The Planning Inspectorate

Appeal Decision

Site visit made on 12 August 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/Q1445/W/19/3230588
15-16 Lewes Road, Brighton BN2 3HP

- 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 A Gill of Harket Ltd against the decision of Brighton and Hove City Council.
- The application Ref BH2018/02015 dated 19 June 2018, was refused by notice dated 29 March 2019.
- The development proposed is Two x 1 bedroom apartments to new second floor, new shopfront and entrance to serve existing and proposed apartments.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:

    - The effect of the development on the character and appearance of the area; and
    - The effect of the development on the setting of the church of St Martin and St Wilfrid (Grade II* listed building).

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a mid-terrace, two storey building. Brighton Trades Social Club and Institute is located on the ground floor, although it appeared at the time of my site visit to not be in use[1]. Two flats are located on the first floor. The neighbouring buildings are also two storey and comprise a mix of small-scale retail and commercial uses on the ground floors, with flats above. The Church of St Martin and St Wilfrid, a Grade II* listed building, is located in

[1] Planning permission has recently been granted for a change of use from Labour Members Club (D2) to Restaurant/Café (A3) at part ground floor and basement levels and alterations to shop front (application reference BH2018/01469). Approved 28/03/19.

close proximity to the north of the appeal site. Directly opposite the appeal property is a terrace of three storey houses.

5. The evidence provided indicates that the appeal property differs from the other properties in the terrace as it features a flat roof containing a large redundant water tank house, compared to the neighbouring properties which have pitched roofs. However, when viewed from street level these differences are not apparent and the redundant water house structure is not visible as all the properties along this part of the terrace feature small parapets at roof level. This creates a consistent appearance and height along the terrace which makes a positive contribution to the character and appearance of the area.

6. The proposed additional storey on the appeal property, both in terms of its height and scale would result in a large and prominent new addition at roof level. Whilst the existing water house structure is not visible from street level, the proposal would be as it is located further forward and is a taller structure. It is considered that the additional height and change to the consistency of the current roof line along the terrace would harm the character and appearance of the area.

7. The appellant has provided examples of other accommodation at roof level at 1, 1A and 2 Lewes Road. However, these three properties are located further along the terrace and do not form part of the immediate setting of the appeal property and, for the most part, are not of the same design as the part of the terrace where the appeal property is situated. They are therefore not directly comparable to the proposal. I have not been provided with any details of the development at Preston Barracks referred to by the appellant so can give little consideration to this.

8. Based on the above, the proposed additional storey would be contrary to saved Policy QD14 of the Brighton and Hove Local Plan which seeks, amongst other things, to ensure proposals for alterations and extensions are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

9. The Council do not object to the alterations to the shopfront and entrance, and I have no reason to consider otherwise.

Setting of the listed building

10. As set out above, The Church of St Martin and St Wilfrid, a Grade II* listed building, is located in close proximity to the north of the appeal site. The church is a large, yellow and red brick structure and features five windows to the south gable, orientated towards the appeal property. The Church is a dominant feature in the street scene along this part of Lewes Road, and the appeal property contributes to the setting of the church.

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

12. The Council's Heritage Officer considered that the single storey rooftop extension would impinge on the views of the windows on the southern gable of the Church which would result in slight harm to the setting of the church. Public and private views of the church and in particular the south windows, are

currently available from the opposite side of the road above the roofline of appeal property and from other properties in this part of the terrace. From my site visit, it is clear that the additional storey on the appeal property would be visible in views of the church from the opposite side of the road, diminishing its setting and to some extent blocking the view of the windows. The Heritage Officer's findings support my view.

13. For these reasons, I have found that the proposal would not preserve the setting of the Grade II* listed building and would be contrary to saved Policy HE3 of the Brighton and Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One (March 2016) which seeks, amongst other requirements, to conserve and enhance the settings of heritage assets.

14. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The harm to the significance of the listed building in this case would be less than substantial. Having regard to paragraph 196 of the NPPF, the less than substantial harm that has been found, needs to be weighed against the public benefits of the development.

15. The provision of two dwellings would help to meet local housing need. There would also be some benefit from the works proposed to improve the shopfront, though the fact that planning permission has already been granted separately for alterations to the shopfront diminishes this benefit. On this basis, moderate weight is attributed to the public benefits of the proposed development. However, this would be insufficient to outweigh the harm identified to the setting of the listed building.

Other Matters

16. It is not disputed that the Council cannot demonstrate a 5 year supply of housing, and therefore paragraph 11 d) of the NPPF applies. This states that planning permission should be granted unless the application of policies in the NPPF that protect assets of particular importance, provides a clear reason for refusing the development. Listed buildings are assets of particular importance and the application of the policies in the NPPF relating to their conservation, including their setting, referred to above, gives a clear reason for dismissing this appeal.

Conclusion and Recommendation

17. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR