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# Appeal Decision

Site visit made on 17 September 2013

**by Kenneth Stone BSc(Hons) DipTP MRTPI**

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

**Decision date: 30 October 2013**

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**Appeal Ref: APP/Q1445/A/13/2199349**

**Land to the rear of 28 Medina Villas fronting Albany Villas, Hove, East Sussex BN3 2RW**

- 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 Chester Ball (Kahair Properties Ltd) against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03905, dated 6 December 2012, was refused by notice dated 1 February 2013.
  - The development proposed is the demolition of existing garage block and erection of a single replacement dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Cliftonville Conservation Area having regard to the scale and design of the development and its effect on the Sycamore tree.

## Reasons

3. The Cliftonville Conservation Area is characterised by large grand Victorian villas set in tapering street blocks. The area is predominantly residential with small pockets of Victorian shop frontages along the main routes. The appeal site has its frontage onto Albany Villas but originally formed the rear garden of 28 Medina Villas. Semi detached Victorian villas of varying detail create a strong sense of character and townscape within Albany Villas and the adjacent streets. The scale of buildings with their vertical emphasis, bay windows, low pitched roofs, prominent chimney stacks and consistent use of colour and materials assist in providing a coherent appearance. The street is further defined by robust boundary treatment with substantial piers and brick and flint walls forming the historical means of enclosure, albeit this has been degraded in some locations.
4. The introduction of a modern flat roofed building of the design proposed fails to pay appropriate regard to the form, scale or detailing of the adjacent buildings or street in general. The modern domestic dimensions of the proposed building are out of keeping with the grand scale of the surrounding buildings. This is further emphasised by the visible two storey façade presented to the street

- which is dominated by large glazed openings, a recessed first floor and canopy detailing which all accentuate the horizontal emphasis of the building. I find that this is out of keeping and harmful to the street scene.
5. Given the open nature of the immediately adjoining plots the flank elevations of the proposed building will be readily visible in the street. The sloping rear first floor is inconsistent with and will detract from the simple geometric cube shape of the building and will be clearly evident in the street scene.
  6. The scale and design of the proposed building are consequently clearly out of keeping with the surrounding buildings and appearance of the area and are thereby detrimental to the character and appearance of the conservation area.
  7. The Sycamore tree located to the front of the site holds a prominent position in the street. The appellant's Arboricultural report (ref RG-NDJ-TAAV dated July 2012) identifies the tree as being in '*fair*' condition with an estimated remaining contribution of 20 years. The report at para 3.1 notes '*...this is a significant tree that is prominent in the street...*' I observed that the tree makes a positive contribution to the character and appearance of the area and its loss would have a harmful effect on the character and appearance of the street. I note the concerns raised in the Arboricultural report that the tree is not sustainable due to its growing conditions and location however it is a mature tree and the growing conditions have not significantly impaired its growth or life expectancy and its current condition is described as '*fair*'. The locational concern only arises as a result of the development's design and layout. On this basis and in the absence of a quality building that would otherwise enhance the conservation area I find that the loss of the tree would be harmful to the appearance of the area.
  8. In consequence I find that the proposed development would be harmful to the street scene and out of keeping with the character of the area and would thereby neither preserve nor enhance the character or appearance of the conservation area.
  9. Whilst I have found the scheme harmful to the heritage asset given the limited scale of the proposals I find that this would be less than substantial harm to its significance in terms of paragraph 134 of the Framework. The scheme does provide public benefits in the form of improvements to the appearance of the area including the removal of the existing inappropriate structure and hard surfacing, the re-instatement of the footway, the removal of off road parking and the re-introduction of appropriate boundary treatment. Furthermore I note that there is not an in principle objection to the site for residential use. However none of these matters outweigh the significant harm that I have identified.
  10. Good modern design is supportable in conservation areas and I note the examples referred to in justification for the approach adopted here. However, each application is to be treated on its merits and to my mind there are distinct differences between the appeal scheme and those examples identified not least in terms of the detailed design of the buildings, the relationship with the adjoining buildings, the scale of those adjoining buildings and the position of the sites in the street, such that they are not directly comparable with that before me. Moreover, I note the comments about the evolution of the scheme and pre-application discussions, as well as the Council's comments about

potential alternative approaches; however I must consider and determine the appeal before me.

### **Conclusions**

11. On the basis of the reasons set out I find that the proposal would be harmful to the character and appearance of the area and therefore neither preserve nor enhance the character or appearance of the Cliftonville Conservation Area by virtue of the scale and design of the proposed building and the resultant loss of the Sycamore tree. Consequently the proposals would be contrary to Policies QD1, QD2, QD16 and HE6 of the Brighton and Hove Local Plan 2005 which seek to secure development of a high standard of design compatible with the character of the area, retain existing trees and ensure developments preserve or enhance the character or appearance of conservation areas. This is consistent with the National Planning Policy Framework and in particular paragraphs 56 -64 in seeking high quality design and paragraphs 126 – 141 in seeking development that conserves and enhances the historic environment.
12. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR