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# Appeal Decision

Site visit made on 14 November 2016

**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: 21<sup>st</sup> November 2016**

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**Appeal Ref: APP/Q1445/W/16/3156972**

**Preambles, Ovingdean Road, Brighton BN2 7BB**

- 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 & Mrs Thomas against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/01477, dated 27 April 2016, was refused by notice dated 11 July 2016.
  - The development proposed is construction of 1no. detached, three bedroom, two storey dwelling fronting Ovingdean Road and associated alterations to accesses.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Ovingdean Conservation Area.

## Reasons

3. The appeal site lies within the Ovingdean Conservation Area. In assessing the effects of the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) also advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
  4. The village of Ovingdean, which dates back to Norman times, began as an isolated farming community within the South Downs. It originally centred on two separate farms, but after experiencing much change over the centuries, is now predominantly residential in character. The extensive use of flint and clay tiles provides a unifying feature to the appearance of many of the buildings within the Conservation Area.
  5. Ovingdean Road connects the areas centred on the two farms and its narrow, winding alignment and lack of footways has helped it retain the appearance of a medieval country lane. Few of the buildings along this stretch of the street directly face the road. Instead, the flint walls and abundant vegetation create a strong sense of enclosure. Views up and down this part of Ovingdean Road have been identified as important in the Council's Ovingdean Conservation Area Character Statement.
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6. The appeal site is part of the front garden of Preambles, a detached bungalow, set well back from Ovingdean Road and approached by a drive which it shares with Ashdown House. The section of flint wall enclosing the site is in a poor state of repair and the garden is largely overgrown with shrubs and other vegetation. Nevertheless, it includes several substantial trees, which are protected by virtue of their location within the Conservation Area. The front garden of Preambles and its flint wall form part of the original rural character of the village and help to retain the separation between the two historic farming nuclei of Ovingdean. I therefore consider the flint wall and vegetation within the garden to be significant features that contribute to the character and appearance of the Conservation Area as an historic asset.
7. In this context the removal of a section of the flint wall, the introduction of an additional access and parking space, combined with the loss of vegetation and trees would be harmful to the street's character. Orchard Court, a terrace of houses which faces Ovingdean Road immediately adjacent to the appeal site, is largely screened from views along the street by the existing vegetation. The proposed dwelling would result in the loss of a significant amount of vegetation and leave little or no space for future screening. This would fundamentally alter the view looking in a north-easterly direction along Ovingdean Road, as the flank wall of the proposed dwelling would be highly visible and would appear intrusive in the street scene. I consider these changes would be harmful to the character and appearance of this part of the conservation area.
8. I accept that the overall size of the plot for the proposed dwelling would be comparable with others nearby. However, some of the site would be required for the access and parking space and the introduction of a detached property would appear awkward alongside the existing terrace. In my view these factors demonstrate that, notwithstanding the proposed design and use of vernacular materials, the proposal would appear out of keeping with the street scene and cramped on the site. The scheme would therefore fail to respect and reinforce the character of the neighbourhood.
9. It is acknowledged that Preambles is a 1960s infill bungalow which has been converted into one of a modern contemporary design. However, since it is sited towards the rear of its plot, it has limited impact on the appearance of this part of the Conservation Area. The Conservation Area Character Statement recognises that the school buildings on the opposite side of Ovingdean Road are dominant features which detract from the intimate scale and rural appearance of the street. However, that is not a justification for permitting something which I have found to be harmful to features which make a significant contribution to the appearance of the Conservation Area. I do not have details of the new school buildings which the appellants consider to be out of keeping with the locality. However, they are not prominent in the views up and down Ovingdean Road, which is one of the determining factors in my assessment of the appeal scheme, and so have little relevance to my decision.
10. I note that there were a significant number of representations in response to the proposal from those in the immediate vicinity and elsewhere in Ovingdean. Most of these referred to matters that I have addressed earlier in this decision. Issues relating to land ownership and covenants are not matters for me to consider in the context of an appeal under S78 of the Town and Country Planning Act 1990, which is confined to a consideration of the scheme on its individual planning merits in the light of current planning policy.

11. Taking all these factors into account, I conclude that the proposal would be harmful to the character and appearance of the Ovingdean Conservation Area, although in terms of the Framework, this harm would be less than substantial. However, in my view the public benefit that would accrue from the contribution of a single house to the city's housing requirements would be very limited and would not outweigh the harm I have identified to the heritage asset.
12. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the Ovingdean Conservation Area and would be contrary to Policies CP12, CP14 and CP15 of the Brighton & Hove City Plan – Part 1 and saved Policy HE6 of the Brighton & Hove Local Plan. These policies seek to conserve the city's built heritage in accordance with its identified significance and to ensure that new development respects and reinforces the character of the neighbourhood, particularly in areas designated for their historic interest. The proposal would also fail to accord with the Framework's advice to conserve heritage assets in a manner appropriate to their significance.

### **Conclusion**

13. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR