



Appeal Decision

Site visit made on 29 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/Q1445/W/21/3281898

10 - 12 St Georges Road, Kemptown, Brighton BN2 1EB

- 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 Hertford Investment Company Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01918, dated 17 May 2021, was refused by notice dated 23 July 2021.
 - The development proposed is conversion of bank into 7 dwellings (3x2bed and 4x1bed) including new extension with bin and cycle storage.
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Decision

1. This appeal is dismissed

Preliminary Matters

2. Reference is made to the policies in the Proposed Submission City Plan Part Two (April 2020) (CPP2). In this case I am presented with detailed evidence regarding its progress. The plan has been examined, and modifications have been consulted on. I am also provided with the Council's summary of the extent of the objections to each of the policies. Although this document is marked for internal use, I see no reason not to rely on these summaries. The emerging policies brought to my attention are DM12, DM20 and DM1 and I will therefore address the relevance of each to this decision.
3. Policy DM12 which sets criteria as to where A1 uses can change to non-A1 town centre uses. It further states that residential use may be appropriate above or to the rear of units in a shopping centre provided the active frontage is not compromised, amongst other things. Although the aims of the policy are broadly in accordance with the National Planning Policy Framework (Framework) which requires planning policies and decisions to promote the long term vitality and viability of town centres, there are unresolved objections to this policy relating to the updated use class order. Consequently, I afford this policy limited weight.
4. Policy DM20 requires that development should not cause unacceptable loss of amenity to proposed and existing users. Whilst there have been objections to this policy, the Council confirm that they do not raise significant soundness issues. Furthermore, the policy is broadly in accordance with the requirement of the Framework that developments should have a high standard of amenity for future users. Therefore, I afford this policy significant weight.
5. Policy DM1 adopts the Nationally Described Space Standards. There are objections to this element of the policy, however the Council are satisfied that

these are supported by local evidence. As such this is in accordance with the Framework's aim to provide a high standard of amenity for future users. Therefore, I attach significant weight to this policy.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the area with particular respect to whether the development would preserve or enhance the character or appearance of the East Cliff Conservation Area, and the setting of the nearby Grade II listed former Post Office.
- The effect on the viability and vitality of the St Georges Road Local Centre.
- The quality of accommodation for future occupiers with particular regard to units 1 and 2.

Reasons

Heritage

7. The appeal site is within the East Cliff Conservation Area (CA), and is adjacent to the Grade II listed Post Office. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to have special regard to preserving the setting of the former post office. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification.

Conservation Area

8. The East Cliff Conservation Area (CA) derives its significance as a whole from the seafront, and the historic layout and architecture of the properties associated with the development of Brighton as a seaside resort. These include the buildings which face the seafront as well as the traditional properties behind. St George's Road is a vibrant commercial centre within the CA which has historically provided services to the nearby residential development. The appearance of the properties in this area is somewhat mixed, although shared features include the two and three storey height, stuccoed buildings, often with timber sash windows, generally with shops at ground level. Properties commonly have a dominant parapet at roof level, with more modest pitched roofs behind. These features make a positive contribution to the historic character of the CA.
9. 10-12 St George's Road has historically been used as a bank, although it is currently vacant. It is a three storey Victorian building on the corner of ST George's Road and College Road with detailing at ground floor and traditional sash windows. The roof form is typical of those nearby with a parapet to St Georges Road/College Road and a butterfly roof to the rear. These features make a positive contribution to the significance of the CA. There is a four storey brick building on the opposite corner of College Road, however this style, height and appearance is uncommon in the streetscene and as such, its features do not form part of the prevailing character and appearance of the area.

10. The proposed development would introduce a mansard roof, which would have the effect of creating a four storey building, taller than the other traditional buildings in this area. This would result in a dominant building in the context of the two to three storey pattern of development. The proposed mansard would also extend above the parapet roof form and undermine this positive characteristic. Furthermore, the windows proposed to the roof extension would be in aluminium double glazing and, particularly to the rear and side elevation, would not reflect the proportions or alignment of the windows below. This material and arrangement would be visually jarring compared to the traditional windows on the lower floors.
11. The proposed development would retain the original building and the majority of the ground floor detailing and would preserve the CA in this respect. It would also provide a use for the building. However, I am not provided with detailed evidence that this appeal scheme is the only way that the building could be brought back into use, and as such it is likely that an alternative scheme could enable reuse but without the identified harm to character and appearance.
12. Consequently, the proposed development would have a notably harmful effect on the character and appearance of the CA. This would be contrary to Policy CP12 Urban Design and CP15 Heritage of the Brighton and Hove City Plan Part one (March 2016) (CP). Together these require new development to conserve or enhance the city's historic environment and built heritage in accordance with its identified significance, and respect the character of the neighbourhood, amongst other things.

Listed Building

13. The Grade II listed Post Office and its attached walls, and piers derives its significance, in part, from its exterior appearance and ornate detailing as well as its historic use as a post office.
14. The appeal site is to the north, separated only by a small open passage way leading to a short terrace of houses. Considering its proximity, 10-12 St George's Road forms part of the immediate context in views of the listed building. The appeal property's traditional appearance including its height relative to the Post Office therefore makes a positive contribution to the setting of the Listed Building.
15. The proposed alterations would increase the height and prominence of the side elevation of the appeal site. Given my findings that the proposed addition would result in a harmful appearance to this building in views of the Listed Building it would detract from its appearance. However, it would not alter or obscure any of the significant features. As such any effect is limited. Nevertheless, there would be some minor harm in this respect.
16. Consequently, the proposed development would have a harmful effect on the setting of the nearby Grade II listed former Post Office. This would be contrary to Policy CP12 Urban Design and CP15 Heritage of the CP the aims of which are set out above.

Heritage assessment.

17. In terms of the Framework the harm to the CA and Listed Building would be less than substantial. Nevertheless, this is a matter of considerable weight and

importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.

18. The proposed development would provide 7 flats in a highly accessible location and would reuse an existing mainly unoccupied building. This would contribute to the government's target to significantly boost the supply of housing. However, given the size of the development, these benefits are modest in their scale.
19. There is no dispute in relation to the sustainability of construction, any impact on the national park, strategic views, accessibility, the design of the external spaces, or design features to deter crime and the proposed development is not contrary to Policy CP12 of the CP in this respect. However, the lack of harm in this regard is a neutral factor.
20. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and to have special regard to the desirability of preserving the setting of the Listed Building and I attribute considerable importance and weight to this harm.
21. Accordingly, taking all the above into account, the modest public benefits would not outweigh the notable harm I have found to the CA as well as the minor harm to the setting of the Listed Building.

St George's Local Centre

22. St Georges Road is a main local centre and it is characterised by an interesting mix of active commercial units along this parade, with some similar uses on side streets. Although the former bank does not have a fully glazed shopfront, the windows are large and allow views to displays or activity within.
23. The proposed development would include a retail unit to College Road and part of St Georges Road. It would convert the majority of the St George's Road to residential use, altering two of the three ground floor windows on this elevation to accommodate front doors and smaller windows serving a hallway. Activity to this frontage would therefore be limited.
24. Taking into account the appeal site's position within the main frontage of the retail parade, and the scale, siting and extent of the proposed residential use along the ground floor, this would result in a large area of inactive frontage to this important commercial location. Consequently, the development proposed would not be an appropriate location for residential development.
25. As such the proposed development would have a harmful effect on the viability and vitality of the St Georges Road Local Centre. In this respect it would be contrary to Policy CP4 of the CP which states that the St Georges Road local centre will be maintained and enhanced with uses consistent with the scale and function of the local centre with a predominance of A1 use classes. As well as saved Policy SR6 of the Brighton and Hove Local Plan 2005 (LP) which also seeks to maintain and enhance local centres and states that changes of use at ground floor to residential will not be permitted in local centres.
26. I acknowledge that changes to permitted development rights and other measures create more flexibility in uses on high streets. The appellant has also provided evidence that this requirement is particularly relevant to Brighton.

This approach is supported by the Framework which encourages town centres to diversify and allow a suitable mix of uses (including housing). Therefore, the prevention of ground floor residential uses in Policy SR6 is somewhat out of date. However, the Framework also requires planning policies and decisions to promote the long term vitality and viability of town centres and the policies quoted above are consistent with the Framework in this respect. Consequently, taking all the above into account, in this case, these other considerations do not outweigh the conflict with the development plan.

Living Conditions

27. The double bedroom in unit 1 would be served by a glazed patio door. It opens onto a private basement courtyard which is quite narrow and partly enclosed by the overhang of the ground floor development above which spans the entire width of this window. I am not provided with any detailed evidence that the proposed room would be BRE compliant. Consequently, light to this room would be limited and is likely to result in very gloomy conditions. For the same reasons the outlook from this room would also be highly restricted.
28. Units 1 and 2 are 2-bedroom 3-person units. The single bedrooms in units 1 and 2 are long and narrow at 1.8m wide. The floorplans show space for a single bed and wardrobe, however due to the narrow configuration, the space for any other items and circulation space is very constrained. As such the layout of these rooms would be highly restricted and this would not create adequate living conditions for future occupiers.
29. Consequently, the proposed development would result in poor quality accommodation for future occupiers with particular regard to units 1 and 2. Therefore, in this respect, it would be contrary to saved Policy QD27 of the LP which requires that new development should not result in loss of amenity to proposed residents and Policy DM20 and DM1 of the CPP2, the aims of which are set out above.

Planning Balance

30. The Council cannot demonstrate a 5 year housing land supply, and it is put to me that it has a 2.2 year supply. Therefore paragraph 11(d) of the Framework is engaged. However, as set out above, the application of policies relating to designated heritage assets (in this case, the CA and Listed Building) provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply in this case.
31. I have also found that the proposal would be harmful to the vitality and viability of this town centre and would provide an inadequate standard of accommodation for future occupants. The modest public benefits from 7 flats would not outweigh these collective harms.

Conclusion

32. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles INSPECTOR