
Appeal Decision

Site visit made on 14 November 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 27th November 2017

Appeal Ref: APP/Q1445/W/17/3180067

The Synagogue, Holland Road, Hove BN3 1JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Cohen of Hove Hebrew Congregation against Brighton & Hove City Council.
 - The application Ref BH2017/00673 is dated 27 February 2017.
 - The development proposed is "The proposal is to demolish an old single storey small hall which no longer has a use to the Synagogue and to replace this with on site accommodation for the Rabbi to live with their family so that they can be close to the Synagogue and offer the service to the local community which is expected. This also offers a level of security to the Synagogue by having an on site Rabbi, which is currently lacking".
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Decision

1. The appeal is dismissed and planning permission for "The proposal is to demolish an old single storey small hall which no longer has a use to the Synagogue and to replace this with on site accommodation for the Rabbi to live with their family so that they can be close to the Synagogue and offer the service to the local community which is expected. This also offers a level of security to the Synagogue by having an on site Rabbi, which is currently lacking" is refused.

Main issues

2. The appeal site is situated within the Brunswick Town Conservation Area. With this in mind, from my inspection of the site and its surroundings, and from the representations made, the main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, and
 - the effect that the proposal would have on the living conditions of the occupiers of the dwellings at 65, 67 and 69 Lansdowne Street, with regard to outlook.

Reasons

Conservation Area

3. The appeal site includes the Synagogue, which is prominently sited on the south east corner where Holland Road crosses Lansdowne Road. The site also includes the 2-storey side extension to the Synagogue, the single storey main

assembly hall to roughly south, which is nearly as deep as the site, and the small hall, which takes up part of the narrow gap between the east end of the Synagogue and the back boundary wall. The site adjoins a vehicle rental centre on one side and terraced dwellings in Lansdowne Street at the back.

4. The Conservation Area is recognised as one of the finest examples of Regency and early Victorian planning and architecture in the country. It is mainly characterised by the formality in its historic street pattern and open spaces. The sense of order in the architecture of the many listed and historic buildings is important to its appearance. The character and the appearance of the Conservation Area contribute positively to its significance as an area of historic townscape. Whilst the buildings on the north side of Lansdowne Road are in a range of types and styles, they are outside the Conservation Area.
5. The Synagogue was built as a gymnasium in about 1883 and was converted for its present use by about 1930. Due to its robust character and unusual historic architecture, including the large segmental-arch-headed stained glass window that reflects the distinctive segmental-arched parapet of its west front and the large segmental-arch-headed stained glass window in its gabled east end, the Synagogue has significant landmark value in the townscape close by. Thus, it makes a positive contribution to the Conservation Area and to the street scenes in Holland Road and Lansdowne Road. Whilst the Synagogue is not statutorily listed, it has been identified by the Council as a building of local interest.
6. The small hall is sited fairly close to the east end of the Synagogue. The short side of the low-key single storey mainly flat roofed small hall respects the general building line along the nearby part of Lansdowne Road. Its long back wall is close to the common boundary with 67 and 69 Lansdowne Street. Due to its scale and siting, the small hall has a neutral effect in the Lansdowne Road street scene and on the significance of the Conservation Area. The important openness at first floor level and above, behind the dwellings in Lansdowne Street and above the small hall, enable the east end of the Synagogue to be appreciated when travelling west along Lansdowne Road and from the backs of the neighbouring dwellings and their gardens. The small hall would make way for the proposed development. The Council has not raised concerns about its loss subject to an acceptable redevelopment proposal, and I agree.
7. Whilst the small hall is only a little wider than the Synagogue, the proposed 2-storey 3-bedroom flat roofed dwelling would extend further south and its southern end would be deeper, so it would extend into the back of the main assembly hall. There would be no east facing windows in the dwelling, to safeguard the privacy of neighbouring occupiers in Lansdowne Street. Its form would include a white rendered east facing back wall that would be wider than the dwelling, and its similarly wide overhanging flat roof would project to form canopies to the north, west and south. The vertical emphasis in its fenestration would respect the historic window openings in the Synagogue. Its sheet cladding is intended to harmonise with the slate roofs close by.
8. However, because they would be very close to the boundary wall in Lansdowne Road and due to their significant height, the back wall and roof of the dwelling would unacceptably intrude in front of the established building line in Lansdowne Road. Thus, the proposal would be harmfully prominent in views travelling east or west along that road, and it would be at odds with the historic development pattern. Moreover, the south end of the dwelling would project

substantially beyond the width of the Synagogue and its 2-storey side extension. Because it would be much taller than the existing main hall roof, the dwelling would also be prominent in views from Holland Road, and from the surrounding buildings. Due to its height, scale and siting, the dwelling would also partly block the important views of the subservient backs of the terraced buildings, some of which step down with the slope in Lansdowne Street, in views from Holland Road and the nearby buildings within it. Thus, the dwelling would look dominant and incongruous.

9. Furthermore, due to its height, scale and cramped siting, the dwelling would partly block and harmfully disrupt the existing views of the Synagogue's east end and its elegant stained glass window, which enable the historic architecture of this non-designated heritage asset to be appreciated, when travelling west along Lansdowne Road and from the backs of the neighbouring dwellings. Thus, the proposed dwelling, which would be close by and within its setting, would harmfully erode the important positive contribution of the Synagogue to the character and the appearance of the Conservation Area, and it would damage its significance as an area of historic townscape.
10. Therefore, I consider that the proposed development would fail to preserve or enhance the character and the appearance of the Conservation Area. It would be contrary to Policy CP12 and CP15 of the *Brighton & Hove City Plan Part One* which seek to conserve or enhance the city's built heritage and its settings, and its historic environment, Policy QD14 of the *Brighton & Hove Local Plan 2005* (LP) which seeks respect for context, LP Policy HE6 which reflects the thrust of the statutory duty with regard to conservation areas, and LP Policy HE10 which seeks respect for the character of identified buildings of local interest. It would also be contrary to the *National Planning Policy Framework* (Framework) which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Living conditions

11. I viewed the site and its surroundings from the house at 65 Lansdowne Street and from the lower ground floor flat at 69 Lansdowne Street at my visit. The upper part of the small hall can be seen above the boundary wall at the end of the fairly shallow back gardens of 67 and 69 Lansdowne Street. Even so, it is little different to the outbuildings that could occur at the ends of back to back gardens in many places.
12. The simple form and finish of the back wall of the dwelling is intended to be extremely simple and unobtrusive. However, this long back wall would extend from close to the boundary wall fronting Lansdowne Road to about the south side of the back garden of the dwelling at 65 Lansdowne Street. It would also be roughly 2-storeys tall. Due to its scale, height and its relationships with the existing dwellings and their back gardens, the proposed dwelling would have an unacceptably oppressive and overbearing effect on the living conditions of the occupiers of the rear facing lower ground floor rooms at 67 and 69 Lansdowne Street, which are in flats, and in their back gardens, and in the back garden of the house at 65 Lansdowne Street.
13. Thus, I consider that the proposal would harm the living conditions of the occupiers of the back garden at 65 Lansdowne Street and the occupiers of the lower ground floor flats and back gardens at 67 and 69 Lansdowne Street, with

regard to outlook. It would be contrary to LP Policy QD14 which aims for proposals to not result in a significant loss of outlook to neighbouring properties, LP Policy QD27 which aims to not cause a material loss of amenity to adjacent occupiers, and the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

14. Attention was drawn to compliance with other Development Plan policies in the appellant's representations. However, these other policies were not concerns of the Council in its purported reasons for refusal, and I see no reason to disagree. The appellant's willingness to consider amendments during the application process is noted, but there is little evidence that pre-application advice had been sought from the Council. As the scheme for the adjoining site at 77 Holland Road is not within adjoining land that is controlled by the appellant, the concerns raised by an interested party about affordable housing are not relevant to the proposal. Thus, I have dealt with the proposal before me on its merits and in accordance with its site specific circumstances, my statutory duty, and relevant local and national policy and guidance.

Conclusion

15. In reaching my conclusion I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the *Equality Act 2010*, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for the development of part of the site as a dwelling for a Rabbi and their family, and they are persons who share a protected characteristic for the purposes of the PSED.
16. It does not follow from the PSED that the appeal should succeed. I appreciate from the evidence put to me that to have a Rabbi on site would be a benefit to the local Hebrew community, that the proposal is intended to improve the security of the Synagogue and that the dwelling would be a safer option for the Rabbi and their family due to anti-Semitic feeling in the area recently. Whilst the occupancy of the dwelling could reasonably be controlled by condition, I am satisfied that the legitimate policy aims to preserve or enhance the character or appearance of the Conservation Area, and to protect the living conditions of the occupiers of the lower ground floor flats and back gardens at 67 and 69 Lansdowne Street and at 65 Lansdowne Street, with regard to outlook, can only be adequately safeguarded by a refusal of planning permission. I shall therefore dismiss the appeal and refuse planning permission for the proposed development.

Joanna Reid

INSPECTOR