

<b><u>No:</u></b>	<b>BH2016/02201</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>4 Harrington Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Creation of vehicle crossover, dropped kerb and hardstanding with associated alterations to front boundary wall.</b>		
<b><u>Officer:</u></b>	Laura Hamlyn, tel: 292205	<b><u>Valid Date:</u></b>	23.06.2016
<b><u>Con Area:</u></b>	PRESTON PARK	<b><u>Expiry Date:</u></b>	15.07.2016
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Dr Emma Warde-Robinson 4 Harrington Road Brighton BN1 6RE		

## 1 RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

- 1 The existing front boundary wall and garden contribute positively to the character of the street scene and of the Preston Park Conservation Area. The partial loss of the front wall would erode the front boundary treatment in this section of the street and would detract from the historic character of Harrington Road. The proposal would fail to preserve the character or appearance of the Preston Park Conservation Area, contrary to policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One and to the guidance within Supplementary Planning Document 09 Architectural Features.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	H1110PC/HP/02		10 June 2016
Location Plan	H1110PC/HP/01	A	23 June 2016
Floor plans and elevations proposed	H1110PC/HP/04		10 June 2016

## 2 RELEVANT HISTORY

### **BH2015/00303**

Creation of vehicle crossover, dropped kerb and hardstanding with associated alterations to front boundary wall. Refused 02/04/2015 for the following reason:

The existing front boundary wall and garden contribute positively to the character of the street scene and of the Preston Park Conservation Area. The partial loss of the front wall would erode the front boundary treatment in this section of the street and would detract from the historic character of Harrington Road. The hardstanding, when in use, would disrupt the front elevation and bay window of the building which would further detract from the character of the area. The proposal would fail to preserve the character or appearance of the Preston Park Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Document 09, Architectural Features.

The applicant subsequently appealed the decision and the appeal was dismissed on the 18th September 2015.

**BH2006/03002-** Certificate of Lawfulness for proposed replacement rear window with French doors and replacement of side door with sash window. Approved 09/10/2006.

**BH2000/00309/FP-** Change of use from Nursing Home (C2) to two single dwellings (C3). Approved 15/03/2000.

*29 Harrington Road*

**BH2015/03542-** Creation of hardstanding, vehicle crossover and dropped kerb with associated alterations to front boundary. Approved 12/02/2016.

### **3 CONSULTATIONS**

#### **3.1 Transport: Approve.**

There is not forecast to be a significant increase in pedestrian and mobility and visually impaired trip generation as a result of these proposals therefore any impact on footways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for footway related improvements will not be sought.

3.2 The Highway Authority does not wish to request cycle parking (in line with parking standards SPG04) as this is an application for new and/or additional car parking only and therefore does not contain evidence of existing or proposed cycle parking arrangements.

3.3 The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.

3.4 The applicant is proposing changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. It

is therefore requested that the new/extended crossover condition and informative is attached to any permission granted.

3.5 **Arboriculture:** Approve.

Nothing of any public amenity value from an Arboricultural perspective will be lost to facilitate the development and therefore the Arboricultural Section has no objection to these proposals.

3.6 The London Plane tree on street outside the property is at sufficient distance from the proposed development to not be affected by the proposed changes. While a section of informal Forsythia hedging would be lost this is of little arboricultural value and minimal screening value and therefore the Arboricultural Section has no objection to its loss.

3.7 **Heritage:** Refuse.

Number 4 Harrington Road is a late 19th century semi-detached red brick villa situated within the Clermont Estate part of the Preston Park Conservation Area, which was developed from the 1860s onwards and is a residential area of wide tree-lined streets of mainly two storey housing, mostly red brick. Harrington Road was mostly developed in the Edwardian period and is more mixed than some other streets in the area but contains some fine examples of Edwardian property, both detached and semi-detached, built of red brick and typically with rendered string courses, square bays and tiled roofs. The many trees, deep front gardens and mature planting provide an attractive setting for these different buildings. Typical of the area are combinations of front walls and pillars that provide a coherent hard boundary to the footway. Number 4 retains its original brick wall and pillars, symmetrically matching those to the other half of the pair, and as is traditional the pillars mark the entrance; together they contribute very positively to the appearance and character of the conservation area.

3.8 The proposal is to remove the western section of boundary wall and one of the pillars, as well as removing the historic tiled entrance path, in order to form a hardstanding for parking cars. Policy HE6 makes clear that the removal of boundary walls, fences, railings, gates and the formation of car hardstandings will be resisted in conservation areas. SPD09 states that "permission will not be granted for the demolition or partial demolition of a boundary wall" and goes on to say that the loss of front walls to create off-street parking spaces in front garden areas, or alterations to the position of piers, disrupts the rhythm of the boundaries and alters the scale and degree of enclosure of the street.

3.9 In this case the wall and pier are clearly original and attractive features and form a strong symmetry with the adjoining house in the pair. Their loss, and the formation of a hardstanding for cars directly in front of the house, would be wholly contrary to policy and would demonstrably harm the appearance and character of the conservation area. There is a statutory presumption against harm to designated heritage assets. This harm is therefore given great weight but is considered to be less than substantial in this case and therefore, under paragraph 134 of the NPPF, must be weighed against any public benefits

arising from the proposal; in this case there are considered to be no such benefits.

- 3.10 There are not considered to be any ways in which private car parking could be provided within the front garden area without causing clear demonstrable harm to the conservation area.

#### **4 REPRESENTATIONS**

- 4.1 **Six (6)** letters have been received from **5, 6, 8, 10 and 20 Harrington Road**, supporting the proposed development on the following grounds:

- The road is heavily used by commuters from Preston Park Station leaving limited parking for residents, who may have to park streets away.
- Few frontages retain the original walls and pillars.
- Many other houses have driveways and another off-road parking area would not detract from the look of the road.

**One (1)** letter has been received from **Councillors Ann and Ken Norman**. A copy of the letter is attached to the report.

**One (1)** letter has been received from the **Preston & Patcham Society**, objecting to the proposed development on the following grounds:

- The understandable wish to reserve private parking should not outweigh the harm to the appearance and character of the recipient property and the wider Conservation Area.

#### **5 RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations

QD27 Protection of Amenity

TR7 Safe Development

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

#### **6 CONSIDERATIONS & ASSESSMENT**

- 6.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene and the amenities of adjacent occupiers.
- 6.2 This application is a resubmission following a refusal which was dismissed at appeal. No changes were made to the proposed development as part of this application.
- 6.3 **Design and appearance**  
The Heritage Officer has commented on the application and advised that the proposal to create a hardstanding and removal of the boundary wall and pier would be contrary to policy and would demonstrably harm the appearance and character of the conservation area. There is a statutory presumption against harm to designated heritage assets. This harm is therefore given great weight but is considered to be less than substantial in this case and therefore, under paragraph 134 of the NPPF, must be weighed against any public benefits arising from the proposal; in this case there are considered to be no such benefits. The Heritage Officer also advised that there are not considered to be any ways in which private car parking could be provided within the front garden area without causing clear demonstrable harm to the conservation area.
- 6.4 The previous application BH2015/00303 was appealed and the Inspector's decision is a material planning consideration that must be given significant weight. In their decision the Inspector described the application as relating to a semi-detached property at the western end of Harrington Road which is one of few residential dwellings that does not have a dropped kerb and off-road parking. It is also one of few properties, along with its neighbour 6 Harrington Road that has retained the front boundary brick piers and wall in its original form. The proliferation of off-road parking in the vicinity of the application site and loss of or substantial alteration of original front boundary walls has, to a noticeable extent, eroded the rhythm within the streetscape that Supplementary Planning Document 09- Architectural Features, adopted 17 December 2009 (SPD09), seeks to protect.
- 6.5 The Inspector notes that, notwithstanding the above, the proposed removal of one of the front boundary brick piers and section of wall to allow off-street parking would give rise to additional harm to the rhythm of front boundaries that remain along the western end of Harrington Road with resulting harmful effects on the character and appearance of the streetscene and wider Preston Park Conservation Area and in contravention of the requirements of SPD09. In the context of the Preston Park Conservation Area as a whole and Harrington Road's less cohesive streetscape, in combination with no effect on identified views and no loss of trees or mature planting of any importance, it is considered that the harm arising to the significance of the designated heritage asset as a result of the proposal would be less than substantial. It is accepted that other key features of the application site would remain undisturbed, including the front garden to the fore of the bay window and the front steps, and that the front bay window would not be impeded by the presence of a vehicle. This does not outweigh the harm as set out above.

6.6 The Inspector noted that policy QD14 relates to Extensions and Alterations and that the council did not explain the conflict with this policy. This policy is not used in the justification of the decision of the current application.

6.7 To summarise, the proposed development would fail to preserve or enhance the character and appearance of the Preston Park Conservation Area contrary to the requirements of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the National Planning Policy Framework.

6.8 **Impact on amenity**

The crossover would allow a car to be parked in front of the property which, in normal domestic use, would not be expected to significantly impact on adjacent properties in terms of noise or disturbance.

6.9 **Transport**

The proposed hardstanding would be of an adequate depth to accommodate a parked vehicle. The proposal would not result in a net loss of parking, with an on-street parking bay replaced with an off-street parking space. There are no reasons to consider access and egress would cause a safety hazard for users of adjoining highways. At the same time it would also not result in a significant improvement to highway safety which could be deemed a public benefit that might outweigh the harm to the Conservation Area.

6.10 **Other matters**

It is noted that a similar application (BH2015/03542) was approved at the eastern end of Harrington Road at no.29. There are several important differences between no.4 and no.29, which mean that the current application would have a much larger impact on the character of the Conservation Area than the previous application:

- Unlike the application site, 29 Harrington Road is a detached property, so there is no symmetry to a semi-detached pair that would be disrupted.
- The front garden at 29 Harrington Road is 11.6m deep and 12m wide compared to the application site which is 6m deep and 9.5m wide. - The hardstanding takes up proportionally less of the front garden.
- The opening in the front boundary wall at no.29 is 3.5m wide and the proposed opening would be 4.6m wide, causing greater harm to the rhythm of the front boundary walls.

6.11 While there is no planning history for these works, both neighbouring properties (27 and 31 Harrington Road) have removed part of the front boundary wall to create driveways.

## 7 **EQUALITIES**

7.1 None identified.