
Appeal Decision

Site visit made on 16 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2019

Appeal Ref: APP/Q1445/W/19/3226925

28 St Aubyns, Hove, BN3 2TD

- 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 First Charterhouse Enterprises Ltd. against Brighton & Hove City Council.
 - The application Ref: BH2018/02950 is dated 20 September 2018.
 - The development proposed is the erection of one 3-bed house to the rear of No. 28 St Aubyns.
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Decision

1. The appeal is dismissed, and planning permission is refused for the erection of one 3-bed house to the rear of No. 28 St Aubyns, Hove, BN3 2TD in accordance with the terms of the application Ref: BH2018/02950 dated 20 September 2018 and the plans submitted with it.

Procedural matter

2. The Council has submitted that had it been in the position to determine the application, it would have refused planning permission for the proposed development. The reason for refusal would have been that the; 'proposed development by reason of its scale, positioning and materials would represent an inappropriate addition which would be uncharacteristic of the locality. The proposal is therefore contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One'.

Main Issue

3. The main issue is therefore the effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Old Hove Conservation Area (OHCA).

Reasons

4. The appeal site is within the OHCA and located to the rear of No. 28 St Aubyns. It forms part of the private spaces behind the properties on the western side of the street.
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National

Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The OHCA contains principally late 19th century development in variety of uses, including housing, commercial and community. St Aubyns consists mainly of large terraced and semi-detached houses, many of which have been converted to flats. Accordingly, St Aubyns has an established largely residential character and the street itself is active with vehicles and pedestrians. St Aubyns has attractive appearance, principally as a result of the many fine architectural details of the properties and their formal arrangement fronting the street. Thus, in my view, the significance of the OHCA derives from the traditional architectural detailing and the formal layout of the buildings within it.
7. The more open areas to the rear of the properties provide context for the buildings fronting St Aubyns. Many of these areas are used for ancillary residential uses including garaging and parking. Limited views of many of these more private areas are available through gaps between the properties on the west side of St Aubyns, with the appeal site being partially visible through the gap between Nos. 28 and 30 St Aubyns.
8. The appeal site is undeveloped and, although overgrown at the time of my site visit, it still reflects ancillary residential use. As seen from St Aubyns, it retains a sense of openness and the flint rubble wall to the rear boundary is an attractive feature. As such it is a pleasant contrast to the less attractive views between many of the other buildings on the west side of St Aubyns and a reminder of the former use of these areas as gardens. Accordingly, I consider that the appeal site makes a positive, albeit modest, contribution to both the character and the appearance of St Aubyns and the OHCA as a whole.
9. As residential development, the proposed development would preserve the character of the OHCA. As regards appearance, there would be glimpsed views of the dwelling when passing by on St Aubyns. It would also be visible from neighbouring properties. The proposed monopitch elements of the scheme would particularly draw attention to the proposed development. The scale and positioning of the proposed dwelling on the appeal site would result in part of the eastern elevation and the longer north elevation being visible in the view from St Aubyns. Consequently, it would reduce the ability to see and appreciate the former garden area and erode the sense of openness.
10. Even though the proposed development would be smaller than the houses behind Nos. 25-31 St Aubyns, which are also visible from St Aubyns, that scheme is not before me. I do not have the details of those dwellings or the full circumstances surrounding their approval. In any event, I am determining this appeal on its merits.
11. I acknowledge that the Framework requires local planning authorities to make efficient use of land and ensure good design. The Council has confirmed that the principle of a dwelling on this site is acceptable which would secure the efficient use of the land.
12. I also acknowledge the proposed dwelling of a contemporary design on two levels, with the lower level below existing ground level, was intended as a distinction to the substantial historic buildings fronting St Aubyns. I also note

the proposed materials include pre-finished render and pre-stained timber cladding for the walls under profiled metal pitched roofs and a green roof intended to result in a lightweight structure to emphasise the contrast with those historic buildings.

13. However, in this case the proposed dwelling of a highly modern appearance would be in stark contrast with the traditional architectural details of the traditional properties nearby and erode the sense of openness behind the properties fronting St Aubyns. Whilst the design of the proposed dwelling would be acceptable in other contexts, I do not consider it to be good design in the context of the appeal site in the spirit intended by the Framework. Instead it would harm the appearance and significance of the OHCA.
14. Accordingly, I conclude that the proposed development would neither preserve nor enhance the appearance of the OHCA. The proposed development would thus conflict with Policy CP12 clause 4 and Policy CP15 of the Brighton & Hove City Plan Part One (2016) (BHCP), which seek to conserve or enhance the city's heritage. It would also conflict with the statutory duty and the heritage conservation aims of the Framework. However, in the terms of the Framework I assess this harm as less than substantial and it therefore needs to be balanced against any public benefits the development might bring. I consider this below.

Other matters

15. In commenting on the proposed development, a neighbouring resident has cited adverse effect on listed building. No specific building is identified in the representation, but the proposed development does not involve any works to an existing building. On the National Heritage List for England the nearest listed building to the appeal site is Nos. 2-6 (Even) including piers and railings, 2-6 St Aubyns, listed at Grade II. Having regard to the definition of 'setting' as regards heritage assets in the Framework I am satisfied that the proposed development would not affect the setting of Nos. 2-6. This opinion is shared by the main parties.
16. The proposed development was supported by the occupier of a neighbouring dwelling. However, this does not outweigh my conclusion on the effect of the proposed development on the character and appearance of the OHCA.

Planning balance and conclusion

17. I note the appeal site is within walking distance of a range of facilities and services and public transport access to other parts of the city, thus reducing reliance on the private car, which would be an environmental benefit. I also note the proposed development would incorporate some sustainable features including a gas micro CHP and solar photovoltaics. It would also represent an efficient use of land. There would be economic benefits associated with the construction and new employees and customers for local businesses and services. However, due to the scale of the proposal these benefits even if accepted as public and combined are modest.
18. It is common ground that the Council cannot demonstrate a 5-year supply of deliverable housing land. However, even if I add significant additional weight to the benefit of one new dwelling in the area and reduced weight to the conflict with the development plan policies, the benefit of a new home

combined with all the other benefits would not outweigh the great weight I must attach to the harm to the appearance and significance of the OHCA.

19. Accordingly, for the reasons given above, and having had regard to the other matters raised, I conclude that the appeal should be dismissed and planning permission is refused.

Martin Small

INSPECTOR