



Appeal Decision

Site visit made on 24 November 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/Q1445/W/20/3246653

7 Elrington Road, Hove BN3 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 Darren Wooton and Ms Donna Sullivan against the decision of Brighton & Hove City Council.
 - The application BH2019/02758, dated 13 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is the design and construction of 1 no 5 bedroom family house.
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Decision

1. The appeal is allowed and planning permission is granted for the design and construction of 1 no 5 bedroom family house at 7 Elrington Road, Hove BN3 6LG in accordance with the terms of the application BH2019/02758, dated 13 September 2019, and the conditions in the attached schedule.

Main Issue

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

Reasons

3. Elrington Road is characterised by detached and semi-detached dwellings of varying sizes fronting a residential tree-lined road. In the row of houses either side of 7 Elrington Road, the individually designed buildings share some similarities in position, form and external materials. Further afield those similarities are less present, with a greater degree of variation in building line, built form and appearance. At the southern end of Elrington Road is a newly built house of distinctive modern design, and another set further back with weather boarding. On the opposite side of the road are detached houses of similar style but incorporating weather board cladding giving them a different appearance. Buildings on The Drove way exhibit even more variation with a mixture of old and new designs, and a wider palette of materials.
4. The proposed building would be of an entirely different design and appearance to its immediate neighbours. However, given the variation in building positions, forms and materials in the wider locality, I consider that such a contrast would not be harmful to the character of the area. It would add to the variety of building styles present, and while being conspicuously different from those closest to it, is consistent with the evolution of the area where most buildings

- are individually designed, representing the building styles prevalent when they were constructed.
5. In terms of its scale, the proposed building would be comparable to those in Elrington Road. Although of three storeys, the lower storey would be contained in a semi-basement, leading to the eaves and ridgeline of the building being consistent with the buildings to either side. It would be a little wider than the existing building but would still maintain adequate space to either side to provide visual separation from its neighbours. A circular staircase feature on the northern side elevation would rise to above the ridgeline. Because it is set back it would not in my view appear obtrusive in views from the road.
 6. A garage would protrude forward of the general line of buildings, but because it would be sunken down as part of the semi-basement, it would not appear prominent. Its design is consistent with the modern design of the building, in which simple lines and extensive use of glazing are strong design features. The appellant also states that the building would achieve high levels of energy efficiency and has been designed to be accessible and adaptable.
 7. The site lies within a part of Hove where localised, incremental development and enhancement is supported. Supporting text to policy CP12 of the Brighton & Hove City Plan Part One notes that *'innovative contemporary architecture, which enhances the reputation of the city, and mixed use schemes which add distinctiveness to local neighbourhoods, will be actively encouraged'*.
 8. Guidance in paragraph 130 of the National Planning Policy Framework (the 'Framework') advises that *'where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development'*. In paragraph 131, it goes on to say *'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*.
 9. I consider that the proposed development would fit in with the overall form and layout of its surroundings, and represents good contemporary architecture. Consequently, I conclude that it would not harm the character or appearance of the area, because the existing degree of variation in built form and materials allows for the introduction of new building designs without them appearing discordant. Accordingly, it would comply with policy CP12 of the Brighton & Hove City Plan Part One, which sets out design criteria for all new development in the city.

Other Matters

10. Concern has been raised in representations on the impact on neighbouring living conditions, in particular that the proposed building would be overbearing, and cause loss of light and privacy due to its size and positioning. In my view that would not be the case as the building would be in a similar position to the existing building and has been designed to have no side facing windows at first floor level. It would extend further back than the existing building but not to an extent that in my view would appear overbearing. The Council did not raise an objection to the scheme on the grounds of harm to neighbouring amenity and I see no reason to disagree with that assessment.

11. The development would involve substantial excavation for the semi-basement and sunken patio areas. The adjoining property owners have expressed concern at the potential for subsidence adversely affecting their properties. This is a matter between the parties and is controlled through separate legislation¹.
12. Concern has been expressed about lack of parking associated with the house, because it would be larger and therefore may generate a greater parking demand. The Council has not raised objection on parking grounds and I noted on my site visit that Elrington Road lies within a controlled parking zone. I consider that the site would have adequate parking provision, and that there are controls in place to prevent any excessive on-street parking causing harm to the neighbourhood.
13. There would inevitably be a degree of noise and disruption caused during construction. This applies to almost all development and is not a reason for preventing development taking place. I note that the proposed building has been designed to be fabricated off site such that, once ground works are complete, its construction should be comparatively quick when compared to a more traditional build process. There is, in any event, environmental health legislation that can be used by the Council to control unreasonable levels of disturbance were that to arise.

Conditions

14. I have considered the conditions suggested by the Council against the tests in paragraph 55 of the Framework. I have imposed them with minor changes to the wording in the interests of consistency and clarity.
15. In addition to the standard time limit, I have imposed a condition listing the approved plans in the interests of certainty.
16. I have imposed a condition requiring approval of external materials in the interests of the appearance of the building and the wider area. I have imposed conditions relating to optional building regulations for accessibility and water efficiency and also a condition relating to energy efficiency in the interests of promoting sustainable construction and to accord with policy requirements in the Development Plan. I have imposed a condition requiring the provision of secure cycle storage to help promote sustainable transport.

Conclusion

17. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan (01), block plan (02),

¹ Party Wall Etc Act, 1996

proposed floor plans (11, 12, 13) proposed site plan (14), proposed sections (14, 15, 16) proposed elevations (17, 18, 19, 20), proposed street scene (21) all dated Sept 2019; proposed ground floor superimposed on site plan (16) and comparison of existing and proposed street scenes (B) both dated Oct 2019.

- 3) No development above basement floor slab level of any part of the development hereby permitted shall take place until details or samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the dwelling has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter.
- 5) The development hereby permitted shall be constructed to an energy efficiency standard that is designed to achieve a minimum reduction of 19% CO₂ emissions over Building Regulations requirement Part L 2013 (TER baseline).
- 6) The development hereby permitted shall not be occupied until it has been completed in accordance with Building Regulations Optional Requirement G2 Regulation 36(2b) to achieve a minimum water efficiency standard using not more than 110 litres of water per person per day maximum indoor consumption, and shall be retained in compliance with such requirement thereafter.
- 7) The development hereby permitted shall not be occupied until details of secure cycle storage facilities for the occupants and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved storage facilities shall be made available prior to first occupation and thereafter retained.

***** End of Conditions *****