effectively into the street scene.

7. In this context, the addition of a large and bulky dormer would introduce an alien and incongruous feature that would destroy the overall symmetry of the new building. The dormer's featureless, fully tile-clad southern elevation would be unattractive and would dominate the roofslope on this side of the building. Furthermore, it would be significantly larger than the existing dormer and would project directly from the ridge. Its excessive height combined with its considerable width would result in it failing to appear subservient to the host property. Consequently, it would be visually prominent and completely at odds with the balanced and symmetrical design that has been accepted in the approved scheme.

8. I conclude that the proposed dormer would be harmful to the character and appearance of the host property and the surrounding area. It would therefore fail to comply with Policy CP12 of the Brighton & Hove City Plan Part One (City Plan) which, amongst other things, requires new development to be high quality design that respects the diverse character and urban grain of the city.

Living conditions

9. Whereas the recently approved scheme had a one-bedroom flat in the roofspace, the addition of the proposed dormer window would enable a two-bedroom flat to be provided at second floor level. However, there is a disagreement between the parties as to the amount of floorspace within the enlarged flat that would have more than 2m of headroom.

10. From the submitted drawings it is apparent that all the rooms would include areas of sloping ceiling. This would restrict the space available and reduce the options for both the size and arrangement of furniture in the living room. The beds would almost certainly have to be located under areas with limited headroom in both bedrooms. Circulation space in the kitchen and bathroom would also be significantly restricted. It therefore seems to me that, regardless of the precise amount of floorspace available, the flat as a whole would feel cramped and would not provide future occupants with adequate space in which they could carry out a variety of day-to-day activities.

11. I conclude that the proposal would not provide satisfactory living conditions for future occupants, contrary to saved Policy QD27 of the Brighton & Hove Local Plan. This policy, amongst other things, seeks to protect the amenity of future occupiers and residents.

Contributions towards affordable housing

12. The Inspector assessed the previous proposal, APP/Q1445/W/16/3165865 on the basis of the evidence before her relating to the local need for affordable housing. As a consequence she concluded that the Written Ministerial Statement (WMS) and Planning Practice Guidance (PPG) restricting contributions from small scale developments did not outweigh the development plan. She therefore determined that a financial contribution, albeit significantly reduced to reflect the viability assessment, was required to make the development acceptable in planning terms.

13. Whilst I do not have full details of the evidence before her, neither do I have any of the evidence that was presented in the other case brought to my attention by the appellant, APP/Q1445/W/16/3152366. However, this latter decision, relating to a site elsewhere in Hove, was issued on 6 December 2016, several months before the previous decision on the appeal site, which was issued on 26 April 2017.

14. Furthermore, the Council has referred me to two decisions issued in June 2017, APP/Q1445/W/17/3166685 and APP/Q1445/W/16/3166012, where the Inspector who determined both cases upheld the view that contributions were justified in order to meet the requirements of the development plan. His conclusions were also based on local evidence of the significant identified need for additional affordable housing. I see no reason to take a different view, particularly as the contribution sought in this case has been significantly reduced on the basis of an agreed Viability Assessment.

15. I therefore conclude that the contribution is necessary to make the development acceptable and in order for it to comply with Policy CP20 of the City Plan, which requires all sites of between 5 and 9 dwellings (net) to provide an equivalent financial contribution towards affordable housing. The completed Section 106 agreement would provide the appropriate contribution, having regard to the particular circumstances relating to this site. Consequently, it would satisfy the tests of Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 204 of the National Planning Policy Framework, and I have taken it into account in reaching my decision.

Conclusions

16. I have found that the appeal proposal would be harmful to the character and appearance of the proposed replacement building and would not provide future occupants of the enlarged second floor flat with satisfactory living conditions.

17. As planning permission has already been granted for a scheme of seven flats to replace the existing house, the appeal proposal would not result in a net increase in housing provision. The contribution towards affordable housing which has been agreed in relation to the current scheme would be less than that which was secured in relation to the previous scheme. There are therefore no additional benefits arising from the appeal proposal to outweigh the harms I have identified.

18. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR