



Appeal Decision

Site visit made on 8 March 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/Q1445/W/22/3302338

2A Hollingbury Place, Brighton BN1 7GE

- 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 Lynne Taylor against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/00262, dated 28 January 2022, was refused by notice dated 14 April 2022.
 - The development proposed is described as the demolition of derelict store and construction of two one-bedroom residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's appeal statement explains that since the refusal of the application the Council's Local Plan has been superseded by the adoption of the Brighton and Hove Council City Plan Part Two 2022 (the CPP2). The main parties have made reference to the CPP2 and I do not consider any party would be unfairly prejudiced by my appraisal of the appeal scheme in the light of this policy update.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the future occupants with particular reference to the size of accommodation and provision of external private amenity space;
 - The provision of employment land; and
 - Cycle parking.

Reasons

Character and Appearance

4. The appeal site sits to the rear of what appears to be a commercial parade of two storey buildings in Hollingbury Place. The appeal site faces onto the adjoining road, Hollingdean Terrace, and sits adjacent to an electricity substation with the terraced properties of Hollingdean Terrace beyond. A single storey brick building currently occupies a significant portion of the appeal site.

5. The proposed development would remove this existing building and replace it with a two-storey building with a part pitched roof and a part flat roof. The proposed building would extend to both sides and the rear of the existing site with a strip of land to the front dedicated for cycle parking and recycling / refuse stores.
6. The appeal site serves as a transitional site between the buildings in Hollingdean Place and those in Hollingdean Terrace. Therefore, it is important that any development respects this transition, particularly given the sloping nature of Hollingdean Terrace.
7. From my own observations on site, there is appropriate spacing around the proposed building given the layout of the existing street scene. Additionally, the setback from the front boundary would assist in the transition between the buildings. The proposed building also takes some detailed design features from the adjacent architecture in Hollingdean Terrace.
8. However, the width of the proposed building in combination with its height and the incorporation of a flat roofed two storey side wing, would create an awkward contrast when experienced against the pitched roof of the proposed development and the wider character of the area elsewhere in the street scene particularly given the transitional nature of the site.
9. The appellant suggests a pitched roof could be added to the flat roof of the scheme. However, this would evolve the scheme. I cannot be certain that interested parties, would be aware of this change as it only emerged at the appeal stage so their interests would be prejudiced were my decision to be based on this information. I have therefore dealt with the appeal based on the scheme considered by the Council.
10. I acknowledge that a single storey flat roof building was recently constructed opposite the site. As a lower scaled building this has less visual impact when viewed within the street scene and reads as a subordinate structure when viewed against the two storey buildings. This is different to the appeal proposal and consequently has limited bearing on my overall findings in respect to this main issue.
11. While the proposed rear elevation would lack articulation, there would be limited visual impact of this elevation from public vantage points. Had this appeal been acceptable in all other regards a condition to agree materials could have been imposed to add some interest to the elevation.
12. The proposed development takes some of its design features from the surrounding architecture however, the width, position, height, bulk, and design response of the proposed development, when read as a whole, would cause it to appear unsympathetic and intrusive within the street scene.
13. The existing structure makes a neutral contribution to the character and appearance of the area. However, its removal does not justify the replacement with a taller visually harmful building.
14. As a result, the development would cause unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policies CP12 and CP14 of the Brighton and Hove Council City Plan Part One 2022 (the CPP1) and Policy DM18 of the CPP2. All of which

seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area.

15. I have not had regard to Policy DM21 of the CPP2 as this appears to apply to extensions or alterations to existing buildings rather than new buildings. However, Policies CP12 and CP14 of the CPP1 and DM18 of the CPP2 are relevant insofar as they relate to development responding positively to its context.

Living Conditions of Future Occupiers

16. Both main parties acknowledge that the development as proposed falls below the Nationally Described Space Standards (NDSS). The proposed development would be considerably below the standards for overall internal floor areas and fails to provide built in storage. The proposed bedroom within unit one would also fall short of the technical standards.
17. It has not been clearly demonstrated, within the evidence before me, that this would avoid a space which would be cramped, oppressive and difficult to fit furniture in or provide general internal circulation space. The orientation of the building would not overcome this harm.
18. Policy DM1 of the CPP2 expects all new residential development to provide useable private outdoor amenity space. The supporting text at paragraph 2.11 of CPP2 states that private outdoor amenity space can make an important contribution in improving health, well-being and general quality of life. Additionally, it serves as an important space for external seating, play, drying, storage and potential to support and enhance local biodiversity.
19. Given the scale and character of the development, there is limited evidence before me to suggest that private amenity space should not be provided on site. The proposed development does not make acceptable provision and the space to the front would not be private and would partly be allocated for refuse, recycling, circulation, and cycle parking.
20. The absence of acceptable private amenity space would consequently generate harm for these reasons. While reference has been made to nearby parks and open downs, I have not been advised how close these would be to the proposed development.
21. Even if they would be close, it has not been shown how these would provide a private more intimate space for passive recreation such as entertaining, sitting out or for external storage and clothes drying. While the public open space is noted, this would not outweigh the harm I have identified above.
22. Consequently, the proposed development would not provide acceptable living conditions for future occupants with particular reference to size of accommodation and provision of external private amenity space. The proposal would unacceptably conflict with the relevant provisions of Policy DM1 and DM20 of the CPP2 and the National Planning Policy Framework (the Framework). These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Employment Land

23. Policy CP3 of the CPP1 states that sufficient employment sites and premises will be safeguarded in order to meet the needs of the city. Paragraph 5 of this policy indicates the loss of sites will only be permitted where the site can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses.
24. The appellant explains the building is in a poor condition and requires investment. However, details regarding how much investment are not before me. Additionally, while I noted the absence of an external yard or onsite parking, it has not been clearly demonstrated that reasonable measures have been taken to show there is no demand for the existing use (or alternative employment uses) at this site.
25. The site is in a mixed residential and commercial area, there is limited evidence before me to suggest that continuing the existing lawful use or introducing an alternative employment use would unacceptably harm the living conditions of neighbouring occupants.
26. Consequently, it has not been demonstrated that the redevelopment of this employment land would accord with the relevant provisions of Policy CP3 of the CPP1. In the absence of convincing evidence that there is no longer demand for the existing use or other employment uses, the proposal would cause an unacceptable loss of employment land.

Cycle Parking

27. Policy DM33 of the CPP2 sets out, amongst other things, the requirements for appropriate cycle parking provision and design. The proposed development would combine the cycle parking and the refuse and recycling storage to the frontage of the development. In addition, the cycle parking would be close to the proposed living/dining room window of unit one.
28. I have considered if a condition could be imposed to agree cycle parking detail, however, the frontage of the site would be constrained in both size and by the proposed window. Taking these constraints into account, it has not been clearly demonstrated that covered, secure and convenient cycle parking could be provided in this frontage, or anywhere else on site.
29. In the absence of adequate cycle parking, I cannot be certain that future occupiers would be encouraged to use the cycle parking. I therefore conclude that the proposed development would have an unacceptably harmful effect in this regard. This would be contrary to Policy DM33 of the CPP2 insofar as it relates to the provision and design of cycle parking.

Other Matters

30. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework indicates that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. The provision of two additional units, on a brownfield site which would be connected to local services and facilities would make a recognised contribution

to housing stock, particularly 1-bedroom dwellings, and would be an effective use of land.

32. The proposed development would also have direct access from the street and level access to the ground floor unit. Access to the first-floor accommodation is also stated to be compliant with current Building Regulation guidance for ambulant disabled staircases.
33. Nevertheless, given the relatively limited quantum of new development under consideration, when taken as a whole, the cumulative weight attributable to these benefits is moderate.
34. There would be, however, a significant degree of harm arising from the impact upon the character and appearance of the area, living conditions of the future occupants, loss of employment land and provision of cycle parking. When assessed against the policies in the Framework taken as a whole, this harm would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

35. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR