



# Appeal Decision

Site visit made on 20 February 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

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**Decision date:**  
**6 March 2009**

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## Appeal Ref: APP/Q1445/E/08/2091534 43-45 Surrenden Road, Brighton BN1 6PQ

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Thornton Properties against the decision of Brighton & Hove City Council.
- The application, ref. BH2007/03736, dated 3 October 2007, was refused by notice dated 5 June 2008.
- The development proposed is *Demolition and rebuilding of garden walls on new boundaries*.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. The application refers to rebuilding as well as to demolition and the submitted drawings show the intended replacement walls, but there is no concurrent application for planning permission for the erection of new walls. An application would be required by reason of an Article 4 Direction. The Council's decision notice refers only to the proposed demolition.

### Main issue

3. The main issue is the effect that demolition of the existing walls would have on the character and appearance of the Preston Park Conservation Area.

### Reasons

4. The appellant's intention is to widen the narrow lane that runs between the two appeal properties and provide 2m visibility splays on the street frontage. The lane leads to a block of garages and also provides rear access to the dwellings in the adjoining streets.
5. This part of the conservation area is characterised by substantial detached or semi-detached Victorian or Edwardian houses. The brick piers and walls at the front of the appeal properties are typical of those along this section of Surrenden Road and I agree with the Council that they make a significant contribution to the character of the area and to the appearance of the buildings.
6. Even though the merits of the proposed new walls are not formally before me, I have had regard to the Council's comments and objections, particularly to the

proposed siting of the new piers. I have also had regard to the comments of the Inspector who dealt with a previous appeal (APP/Q1445/A/07/2052564) regarding a scheme for the erection of new houses on land at the rear of 45 and 47 Surrenden Road. In that case the Inspector, in dismissing the appeal because of its effect on the visual amenities of the vicinity and the character and appearance of the conservation area, referred to the potential improvement to highway safety of a widened lane and visibility splays.

7. In some circumstances, it may be necessary to compromise between design and conservation details and public safety. However, in the absence of any approved development at the rear that would result in increased use of the lane or any evidence of a significant safety hazard caused by the existing use, I can see no justification for the demolition of the existing walls without prior approval of a suitable replacement. The demolition of the walls in the present circumstances would seriously harm the character and appearance of the conservation area, in conflict with policy HE8 of the Local Plan.

*R.A.Hersey*

INSPECTOR