
Appeal Decision

Site visit made on 24 November 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/Q1445/D/20/3249420
20 Bavant Road, Brighton BN1 6RD

- 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 Thomas McGrath against the decision of Brighton & Hove City Council.
 - The application BH2019/03301, dated 3 November 2019, was refused by notice dated 20 January 2020.
 - The development proposed is the erection of front boundary wall and pillar.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description in the banner heading above from the Council's decision notice, as a more accurate description of what is proposed. I have deleted the words 'part retrospective' as this does not describe an act of development. I have determined the appeal on the basis of what is shown on the submitted drawings.
3. A previous front boundary wall was demolished and the garden hard surfaced for parking in 2018. A subsequent enforcement investigation is a matter between the Council and the appellant and is separate from this appeal.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

5. The site lies within the Preston Park Conservation Area. The area is characterised by wide roads fronted by mainly residential properties set back from the road frontage by gardens, the fronts of which are delineated by low walls with pillars. This arrangement provides a sense of space and orderliness, with greenery in the front gardens softening the built environment.
6. Buildings along Bavant Road are somewhat later and more mixed in style than others in the Conservation Area, but the road nevertheless displays key characteristics of the Conservation Area with a wide carriageway and clearly defined front boundary lines. Front boundaries are predominantly low brick walls with brick pillars, some with hedging, timber fencing or railings set above.

Where off street parking does exist, it is generally on driveways alongside buildings leading to garages at the side or rear of their respective plots.

7. The appeal site runs counter to these characteristics, with an open front boundary and hard surfaced forecourt enabling parking to take place immediately in front of the building. The proposed section of wall and pillar would go some way to reinstating a more sympathetic front boundary, but would still leave a significant gap, and would continue to enable parking to take place on the forecourt, with very little room left available for planting.
8. As a result, it would fail to preserve or enhance the character and appearance of the Preston Park Conservation Area, and would conflict with policy CP15 of the Brighton & Hove City Plan Part One and policies HE6 and QD14 of the Brighton & Hove Local Plan, that require the city's historic environment to be conserved and enhanced in accordance with its identified significance.
9. The appellant has queried the age of policies HE6 and QD14, which date from 2005. However, I consider them to be consistent with the National Planning Policy Framework (the 'Framework') in relation to conserving and enhancing the historic environment and I therefore give them full weight.
10. The Framework advises that great weight should be given to a heritage asset's conservation. Where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
11. In this case I consider that the development would lead to less than substantial harm because it would partly offset the harm that has been done by demolition of the original front boundary wall. I nevertheless attach great weight to the harm that has been caused.
12. The appellant has put forward several arguments in favour of the development. I acknowledge that forecourt parking would enable an electric vehicle charging point to be used. However, I do not consider that to be sufficient benefit to outweigh the harm caused by the lack of a full width front boundary wall. If that argument were to be accepted, frontages throughout the Conservation Area could be eroded, with a consequently greater harm to the character and appearance of the area.
13. I also acknowledge that forecourt parking is convenient for the occupiers, and that it ensures parking space for the property in a road where there is pressure on finding on-street parking space, particularly at times of high demand. These are, however, private rather than public benefits and consequently carry less weight.
14. There are examples of forecourt parking in other front gardens in Bavant Road, although these are very limited and I have no evidence of when they took place, and whether that was before or after the designation of the Conservation Area. As previously noted, where off-street parking does take place it is generally on driveways alongside buildings rather than in the gardens in front of them. I distinguish this arrangement from that on the appeal site.
15. The appellant has argued that there is no requirement to maintain a front boundary wall or pillar and that over time it might have fallen into disrepair and fallen down. To my mind that is very unlikely as most owners do maintain their

boundary walls, if for no other reason than to avoid causing damage to pedestrians. I give little weight to this argument.

16. I note the lack of objection or support for the development from third parties. That is a neutral matter and does not add to or detract from the main issue.

17. I conclude that the public benefits do not outweigh the great weight that the Framework advises should be given to a heritage asset's conservation.

Conclusion

18. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR