



Appeal Decision

Site visit made on 6 January 2014

by D Lamont BSc(Hons) MBA MRTPI MCMi

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

Decision date: 9 January 2014

Appeal Ref: APP/Q1445/D/13/2210013

30 Aymer Road, Hove, BN3 4GA.

- 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 J Hoyer against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03023 was refused by notice dated 22 November 2013.
 - The development is proposed erection of new boundary fence (part retrospective – fence height to be reduced from current height to 1.36 metres).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been completed to a height above that for which planning permission is sought and I deal with the appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the conservation area.

Reasons

4. The Pembroke & Princes Conservation Area has a sylvian 'garden suburb' character and appearance. Substantial red brick housing from the end of the 19th century and early 20th century predominates. These are generally set behind low red brick front boundary walls and higher columns which contribute to the character and appearance of the conservation area.
5. There are local examples of black painted metal railings above the dwarf walls and between their columns. Their design, materials, finishes and largely maintained views through them, are consistent with the character and appearance of the conservation area. Low white painted timber fencing has been introduced above the Aymer Road dwarf wall adjacent to the appeal site. Its semi-transparency, design, materials and finish reflect the extensive use of white painted exterior timber on the host property and more widely, which contributes to the charm of the conservation area.
6. The appeal site occupies a prominent corner position on Aymer Road and Princes Avenue, where the low red brick boundary walls with higher columns

- predominate. These streets are the subject of an Article 4 Direction which has removed permitted development rights for alterations to gates, fences or walls.
7. The relative consistency of the red brick dwarf walls and columns, particularly along the streets onto which the development faces, provides a generally uniform rhythm and original conservation area evidence of such patterns, materials and detailing appropriate to the host property. This provides a reference and context for the application of the Council's 'Design Guide for Extensions and Alterations' and 'Architectural Features' Supplementary Planning Documents (SPDs).
 8. The development has removed concrete blocks and timber fencing which extended above the low boundary wall. I recognise that the former enclosure may not have made a positive contribution to the character and appearance of the building or conservation area. However, from the evidence before me, the blocks' impact was somewhat mitigated by the transparency of the former gate, a degree of transparency through the block-work and the hedging behind it and above. The former fence reflected other local examples of lighter, narrower, vertical timber boundary treatment, in keeping with a traditional residential area. Its prominence was also mitigated by the hedge above it.
 9. The development has introduced large, wide, deep timbers which extend horizontally. The timbers have a bulk, solidity, scale and horizontal orientation which are out of keeping with the rhythm, pattern, design, materials and detailing of the existing boundary treatment along Aymer Road and Princes Avenue and the wider conservation area. The result is an incongruous structure which is alien to the traditional suburban boundary enclosures which prevail locally. It is also out of keeping with the wider local examples of lighter, narrower, vertical boundary fencing and walls which contribute to the traditional residential suburban charm of the wider conservation area. This causes substantial harm to the character and appearance of the host property and the conservation area, as a whole.
 10. The harm is exacerbated by the heavy, bulky character of the development within the context of the host property's scale and low height relative to surrounding properties. Further harm arises from the bulk, weight, orientation and finish within the context of the design, orientation and white-painted timber supports of the host building's veranda. Although the appellant has raised the issue of the length of the host building's frontage onto Princes Avenue in support of the development, the length of the site's boundary enclosure exacerbates the identified harm. The 'cut-outs' and 'slots' in the timbers and the large mounting bolt-heads present a more industrial and contemporary appearance of reclaimed timber and fixings. These details cause further harm to the traditional residential character and appearance of the host property and the conservation area.
 11. For these reasons, I conclude that the development, by virtue of the large size of the timbers, heavy and bulky appearance and horizontal emphasis, causes substantial harm to the character and appearance of the host property and the conservation area, as a whole. The provisions of the Brighton and Hove Local Plan 2005 (Local Plan) saved Policy QD14 relate to extensions and alterations to existing buildings, rather than freestanding boundary enclosures. The development is contrary to Local Plan Policy HE6 which states that proposals should preserve or enhance the character or appearance of a conservation area; and those likely to have an adverse impact will not be permitted.

12. The development is contrary to the SPDs which require boundary enclosures to relate to the character of the street and surrounding area and encourage such structures in conservation areas to reinstate evidence of original features. It is also contrary to the 'Architectural Features' SPD statement that alterations to boundary walls will only be acceptable where original patterns, materials and detailing are appropriate to the property.
13. I have had regard to the representations of support in respect of the former hedge, local examples of higher enclosures and the proposed reduced fence height. However, these do not relate to the planning considerations which are the subject of the appeal. I have also considered the development with reference to the wall contained by Princes Crescent. However, it is read as a substantial independent entity and within the context of the buildings and curtilage it serves. These circumstances are not reflective of the traditional red-brick housing and enclosure context of the appeal site and the character and appearance of the conservation area, as a whole. Although the appellant has suggested a condition could require an alternative colour/hue to be applied to the structure, this would not address the harm I have identified.
14. For these reasons and having had regard to all other matters raised, I conclude that the development causes substantial harm to the character and appearance of the host property and the conservation area, as a whole; contrary to Local Plan Policy HE6 and the Council's 'Design Guide for Extensions and Alterations' and 'Architectural Features' SPDs; and I dismiss the appeal.

D Lamont

INSPECTOR