



Appeal Decision

Site visit made on 25 February 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/Q1445/W/18/3218211 18 Princes Crescent, Hove, BN3 4GS

- 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 Abraham Abboudi (Location Property Services Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02725, dated 9 August 2017, was refused by notice dated 12 June 2018.
 - The development proposed is described as the "demolition of existing single garage and erection of a new house on land to the rear of 18 Princes Crescent".
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single garage and erection of a new house on land to the rear of 18 Princes Crescent at 18 Princes Crescent, Hove, BN3 4GS in accordance with the terms of the application, Ref BH2017/02725, dated 9 August 2017, and the plans submitted with it, subject to the conditions on the attached schedule.

Main Issues

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Pembroke and Princes Conservation Area (PPCA) including the setting of the Sackville Gardens Conservation Area (SGCA)

Reasons

3. The appeal site is made up of part of the rear garden of 18 Princes Crescent and fronts Westbourne Place, a narrow road comprising a range of building types. The site is within the PPCA and within the setting of the SGCA, which includes Westbourne Place.
4. Paragraph 189 of the National Planning Policy Framework (Framework) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a development, including any contribution made by their setting. The planning application is not accompanied by a heritage statement or an assessment of the significance of the heritage assets. Nevertheless, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

5. The high quality and attractiveness of buildings fronting Westbourne Place contribute to the significance of this part of the PPCA and the setting of the SBCA. Opposite the site there are modest two storey houses arranged as terraces. To the north of the site are a series of more modern, taller terraced properties. To the south, are two detached infill properties, with larger ground floor footprints than first floor and of distinctive designs. All of these properties are of a pleasing design and appear to utilise high quality materials.
6. The front of the appeal site is marked by a tall boundary wall. It is proposed that a garage that abuts that wall would be demolished and replaced by wooden gates. A two-storey dwelling would be built behind the wall.
7. Much of the appeal proposal would be obscured by the wall, which would be retained. The recessed first floor level, with its pitched metal standing seam roof, fenestration, including a Juliette balcony and double doors on the southern elevation and part of a 1.8m rendered wall around a terrace would be visible from street level. Whilst larger than those of the two detached properties to the south, the first-floor level and the roof of the appeal proposal would have a similar style, being recessed from the edges of the ground floor, with a metal roof and glazing.
8. The size of upper levels of buildings get progressively larger from south to north on this side of the road, with the taller terrace to the north of the appeal site. As such, I consider that a first floor and roof that is larger than the building to the south would be consistent with the street scene and would not appear out of place within it. I do not consider the building to be bulky in appearance, when taken as whole and in the context of its neighbours. It would have a height in general consistency with those around it.
9. There are a variety of house types on Westbourne Place. As such, I am not persuaded that the appeal proposal should necessarily mimic any of those precisely and I am satisfied that the size and design of the building would have an acceptable relationship with other properties along the road.
10. There are a range of fenestration types in the area. Those proposed appear to be of a slender profile, befitting an area made up of high-quality buildings. I am satisfied that subject to samples being provided, an appropriate quality could be secured. I do not consider it problematic that their style might not exactly match one or other style already used on a neighbouring building.
11. The proposal would include opening doors and a Juliette balcony on the southern elevation and a rendered wall would contain a first-floor terrace on the northern elevation. Views of both would be fairly limited, given their positioning on the sides of the building, but in any event, they seem to me to be features appropriate to a new dwelling and would not undermine the design of the building or the character and appearance of the area.
12. Overall, I consider the design of the scheme to be appropriate in this context, which is quite varied in terms of styles used. This is particularly the case given that much of the building would be located behind the existing wall. As I have found that the proposal would relate well to the character and appearance of the area, it follows that I consider that the development would preserve the character and appearance of both conservation areas. The proposal would be consistent with policies CP12 and CP15 of the Brighton and Hove City Plan Part 1 2016 and policy HE6 of the Brighton Local Plan, which seek to secure, amongst other requirements, development of a high-quality design that protects heritage assets.

Other Matters

13. There are some references in the Council's case to a concern that the structural integrity of the wall that forms the front boundary of the site could be harmed by the development. There is nothing before me to suggest that this would be the case and I note that previous proposals to insert openings into the wall are no longer part of the appeal scheme.

Conditions

14. The Council have suggested a number of conditions that I have considered in accordance with the advice within the Planning Practice Guidance and the Framework. In some instances, I have reworded them in the interest of concision. The appellant has not commented on them, although they have had an opportunity to do so. In addition to the standard time condition, it is necessary for certainty to define the plans with which the scheme should accord.
15. I have attached a condition requiring details of materials, given the heritage context and the importance of materials being appropriate and of a high quality. I agree with the Council that these details can be provided prior to development above slab level, rather than prior to development commencing. The Council has listed items that should be provided but I have sought details of all external materials.
16. The Council also require that the development meets the Council's sustainability objectives to meet minimum energy and water efficiency standards and I have imposed such a condition. I have also attached a condition requiring details of cycle parking, which I agree should be provided to ensure that opportunities for sustainable modes of travel are maximised.
17. The Council has suggested a condition requiring pedestrian crossing improvements at the junction of and across Westbourne Place. There is nothing before me to assist in the justification for this requirement which would not meet the tests as set out at paragraph 56 of the Framework.
18. The Council has also suggested a condition requiring that the privacy screen on the northern elevation is obscurely glazed. Although I note that the plans show that screen as being a rendered, masonry wall, which would not allow views through it and in any event, the Council has control over the materials to be used in the construction of the development. As a result, I do not agree that suggested condition is necessary.

Conclusions

19. For the reasons that I have described and having regard to the development plan when read as a whole, the appeal should be allowed.

N Smith

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: TA1037/01 revision A, TA1037/02, TA1037/03 revision B, TA1037/04, TA1037/10 revision E, TA1037/11 revision E, TA1037/12 revision E, TA1037/13 revision E, TA1037/14 revision E and TA1037/15.
- 3) No development above ground floor slab level shall take place before details (including samples, where appropriate) of all materials to be used in 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.
- 4) Prior to the first occupation of the dwelling, it shall achieve an energy efficiency standard of a minimum of a 19% carbon dioxide improvement against Part L of the Building Regulations 2013 and a minimum water efficiency standard of not more than 110 litres per person per day of indoor water consumption. The measures put in place to achieve these standards shall be permanently retained.
- 5) The dwelling shall not be occupied before details of safe and secure cycle parking for residents and visitors have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in full prior to the first occupation of the dwelling and permanently retained thereafter.

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