



Appeal Decision

Site visit made on 28 January 2025

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/Q1445/W/24/3348013

4 Vere Road, Vere House, Brighton, BN1 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Brace against the decision of Brighton & Hove City Council.
 - The application Ref is BH2023/02478.
 - The development proposed is the extension and subdivision of Vere House to create two dwellings (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for the extension and subdivision of Vere House to create two dwellings (Use Class C3) at 4 Vere Road, Brighton BN1 4NR in accordance with the terms of the application, Ref BH2023/02478, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. This is sufficient to describe the proposed development and is preferred to the longer description set out on the Council's decision notice.
3. The main Parties have had the opportunity to comment on the revised National Planning Policy Framework (the Framework) which came into force in December 2024.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, particularly the appeal site part of Vere Road.

Reasons

5. The appeal site is in a predominantly residential area. It is close to the city centre with good access to services and facilities and to bus and rail connections. Class C3 residential development would be acceptable in principle provided other planning policies and material considerations are met.
6. In 2002 planning permission was granted for the appeal building as a modern addition to the street. It now has planning permission for, and is used, as a three bedroom house in multiple occupation¹ (HMO) with a maximum of five unrelated occupants. The loss of a small HMO from the housing stock would be

¹ Class C4 Town and Country Planning (Use Classes) Order 1987 as amended

compensated by the creation of two individual dwellings with the same total number of bedrooms and an increase of one bed space.

7. Vere Road is at an angle of some 30 degrees to Ditchling Road. The appeal site is a long triangular shape which tapers to a point behind Smart House. Most of Vere Road comprises terraced houses with two storey bay windows, regular rhythmic fenestration and coloured rendering to the front. Together these provide a very harmonious, unaltered, traditional street view. The character of the appeal site and its adjoining surroundings is very different.
8. The appeal site itself is a part two and part single storey contemporary property with flat roofs. The building footprint occupies most of its small site. Part of the side wall adjoins the footpath. There is no regular rhythm to this elevation as the openings vary in size, shape and disposition. Part of the first floor is set back but is still visible from Vere Road. To the south of the appeal site are a collection of dwellings including 2A Vere Road and Smart House. From what I could see these appear to have flat or gently sloping roofs and are set sideways on to the back edge of the footpath with boundary walls/gates adding to the sense of enclosure.
9. To the immediate north are the rear gardens of villas Nos 111-117 (odds) Ditchling Road which are at a much higher level than properties on Vere Road. Alongside Vere Road these have tall boundary walls with fences or decorative balustrades above. These boundary treatments directly adjoin the back of the footpath such that the spaciousness offered by the rear gardens is somewhat obscured. Some of these walls are mainly concrete, are unprepossessing in appearance, and are scrawled with graffiti. Others are painted white including those at No 111 Ditchling Road which shares a side boundary with the appeal site. This appears to have been recently renovated and has obscure glass balustrades above.
10. The backs of these Ditchling Road buildings, up to the side boundary of No 6 Vere Road, are much bigger than properties on Vere Road, have differing sizes and shapes of windows and other openings, as well as extensions and other alterations. Due to levels, size and bulk these buildings tower over Vere Road.
11. One proposed extension to Vere House would infill at ground floor level an unused area at the south of the site behind the boundary wall and the blank flank elevation of the neighbouring property. This area is already partly over-hung by roof and would provide an enclosed bin and cycle store. A new terrace would be created over the ground floor extension. Another ground floor extension would infill an internal light well but would not be visible from the street. At first floor there would be an extension over a narrow section of the existing terrace, over the lightwell and over an existing patio.
12. The extensions would result in a longer, taller, building directly on the back edge of the footpath. This would reduce spaciousness particularly at first floor and intrude into views from the south towards the backs of the Ditchling Road properties. However the existing lower wall is already taller than required for most single storeys. Given the existing building forms within the site, as well as those behind and to the sides, the combined extensions would not be overly harmful to the character and appearance of the area even in views from the south.
13. Additional doors and windows would be created. The size, shape and disposition of these would be more regular than the existing ones and would reduce the expanse of render. The result would be a much more active front to the building

and increase passive surveillance. Rather than creating visual clutter In my judgement these openings would not be unsympathetic to the character and appearance of the building and therefore of the street scene. Doors would open directly on to the footpath which is not common along Vere Road. Whilst this has some potential for conflict with passing pedestrians the highway authority has no objections and I have seen no substantive evidence to lead me to conclude otherwise.

14. The proposals would result in two self-contained C3 Use Class dwellinghouses. One would be a 2-bedroom, 4-person dwelling and the other a 1-bedroom, 2-person dwelling. Both would be two-storey with a first-floor terrace each. The Nationally Described Space Standards and the requirements of Policy DM1(c) of the Brighton & Hove City Plan Part Two 2022 CPP2 would be met. The main living/dining rooms would be dual aspect opening onto a small first floor terrace for each dwelling. Both dwellings would have good outlook and natural light from window openings and ventilation. The Council raise no objections in these respects and I see no reason to reach a different conclusion.
15. The replacement of HMO accommodation with general residential use could well result in a reduction of the less desirable aspects of HMO occupation such as anti-social behaviour and noise that can arise as a result of short term occupation and high turnover of residents who might therefore be less engaged with the local community. This would be likely overall to improve the character of the area.
16. The Council considers the proposal is unlikely to cause significant additional noise disturbance overlooking or overshadowing nearby neighbours. As the most directly affected neighbours on Vere Road are across the carriageway, I see no convincing reasons to reach a different conclusion.
17. There is no on-site vehicle parking for the existing use or the proposed use. However, the site is identified in the Parking Standards Supplementary Planning Document (SPD14) as being in a defined Key Public Transport Corridor with a maximum requirement of 0.5 spaces per dwelling. The provision of cycle storage space and nearby public transport links would encourage future occupants to use means of travel other than the private vehicle. There are local parking controls including a resident's parking scheme on Vere Road. I acknowledge the concerns of local residents about the availability of parking and whether pressure for parking spaces would increase but this would not be a sufficient planning policy reason for refusing this proposal in this accessible location.
18. The density of development would be very high. However, given the limited amount of harm that would be caused to the character and appearance of the area, and as satisfactory living conditions would be provided for existing and future occupiers, this would not result in an extent of overdevelopment that would justify refusal of the proposal.
19. I conclude that, although the proposal would result in a higher density and there would be a small decrease in spaciousness there would be relatively little material harm to the character and appearance of the area. I therefore find limited conflict with Policy CP12 of the Brighton & Hove City Plan Part One 2016 (CPP1); Policies DM18, and DM21 of the CPP2; and the Framework to the extent that they seek to protect the character and appearance of the area.

Other Matters

20. The most recently published Strategic Housing Land Availability Assessment indicates about 1.7 years deliverable housing land supply which is a substantial shortfall compared to the five year supply sought by the Framework. Calculations in accordance with the revised Framework may indicate an even greater housing need. Therefore in accordance with Paragraph 11(d) of the Framework planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. About half the identified housing need is for two bedroom properties.
21. Neighbours have objected to the frequent changes of plans for the properties. However, this in itself, is not a material planning consideration.

Conditions

22. I have considered the conditions proposed by the Council and the comments of the appellant in the light of the Planning Practice Guidance. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty (1 and 2). It is necessary for materials to be approved in the interests of the appearance of the area (3).
23. Implementation of the proposed refuse/recycling and cycle storage is necessary in the interests of health and safety; to encourage the re-use of materials and to encourage travel by means other than the private vehicle (4). Water and energy efficiency are necessary to make efficient use of resources and to reduce energy costs (5 and 6). However, as a relatively small amount of building work is proposed the requirement to achieve a minimum Energy Performance Certificate (EPC) rating 'C', as suggested by the appellant, is appropriate in this case and would meet the requirements of Policy DM44 of the CPP2.
24. The inclusion of a bee brick is necessary to enhance the biodiversity of the site (7). Whilst I note the reservations expressed by the appellant, appropriately designed swift boxes can be placed in positions other than beneath eaves so I have imposed the condition proposed by the Council in the interests of enhanced biodiversity (8).
25. The requirement to retain internal layouts would have relevance to planning in terms of ensuring adequate living conditions for future occupiers. However, such a requirement would be difficult to enforce without undue intrusion and changes that affect only the interior of the building are not development requiring planning permission under the Town and Country Planning Act 1990 (as amended). Such a requirement would therefore be unreasonable so I have not imposed the suggested condition.

Conclusion

26. I have found little material harm to the character and appearance of the area and limited conflict with the development plan in these respects. The proposed development would provide dwellings of much needed size in an accessible location when the strategy for housing delivery has been unable to provide a five year supply of deliverable housing land. In a small way the proposal would support

the Government's objective of significantly boosting the supply of homes and would help deliver the housing intended in the development plan. This attracts great weight in favour of the proposal.

27. The efficient use of land would be optimized and small windfall sites such as this can often be built out quickly. The Framework supports windfall sites and indicates densities may have to increase to meet identified housing need.
28. I conclude that the adverse impacts I have identified above would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In reaching this conclusion I have had particular regard to two of the Framework key policies of directing development to sustainable locations and making effective use of land. There would be some conflict with development plan policies but in this case the material considerations of the Framework outweigh this conflict. The appeal should succeed.

S Harley

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 23033-P-001A, 23033-P-100B, 23033-P-101A, 23033-P-102A, 23033-P-103.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 4) The dwellings hereby permitted shall not be occupied until the refuse and recycling and cycle storage facilities indicated on the permitted plans have been fully implemented and made available for use. These facilities shall be retained for these uses at all times thereafter.
- 5) The residential units hereby permitted shall not be occupied until a minimum Energy Performance Certificate (EPC) rating 'C' has been achieved.
- 6) The dwellings hereby permitted shall not be occupied until each of the residential units built has achieved, as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
- 7) The dwellings hereby permitted shall not be occupied until at least one bee brick has been incorporated within the external walls and this shall be retained thereafter.
- 8) The dwellings hereby permitted shall not be occupied until at least three swift bricks/boxes have been incorporated within or on the external walls and these shall be retained thereafter.

End of Schedule