
Appeal Decision

Site visit made on 24 November 2014

by Michael Lowe BA(Hons) BTP MPA MRTPI

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

Decision date: 2 January 2015

Appeal Ref: APP/Q1445/A/14/2225789

10 Holland Road, Hove, East Sussex BN3 1JJ

- 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 Brighton & Hove Jewish Housing Association Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/04352, dated 19 December 2013, was refused by notice dated 24 March 2014.
 - The development proposed is provision of one car parking space in front garden, including removal of section of front wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the surrounding Brunswick Town Conservation Area.

Reasons

3. The site is located within the Brunswick Town Conservation Area (CA). The undoubted focus of the area is the imposing Regency architecture which is particular evident when viewed along the seafront. This is complemented by the generous amounts of landscaping which include the impressive gardens found within Brunswick Square, Palmeira Square and Adelaide Crescent and which also permeates throughout other parts of the CA.
4. The site is part of a row of two storey mid-twentieth century houses that are dominated to a degree by the much larger Victorian town houses opposite. At my site visit I noted that the frontages at Nos 8, 12, 14, 16/18 and 20 Holland Road have been hard surfaced and are now used for parking. This parking visually dominates these frontages and provides a rather hard, harsh appearance to the street scene.
5. Despite this, the remaining low brick walls with contrasting decorative coping represent a consistent and attractive feature along the frontages of these properties including the appeal site where two matching sections of wall provide a significant degree of pleasing symmetry and enclosure. The appeal site frontage is attractively landscaped, well maintained and provides some pleasant landscape relief in contrast with the neighbouring parking areas.

6. In considering this appeal I am required to pay regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. This duty is reflected within saved policy HE6 of the Brighton & Hove Local Plan July 2005 (LP) which seeks to preserve or enhance the character or appearance of conservation areas through the retention and protection of trees, gardens, spaces between buildings and other open areas which contribute to the character or appearance of the area. It also explains that the removal of boundary walls and formation of car hardstandings will be resisted.
7. The Council has also produced supplementary planning document 09 – architectural features December 2009 (SPD09) which states that permission will not be granted for the demolition or partial demolition of a boundary wall. It also advises that poorly considered alterations to boundaries or their partial or complete removal can have a substantially harmful impact and is one of the biggest threats to the character of historic areas. It continues that the demolition of front walls to create off-street parking spaces in front garden areas can disrupt the rhythm and alter the scale and enclosure of the street. Finally it argues that the loss of gardens to hard impervious parking areas is harmful visually and environmentally.
8. Supplementary planning document 12 – design guide for extensions and alterations June 2013 (SPD12) also states that the loss of original boundary walls that contribute to the character of the area will be resisted. I acknowledge that these two pieces of guidance do not carry the same weight as adopted policies of the Development Plan, however in this case they clearly follow the same lines of concern as saved policy HE6 and provide helpful additional detail to inform consistent and sensitive decision making within the Council’s conservation areas. I therefore consider they should be given significant weight in this decision and clearly the advice they both present relates directly towards the appeal proposal.
9. The proposed loss of part of the frontage wall and the resultant removal of landscaping would represent a significant and harmful erosion of character from the appeal site. I recognise that the appeal scheme incorporates shrubs to screen the proposed car parking space, however due to the limited size of these areas they would be insufficient to mitigate effectively against the removal of these distinctive and positive elements of character within the street scene. Their replacement with car parking would add further harm to the street as the parking would dominate the existing front garden and upset the existing attractive setting the existing wall and landscaping provide not just to the appeal site but also to the wider street. This would therefore be harmful to the character and appearance of the CA.
10. To a degree the proposal would blend into the frontage car parking that has taken place along neighbouring frontages, however this is a negative harmful feature of the CA which has a dominant, cluttering effect across these otherwise attractive properties and this does not therefore represent a desirable precedent.
11. Although the harm caused would be significant in terms of the immediate context of the proposal, it would be less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework requires the harm to be weighed against any public benefit. The

proposal would allow the Scheme Manager to park more conveniently and for longer than the current arrangement of on-street car parking. In addition, the proposal would also allow access for a mobility scooter of one of the tenants of the association, for storage and recharging. It has not been demonstrated by the appellant that many other options to solve these issues have been explored and it strikes me that these issues are relatively transitory when weighed against the likely permanent harm to the CA that would result from the proposal. These public benefits do not therefore outweigh the harm to the CA that I have identified.

12. I therefore conclude that the proposed development would harm the character and appearance of the CA. It would thereby conflict with saved policy HE6 of the LP, SPD09 and SPD12. Consequently, it would also fail to preserve or enhance the character or appearance of the CA.

Other Matters

13. In 2007, the Council granted planning permission¹ for the frontage parking arrangements. Whilst this decision was made in the same policy context as the current appeal, for the reasons I have outlined above, this does not represent a desirable precedent and does not provide sufficient justification for further harmful development to occur. I also note that SPD09 and SPD12 have both been adopted since this decision, and which provide further guidance and impetus towards the protection of the CA.
14. For the above reasons, and having taken all matters before me into consideration, the appeal is dismissed.

Michael Lowe

INSPECTOR

¹ BH2007/00991

