
Appeal Decision

Site visit made on 16 September 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/Q1445/D/19/3234650

442 Falmer Road, Brighton BN2 6LG

- 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 Christopher Jones (Jones Projects) against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00245, dated 28 January 2019, was refused by notice dated 9 July 2019.
 - The development proposed is the erection of a detached garage, new boundary wall, conversion of existing integral garage to habitable space and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage, new boundary wall, conversion of existing integral garage to habitable space and associated alterations at 442 Falmer Road, Brighton BN2 6LG in accordance with the terms of the application, Ref BH2019/00245, dated 28 January 2019, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out and completed strictly in accordance with the following approved plans, as updated and submitted with the appeal:
 - Location Plan
 - New Build Garage
 - Planning Drawings (detailing the Elevations (existing & proposed) and Layout (existing & proposed) of the works to the main dwelling)
 - 3) All new external finishes in respect of the amendments to the dwelling house hereby approved shall match the existing building in respect of materials used, the detailed execution and finished appearance.
 - 4) Prior to works above garage slab level, details of all external finishes in respect of the works to construct the garage and boundary wall, together with construction details of the front boundary wall hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The appellant cited on the appeal form differs to the application form. It has been confirmed that the agent submitted the application on behalf of their client and that the appeal should proceed in the agents name; the banner heading reflects this.
3. The description of proposed development provided on the planning application form has been replaced by a fuller version in subsequent documents, including the appeal form, to include amendments that took place during the course of the Council's consideration of the planning application. The description of development I have used in the banner heading includes reference to a new boundary wall. I consider this revised proposal description to be usefully more accurate and have thus employed it here.

Main Issue

4. The main issue is the effect of the proposal on the character of the host building, surrounding area and the street scene.

Reasons

5. The appeal site is located on the eastern side of Falmer Road, the western side being undeveloped open fields. The road features a variety of building styles and sizes, including bungalows set in relatively small plots in close proximity to the road together with much larger dwellings, set back from the road in large, spacious plots. Properties also vary in the degree of enclosure from the road, some being entirely open, and others bounded by walls or hedging of differing scales.
6. In general terms, where properties on Falmer Road feature garages, these are typically integral or set alongside the dwelling, either immediately adjacent or further back within the plot. Despite this, the evidence indicates that there are instances of detached garages situated to the front of plots, including the neighbouring property, No 444 Falmer Road.
7. The effect of the above is that Falmer Road has no unifying pattern or style of development which clearly defines the character of the area or the street scene.
8. The appeal site is one of the larger plots along the road with the dwelling itself set back some way behind the front boundary. The area to the front of the property is gravelled and provides parking for a number of vehicles. The boundary to the road and neighbouring plots features established vegetation.
9. The proposal is for a large, detached garage situated in front of the dwelling, adjacent to the road. The plans indicate that it would reflect the art deco style of the dwelling, featuring white render with glass bricks on curved corners and a flat roof.
10. The evidence indicates that the plans were altered during the determination of the application to reduce the scale and reposition the building back from the road. In doing so, a new wall was introduced to form the front boundary of the plot, the side elevation of the garage having previously being proposed as the boundary.

11. The proposed garage is an ancillary use to the dwelling and as such is a form of development which does not fundamentally detract from the residential character of the wider area. There is a large variation in building style and particularly plot layout along Falmer Road, resulting in a lack of unifying features which define the street scene and as such I do not consider that the presence of a garage in front of the dwelling, with appropriate boundary treatment, would have a negatively impact upon this.
12. Finally, the detailed design of the garage appropriately reflects the character of the host building and accords with the parameters set out in Supplementary Planning Document 12: design guide for extensions and alterations (June 2013), principally in respect of scale, material choice and avoiding obscuring the front elevation of the dwelling.
13. For the above reasons, I conclude that the proposal does not have a negative effect on the character of the host building, surrounding area or the street scene. It accords with saved Policy QD14 of the Brighton and Hove Local Plan (2005) in respect of design, material choice and how this impacts on local character and Policy CP12 of the Brighton and Hove City Plan Part One (March 2016) in relation to general urban design principles.

Other Matters

14. The proposal includes the conversion of the existing integral garage to form habitable rooms. The Officer's report confirms that this change is acceptable and the refusal notice makes no reference to the internal changes; there is no clear reason for me to disagree. I have however considered it necessary to condition the external materials to be used in order to protect the appearance of the dwelling.
15. The evidence indicates that the highways authority commented on the application, however, this was not raised as a reason for refusing the application. As there is no substantive evidence before me to indicate that this remains a concern, I have placed no weight on this matter in my decision.

Conditions

16. The Council have not proposed any conditions. I have applied standard and development specific conditions which meet the six tests set out in paragraph 55 of the National Planning Policy Framework and accompanying Planning Practice Guidance.
17. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
18. Condition 3 is necessary to ensure that the development is carried out in accordance with the approved plans and specifically for the materials to match the existing dwelling, in the interests of preserving character. Condition 4 secures the specific finished materials in respect of the garage together with confirming the precise positioning and size of the boundary wall and is required in order to protect the character and appearance of the host building, street scene and surrounding area.
19. The appellant has been consulted on the proposed conditions and in response has indicated that the details are available on the submitted plans.

Nonetheless, in order to ensure that the character of the local area remains protected I consider it necessary for further drawings to be submitted to and agreed by the local planning authority which provide further clarity on the construction detail of the wall.

Conclusion

20. For the reasons given above, the appeal is allowed.

M Harris

INSPECTOR