
Appeal Decision

Site visit made on 13 April 2015

by Ron Boyd BSc (Hons) MICE

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

Decision date: 28 April 2015

Appeal Ref: APP/Q1445/D/15/3003379
40 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 & Mrs Houlbrook against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02637, dated 5 August 2014, was refused by notice dated 9 December 2014.
 - The development proposed is erection of single storey detached garage to replace existing with associated alterations. Installation of new railings and gates to front and rear boundaries and widening of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey detached garage to replace existing with associated alterations. Installation of new railings and gates to front and rear boundaries and widening of vehicular access at 40 Albany Villas, Hove, East Sussex BN3 2RW in accordance with the terms of the application, Ref BH2014/02637, dated 5 August 2014 subject to the following 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 the following approved plans: 13133 – P01-P06.
 - 3) Notwithstanding condition 2) above no development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted; the design and installation of the proposed railings and gates; the planted roof to the proposed garage; and landscaping measures, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matter

2. The description of the proposed development in the heading above is that used by the Council in its notice of refusal and adopted by the appellants in their appeal form. I consider it more succinct than that on the application form.

Main issue

3. I consider this to be the effect the proposed development, in respect of the proposed garage and alterations to the front and rear boundary walls, would have on the character and appearance of the existing property, the streetscene and the Clintonville Conservation Area (the Conservation Area).

Reasons

4. The appeal property is the southern half of a pair of Victorian semi-detached properties on the west side of Albany Villas within the Conservation Area. The back garden extends westwards to front Medina Villas and is bounded to the north by 25 Medina Villas, a modern contemporary-styled detached house erected earlier this century, and to the south by 27 Medina Villas, a detached Victorian house. Semi-detached villas, such as the appeal property, with stucco facades and front gardens enclosed by boundary walls and piers characterize the area.

New front and rear boundary treatments

5. The appearance of the area has been affected to its detriment, to varying extents, by the removal of boundary features including railings. The appeal property is one of many so affected, being without the railings that would have originally have been leaded into the garden-wall copings between piers as an integral part of the low-wall, high-pier form boundary treatment. Some of the original railings have survived in the area, including at 27 Medina Villas, although these are in poor condition and, in respect of the Albany Villas frontage, screened by modern fencing panels. However, several properties, such as No. 44 Albany Villas have provided modern replacements for their lost railings. Where there is a consistency of approach and installation methodology such as at 31-38, and 24 and 24A Medina Villas these are to my mind successful in improving the streetscene, and restoring a degree of harmony to the frontages.
6. I consider that provision of railings to the Albany Villas and Medina Villas frontages as is indicated on submitted Drawing No. 13133 P06 has the potential to enhance the character and appearance of the streetscene and the Conservation Area, subject to satisfactory detailed design. The submitted plan appears to show that the railings would be set into the wall copings. The appellants' appeal statement refers to the proposed Albany Villas railings being of a 'style and character with those that exist elsewhere' and that the proposed Medina Villas railings 'would match those on the adjacent modern property to the north as well as those original to the host property'. Notwithstanding the above I consider that the proposed design and fixing of the railings has not been adequately detailed in the submitted plans.
7. I consider that the proposals for widening of the vehicular access from Medina Villas, provision of new gates (subject to details) and the reduction in the flint panel would cause no material harm to the appearance of the streetscene.

The replacement garage

8. The back garden contains a pitched-roof timber garage which, from the submitted evidence, appears to have been built under permissions BH2000/00827/CA and BH2000/00826/FP. The garage measures approximately 11m x 3.7m and is set back some 9m from the Medina Villas frontage. The proposal is to replace the garage with a longer building some 14.4m x 4.3m set back 6m from the highway with its southern elevation immediately adjacent to the boundary wall to 27 Medina Villas. The garage would be able to accommodate two cars in tandem and would have a rendered finish and a mono-pitch planted (living green) roof sloping, south to north, from 3m in height to 2.4m.

9. The line of the front (western) elevation of the proposed garage would continue northwards as a rendered wall, just under 2m high, to the boundary wall with No 25 Medina Villas. The wall would contain a pedestrian gate immediately adjacent to the garage and would effectively divide the back garden in two, with the more private conventional back-garden area to the east, and a more public, front-garden-style, parking area between the wall and the highway. The bi-fold doors proposed for the garage's northern elevation would be largely screened from public view by the wall, and, notwithstanding its greater footprint than the present building, I consider it an acceptable replacement.
10. The layout of the Medina Villas frontage proposed for the appeal dwelling would be viewed in the context of both the modern dwelling to the north, with its rendered finish, flat roof and mono-pitched garden building, and the large Victorian dwelling to the south. To my mind the proposed development would sit comfortably between the two within the streetscene.

Conclusion

11. In the light of the above I consider that, subject to appropriate detailing, the proposals would be compatible with the requirements of Policies QD14 and HE6 of the Council's Local Plan 2005. Policy HE6 includes specific reference to the reinstatement of original features such as gates and railings and in this respect, with appropriate detailing, the proposal would enhance the character and appearance of the Conservation Area. The proposed garage and parking area would, by causing no material harm to the character or appearance of the Conservation Area, preserve it in those respects. The proposal as a whole would respond to local character and add to the overall quality of the streetscene in line with the requirements of the National Planning Policy Framework. I conclude that, with the above proviso, the effect of the proposed development on the character and appearance of the existing property, the streetscene and the Conservation Area would be acceptable.
12. However, as mentioned above and as identified by the Council, the submitted proposals lack detail in respect of a number of aspects including the design and fixing of the railings, the proposed gates, the planted-roof proposals, and landscaping measures. The Council suggests that were the proposal to be acceptable further details could be requested as a condition. I agree. I am therefore imposing a condition precluding the commencement of development until further details in respect of the above and external surface materials have been submitted to and approved in writing by the Council. I consider this to be reasonable and necessary in the interests of achieving a satisfactory appearance. In addition, other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
13. I have taken account of all the other matters raised in the evidence but have found nothing to outweigh my conclusion in respect of the main issue which has led to my decision on this appeal. For the reasons given above I conclude that the appeal should succeed.

R.T.Boyd

Inspector

