
Appeal Decision

Site visit made on 6th December 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 12th December 2016

Appeal Ref: APP/Q1445/W/16/3154533

3 Knoyle Road, Brighton and Hove, BN1 6RB

- 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 Kevin Bush against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00173, dated 17 January 2016, was refused by notice dated 23 May 2016.
 - The development proposed is described as '*replacing roof over yard and garages*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Preston Park Conservation Area.

Reasons

3. The appeal site is located within a predominantly residential area of Brighton and Hove. It is also located within the Preston Park Conservation Area. I saw during my site visit that the significance of this part of the wider conservation area derives in part from the residential character of the area and also the domestic scale and appearance of the buildings.
 4. The appeal scheme seeks the erection of roof over a former double garage and yard area which is located to the rear of No 5 Knoyle Road, albeit within the red line site area of No 3 Knoyle Road. There is also a pair of garages which use the same access, although these are not part of the appeal site and I understand are separately owned. At the time of my site visit I saw that there is currently no roof structure on the appeal part of the site; although it is possible to see some scars on the supporting walls which indicate that there was previously a roof, there is no substantial evidence that shows what this roof may have looked like. In any case, I have considered the appeal proposal on the basis of its own planning merits.
 5. The proposed roof would cover both the two former garage bays and a concrete plinth that serves as a yard area. The roof would be about 100sqm in size, which although likely to cover an area not dissimilar to the earlier roof, would be a highly visible addition to the site where there is currently no roof and none for some time. The appellant has indicated that they are willing to agree with the Council different colours for the roofing materials.
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6. However, the roofing material would be formed by steel sheeting with rooflights or glazing sheets, and the visual effect, irrespective of its colour, would be more akin to what is normally found on industrial estates or commercial units rather than within a residential setting. The incongruence of the proposed roof would be further exacerbated by its overall size, which would be visible from a number of neighbouring properties, with some very limited views from Knoyle Road down the access passage. As such, the proposed roof would introduce an alien feature into the area, which would be at odds with the prevailing pattern and form of development.
7. The proposal would therefore harm the significance of the conservation area as a designated heritage asset; albeit this harm would be no more than less than substantial as set out in Paragraph 134 of the *National Planning Policy Framework* (the Framework). Nonetheless, considerable importance and weight should be given to the desirability to preserve heritage assets. In terms of public benefits, the appellant suggests that bringing the derelict piece of land back into use would contribute to public health and improve the appearance of the area. However, there appears to be little preventing anyone from undertaking activities such as sweeping up leaves and clearing any clutter from the site in order to improve its appearance. I do not, therefore, consider that the tidying up of the site is a public benefit in planning terms. Indeed, I do not find that any benefits put forward in this case would outweigh the harm identified.
8. Section 72(1) of the *Planning (Listed Buildings and Conservation Area) Act 1990*, as amended, indicates that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The combination of the roofing material, rooflight features and its overall size means that the proposed development would fail to preserve the character or appearance of the Preston Park Conservation Area by introducing an industrial appearing structure into an area mainly characterised by its residential nature and scale.
9. Accordingly, I therefore conclude that the proposal would conflict with Policy CP15 of the *Brighton & Hove City Plan Part One 2016* and Policy HE6 *Brighton and Hove Local Plan*, which, amongst other aims, seeks to conserve and enhance the city's historic environment in accordance with its identified significance. It would also be contrary to the policies set out in the Framework, which includes the aim to conserve heritage assets in a manner appropriate to their significance.
10. For the reasons given above, and having taken into account all matters raised including comments from interested parties, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR