



Appeal Decision

Site visit made on 24 June 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/Q1445/W/19/3224736
51-53 Church Road, Hove BN3 2BD

- 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 Bacon on behalf of Perth Securities against Brighton & Hove City Council.
 - The application Ref BH2018/02151, is dated 3 July 2018.
 - The development proposed is external alterations only in association with change of use from B1 offices to 12 residential units as permitted by Prior Approval BH2018/00551.
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Decision

1. The appeal is allowed, and planning permission is granted for: the external alterations only in association with change of use from B1 offices to 12 residential units as permitted by Prior Approval BH2018/00551 at 51-53 Church Road, Hove BN3 2BD, in accordance with the terms of the application, Ref BH2018/02151, dated 3 July 2018, subject to the following conditions:
 - 1) The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2433/06 Rev. B, 2433/07 Rev. B, 2433/08 Rev. B, 2433/09 Rev. B, 2433/11.
 - 3) The external materials of the development hereby permitted shall be constructed in the materials to match the existing buildings, as listed on the submitted planning application form, and thereafter permanently retained.

Application for costs

2. An application for costs was made by Mr Bacon on behalf of Perth Securities against Brighton & Hove City Council. This application is the subject of a separate Decision.

Procedural Matter

3. Following an objection received from save Hove group regarding loss of the rear chimney stack, a revised drawing (No 2433/09B) was submitted during the course of the application on 26 February 2019, showing that the chimney stack would be retained. These changes are considered a minor amendment, and the nature of concerns of those who would normally have

been consulted are clear from the consultation on the original set of plans. I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on this revised drawing as well as all other drawings which have not been revised.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host properties and whether the proposed development would preserve or enhance the Avenues Conservation Area.

Reasons

5. The appeal site comprises an attractive pair of large Victorian terraced properties on the corner of Church Road and Selborne Road. The frontage of the building comprises a light yellow brick and the rear elevation comprises render walls. The site lies within the Avenues Conservation Area (CA) and adjacent to the Willett Estate Conservation Area (WECA).
6. The CA Character Statement explains that the general character and appearance of the area, is of 3 and 4 storeys terraced or semi-detached properties, mostly yellow brick with slate roofs. Fancy brickwork, bay windows, balconies and canopies feature strongly, and boundaries are marked by low walls, mostly with railings and also by stone balustrading.
7. I consider that the traditional qualities of the building including its materials are fundamental to preserving the special character and appearance of the CA. Most properties have solid panelled doors, timber sliding sash windows and large chimney stacks. Therefore, the proposed loss of traditional features and materials on this historic building should be resisted to preserve the character and appearance of the building and the special character of the conservation area. This view is supported in the CA Character Statement which further states that throughout the area it is the homogenous character, the scale of the buildings and recurring architectural features and materials that need to be protected.
8. The proposal involves mainly alterations to the rear of the properties and include the removal of the existing fire escape, extending the width of the existing back addition at second floor level, blocking up existing windows and doors together with new and replacement windows at the rear of the property. The application form states that materials would match the existing materials of the building which includes render walls and timber framed windows.
9. Overall, the proposed alterations to the rear of the two properties are not significant. The removal of the existing fire escape would remove visual clutter from the rear façade. The proposed timber framed sash windows proposed would be in keeping with other timber framed sash windows on the front and side elevations of the existing buildings and the surrounding CA. The proposal includes a relatively small extension at second floor level to the rear of the property in render to match the existing walls. This would have an acceptable visual appearance and ensure that the existing back addition remains subservient to the main buildings. Furthermore, given the overall large size of the host properties and its distance away from the nearest neighbouring properties, the development would not have any harmful effect on the living conditions of neighbouring properties.

10. It is understood that an objection was received from the save Hove group regarding the loss of the rear chimney stack. In response to this¹, a revised drawing No 2433/09B was submitted during the application stage, which shows that the chimney stack would be retained.
11. For the above reasons, I conclude that the proposed alterations to the existing building would preserve the character and appearance of the host buildings and preserve the character and appearance of the CA. Given the limited scale of the alterations proposed, the proposed development would also preserve the setting of the WECA. It would therefore be in accordance with Policies QD14 and HE6 of the Brighton and Hove Local Plan, 2005, and policy CP12 of the Brighton & Hove City Plan Part One, 2016. Amongst other things, these seeks to raise the standard of architecture and design in the city and seek development to be well designed and preserve or enhance the character and appearance of the conservation area.

Conditions

12. Neither party has suggested any planning conditions, but I have had regard to the Planning Practice Guidance on the use of planning conditions. Apart from the usual time limitations, a condition specifying the approved drawings is necessary to provide certainty. A condition is also imposed to require the development to be constructed in the materials to match those of the existing buildings, in the interest of character and appearance of the CA.

Conclusion

13. For the reasons given and having regard to all other matters raised this appeal is allowed.

R Satheesan

INSPECTOR

¹ As outlined in the appellant's statement of case