



Appeal Decision

Site visit made on 30 June 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH July 2022

Appeal Ref: APP/Q1445/W/21/3288838

41 Preston Park Avenue, Brighton, BN1 6HG

- 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 Nigel Dallas against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02693, dated 21 July 2021, was refused by notice dated 12 October 2021.
 - The development proposed is the external rendering of left and right flank and front of building up to middle moulding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The works have been completed; that does not alter the way in which I assess the merits of this case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

4. The appeal property is a detached, two storey building converted to five flats with accommodation in the roof space situated on the east side of Preston Park Avenue overlooking Preston Park. The property has projecting canted bays and a central 3 storey projecting square bay with a large-hipped roof of red clay tiles. It is one end of a line of 3 matching properties (Nos 41,40 & 39), which have the same form, design and original materials. Alongside is a property (No 42) of somewhat different design which has been part rendered - the majority of this stretch of buildings along the road are of red brick. The interesting, detailed and historic built structures, their gardens and front walls, the materials used, the verdant road side and open space all come together to give an area of special established character and very
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pleasing appearance. The proposal is as described above; render with a cream finish.

5. The site lies within the Preston Park Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy HE6 of the Brighton and Hove Local Plan (LP) which also includes a range of relevant design criteria for proposals within Conservation Areas. Similarly, the thrust of S72(1) is, amongst other matters, included in Policy CP15 of the City Plan Part One (CP).
6. The Appellant underlines that a cue to use render has been taken from No 42 alongside. There is debate about the origins of the render on No 42 and its planning history and action or no action by the Council but it is not for me to get involved, it is in situ, and in any event I must assess the present case on its own merits.
7. To this end I am of the opinion that one has to step back here and consider the bigger picture. The importance of three matching properties in matching materials is considerable and regrettably the rendered finish now intrudes on the scene and clearly is seen as a non-original finish on the host property. Balance has been lost and a very subtle and pleasing scene has been disrupted by incongruity. A special feature of this road is the combination of older, ornate, generally red brick properties looking comfortably settled in the scene. Unfortunately in close or more distant views the render on the appeal property markedly disrupts this general aesthetic, architectural integrity, detailing and historical patina. Consequently, the appeal property is harmed as is the Conservation Area.
8. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and with LP Saved Policy HE6 as well as CP Policy CP15. It would also conflict with LP Policy QD14 which, amongst other matters, seeks well designed development that should be suitably detailed and make use of materials sympathetic to a host property.

Other matters

9. I do understand the Appellant's wish to maintain and weather-proof this building and clearly it is in both private and public interest that this structure stays in a robust condition. I appreciate that a previous attempt to reduce brick decay was unsuccessful and applaud work undertaken on chimneys, glazing and surfacing. I recognise that obtaining matching bricks or, for example, reversing any usable ones and then re-pointing is not an easy task and rendering may appear as the solution to lay-people or indeed some experts. The sight and effects of crumbling bricks may well have given interested parties a fear that the stated 'urgent' action was necessary when in fact there may have been more time to draw breath and consider what if any other options might have been available. I do genuinely feel sorry for those with a financial interest who find themselves in this situation.

10. Nevertheless, I have to underline that while I have carefully considered all the points raised by the Appellant these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. I indicate in paragraph 2 above that I have to determine matters in a similar way to looking at a scheme which was coming forward for planning permission but has not been undertaken. I am in no doubt that if that had been the case, and assuming no new evidence, I would also not have granted planning permission and would have dismissed an appeal. I have to be consistent and not favour those that have knowingly, or regrettably unknowingly, proceed without planning permission being in place first.
12. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR