



Appeal Decision

Site visit made on 9 August 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2018

Appeal Ref: APP/Q1445/W/18/3198324

Station Car Wash, Hove Station, Goldstone Villas, Hove, East Sussex BN3 3RU

- 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 Robbie Raggio against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00070, dated 13 December 2017, was refused by notice dated 20 February 2018.
 - The development proposed is the erection of 2 no. canopies to front concourse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the setting of the adjacent listed building, and also on the character and appearance of the surrounding area, with particular regard to its conservation area location.

Reasons

3. The appeal site comprises a forecourt being used in association with a car wash business. It lies off Station Approach, the short link road at the north end of Goldstone Villas and Denmark Villas and falls within the Hove Station Conservation Area. It is also adjacent to the original Hove Station which is a Grade II statutorily listed building.
4. The appellants case is largely based on the fact that the Council, in October 2017, granted planning permission (ref BH2017/01922) for a single canopy structure located within the main forecourt area. This has since been installed and its form, design and appearance would be reflected in the two additional canopies, the subject of this appeal. The appellant feels that the previous planning permission supports the current appeal, although the Council has drawn a distinction between the single canopy and the current proposal in that the two additional canopies would be positioned directly in front of the listed building. Indeed, at my site visit I noted that the forecourt extends across the hardstanding in front of the listed building, and the proposed canopies would sit in front of this blocking views of the building along Station Approach.
5. Paragraph 193 of the National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation. Also, it says that the more important the asset the greater the weight should be. Further, paragraph 194 of the Framework says that any harm to the significance of a designated heritage asset should require clear and convincing justification.

6. The Hove Station Conservation Area Character Statement mentions that the special character of the area is derived from the relationship between the station and the surrounding late Victorian buildings which connect the station with the main part of the town. It also says that the mid-Victorian former station building, a distinctive Tuscan villa style two-storey building showing characteristic original features with appropriate detailing, is the most important building on Station Approach.
7. I have a particular duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving the listed building's setting, along with its features of special architectural and historic interest. This is in addition to the statutory duty under Section 72(1) of the same Act which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. Policy HE6 of the Brighton & Hove Local Plan (LP) is concerned with development within or affecting the setting of conservation areas. It has a number of provisos which indicates what the development would need to display in order to be acceptable. Although the appellant comments that only the first three criteria apply to the proposal this does not lessen the weight to be attached to the policy.
9. The value of both these heritage assets is clear and I have attached particular significance to them, especially their historical and visual characteristics. This strengthens the desirability of their preservation and carries considerable importance and weight. In this particular instance I find that the proposed canopies, which would both stand to a height of some 3m and also have a significant span, would represent unsympathetic features affecting what are currently unrestricted views of the former station building. This would have a markedly negative impact. Neither the setting of the listed building nor the character or appearance of the Conservation Area would be preserved as a result. Due to its positioning the existence of the single canopy at the far end of the forecourt does not impact to such a significant extent.
10. The appellant comments that the Station building once had a canopy, and has provided a photograph to show this. However, this would have almost certainly been an architectural feature of the original building. This canopy was subsequently removed, presumably as the Station's main entrance is now via the building beyond to the west. Another point raised by the appellant relates to the existence of the flat-roofed petrol station forecourt canopy beyond the appeal site to the east. This, though, is set behind the petrol station shop building whose rear wall abuts the site and is sufficiently distanced from the listed building so as not to affect its setting to any significance.
11. The appellant also mentions that the proposed canopies would be of lightweight construction, free standing, temporary in nature and not attached to the listed building. It is pointed out that the cover provided by the two canopies is needed for the business to be competitive and sustainable. However, on balance, these factors, even when taken together, do not weigh greatly in the

- proposal's favour given that the canopies would visually detract from the listed building and would result in harm to the Conservation Area.
12. Overall, the proposal would neither preserve the setting of the listed building nor would it preserve the character or appearance of the Hove Station Conservation Area. The negative impact on both heritage assets would affect their significance. Although I find that the proposal would result in 'less than substantial harm' in the words of the Framework, the degree of harm would not be outweighed by the relative public benefits arising.
13. Accordingly, I conclude that the heritage assets would not be conserved in a manner appropriate to their significance in line with paragraph 193 of the Framework, and the proposal would also materially conflict with the objectives and requirements of LP Policies HE3 and HE6 and also Policy CP15 of the Brighton & Hove City Plan Part One.
14. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR

