



Appeal Decision

Site visit made on 3 July 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/Q1445/W/18/3216949

72 Goldstone Villas, Hove, BN3 3RU

- 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 Roy Pook of Alpha Projects (Sussex) Ltd against Brighton & Hove City Council.
 - The application Ref BH/2018/01059 is dated 5 April 2018
 - The development proposed is Erection of three-storey extension to the rear of the building to provide new (B1) office space incorporating change of use of ground floor (A1) retail unit to (A2) professional services and part change of use of ancillary store at basement level to (B1) office space.
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Decision

1. The appeal is allowed and planning permission is granted for erection of three-storey extension to the rear of the building to provide new (B1) office space incorporating change of use of ground floor (A1) retail unit to (A2) professional services and part change of use of ancillary store at basement level to (B1) office space at 72 Goldstone Villas, Hove, BN3 3RU in accordance with the terms of the application, Ref BH/2018/01059, dated 5 April 2018, subject to the attached schedule of conditions.

Procedural Matter

2. The appeal is against the failure to give notice of a decision. The Council advise that had it decided the planning application it would have been refused. The putative reason for refusal is provided with its statement of case. I have dealt with the appeal accordingly.

Main Issues

3. The effect on the character and appearance of the host building and surrounding area, which falls within the Hove Station Conservation Area.

Reasons

4. The site comprises a mixed-use building within a terrace. The special character and significance of the Hove Station Conservation Area is principally derived from the relationship between the railway station and the surrounding historic buildings which connect the station area with Central Hove to the south. The rear elevation of the host building and the terrace of which it forms a part contribute to the significance of the Conservation Area. This is through the eclectic appearance of the various extensions constructed along it, resulting in the creation of a secondary commercial frontage with a spacious setting to Ethel Street.

5. The proposed rear extension would be of a similar bulk to other contemporary extensions found along this terrace, to the north of the site. Its asymmetric pitched roof and large areas of glazing would add visual interest to the building, in a context where the fenestration is currently varied. Whilst the extension would be larger than the existing outrigger to the rear of the building, it would not be of a scale whereby it appears unduly prominent or out of place given the varied appearance of rear extensions found on the wider terrace. The use of render would be appropriate as it would complement the materials used on surrounding buildings.
6. The pitched roof of the host property, and the top floor of the rear elevation exhibit some historic interest and would be conserved. Overall, considering its context, the extension would be an appropriate addition to the rear of this terrace. It would preserve the character and the appearance of the Hove Station Conservation Area.
7. Accordingly, there would be no harm to the character and the appearance of the host building and surrounding area. There is no conflict with policy CP15 of the Brighton and Hove City Plan Part One (March 2016), nor saved policies QD14 and HE6 of the Brighton and Hove Local Plan (2005) which seek to ensure that extensions are well designed, sited and detailed; and preserve or enhance the character or appearance of Conservation Areas within the City. Nor is there conflict with the Supplementary Planning Document 12: Design guide for extensions and alterations (June 2013), which supports modern, creative design where it can be integrated successfully in to its context, as would be the case here.

Other Matters and Conclusion

8. The proposal would involve the loss of an A1 (retail) unit. However, the Council advise that a change of use from A1 to A2 could be undertaken under permitted development rules, and do not object to the change of use in principle. Whilst the potential loss of existing employment on the site is regrettable, new economic activity and associated employment would be created within the extended building. I agree that planning permission should not be withheld due to the loss of the A1 unit.
9. In conclusion, the proposal accords with the development plan when considered as a whole and there are no other considerations that outweigh this finding. The appeal should be allowed subject to conditions necessary for legal reasons, in the interests of certainty, to protect the living conditions of neighbouring residents, to ensure that the building has an appropriate appearance in relation to its surroundings and in the interests of the promotion of sustainable transport. Conditions that remove permitted development rights in relation to future changes of use are not justified, as they are not necessary to make the development acceptable in planning terms.

Neil Holdsworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-B47-00; 17-B47-01; 17-B47-02 rev A; 17-B47-20; 17-B47-21 rev A; 17-B47-22.
- 3) The ground and first floor windows / roof lights to the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed, the windows shall thereafter permanently retained as such.
- 4) No development above ground floor slab level of any part of the development hereby permitted shall take place until details, including samples where appropriate, of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

End of Schedule