



## Appeal Decision

Site visit made on 11 December 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 13<sup>th</sup> December 2017

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**Appeal Ref: APP/Q1445/W/17/3183985**

**Taste of India, 194 Church Road, Hove, East Sussex BN3 2DJ**

- 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 Gurdeep Virdee against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00764, dated 28 February 2017, was refused by notice dated 19 June 2017.
  - The development proposed is a single storey timber-framed extension for food storage and preparation plus internal staff improvement works and layout of take-away facilities.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The extension has already been erected and the Council determined the application on the basis that permission was sought for the development as built. I have done the same.

### Main Issue

3. The main issue is whether or not the extension preserves or enhances the character or appearance of the Old Hove Conservation Area.

### Reasons

4. As the appeal site lies within the Old Hove Conservation Area, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm to a designated heritage which is less than substantial must be weighed against the public benefit of the proposal.
5. Church Road is a busy commercial street at the heart of Hove. It is characterised by constant movement of people and vehicles travelling to and fro through the area. The buildings along it have a variety of shops and restaurants at ground floor level. No 194 is part of an important terrace of four storey buildings, Nos 186-216, which front the southern side of the street between the public library and the junction with Hove Street/Sackville Road. The Council's Conservation Area Character Statement indicates that very few of the late Victorian shopfronts in this area survive. However, above the shop units the buildings display a wealth of architectural detail and original features which contribute positively to the character of the area. This terrace of properties has three storey rear outriggers.

- Whilst these features are not visible from the public realm and are therefore less significant than those at the front they are, nevertheless, important elements of the original plan layout of the buildings.
6. The L-shaped extension projects approximately 4.5m beyond the rear elevation of the outrigger and, at its far end, also extends out from the line of its side wall. It is therefore a large and bulky addition which fails to respect the original plan form of the building. It is very different in scale and form to the small extension which has been added to the rear of No 196. In addition the new landing area between the side wall of the extension and the boundary with No 192 has been made into a covered way. This further detracts from the original form and design of the building.
  7. The rear elevations of the buildings in the terrace are rendered, painted in light colours and most appear to be reasonably well maintained. However, the extension has a flat felted roof, is clad in white UPVC and has gloss black plastic rainwater goods. It therefore not only has a bland appearance but is also constructed in materials that are totally out of keeping with the remainder of the terrace of which No 194 is a part. Although the extension is not highly visible from the public realm, the structure can be seen from the surrounding buildings and from several houses in Vallance Road. It can also be glimpsed through the gaps between the properties in this adjoining street, from where it appears bulky and out of character with the host property. In addition, the use of UPVC appears alien as it is not an appropriate material to use on an extension to a period property within a conservation area. The fact that the extension would occupy previously developed land does not overcome these concerns.
  8. I am aware that prior to the erection of the extension there was a landing/patio at the rear of the property and the appellant submitted limited photographic evidence of this and a shed that was previously located on it. However, the shed appeared to be of modest proportions, was constructed of traditional materials and was not attached to the original building. It would have been seen as an ancillary structure rather than a permanent extension and is therefore not comparable with what has subsequently been constructed.
  9. Taking all these factors into account, I conclude that the extension is harmful to the character and appearance of the host property. Consequently, the character and appearance of the Old Hove Conservation Area would not be preserved. The scheme therefore fails to comply with Policy CP15 of the Brighton and Hove City Plan Part 1 and saved Policies QD14 and HE6 of the Brighton and Hove Local Plan. These policies, amongst other things, require new development to respect its setting, especially in areas protected for their historic interest.
  10. Although, in terms of the Framework, this harm would be less than substantial, it is a matter to which I attach significant weight. I appreciate that the extension has been erected to support the business that occupies the ground floor of No 194. However, this does not amount to a public benefit that can be weighed against the harm to the Conservation Area.
  11. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR