



Appeal Decision

Site visit made on 14 November 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/Q1445/W/22/3292105

12 Frederick Gardens, Brighton BN1 4TB

- 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 Mr Simon O'Rafferty against Brighton & Hove City Council.
 - The application Ref BH2021/04337, is dated 7 December 2021.
 - The development proposed is erection of single-storey front facing porch.
-

Decision

1. The appeal is dismissed and planning permission is refused for erection of single-storey front facing porch.

Procedural Matters

2. The Council did not determine the application. However, it has confirmed that had it been able to make a decision it would have refused planning permission for reasons relating to the impact on the character and appearance of the host property, street scene and North Laine Conservation Area.
3. The Brighton and Hove City Plan Part 2 (CP2) was adopted on 20 October 2022. This supersedes the remaining 'saved' policies from the Brighton and Hove Local Plan 2005. Policies QD14 and HE6 of the latter document are no longer part of the development plan. The parties have had an opportunity to comment on the implications for the appeal.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the North Laine Conservation Area.

Reasons

5. The appeal relates to a two-storey terraced cottage in Frederick Gardens, a pedestrian thoroughfare linking Gloucester Road with North Road. The site lies in the North Laine Conservation Area which is comprised mainly of 19th century buildings laid out in an irregular grid of streets to the south-east of Brighton railway station. The Conservation Area contains a lively mix of uses and includes several streets of modest Victorian housing whose attraction lies in their simple, repeated facades. Frederick Gardens is one such street, its character being that of a twitten with commercial buildings abutting the footway on one side and cottages set back behind shallow front gardens on the other.

6. The North Laine Conservation Area Study (CAS) seeks to analyse the special architectural and historic interest of the Conservation Area. This document was prepared under S71 of the Planning (Listed Buildings and Conservation Areas) Act 1990¹. It is relatively old, dating from January 1995, but was the subject of public consultation at the time and remains a material consideration for the purposes of determining planning applications.
7. The CAS notes at paragraph 7.9 that one type of extension which has had a major detrimental impact on a few streets are front porches and Frederick Gardens is given as an example. It states that, in the North Laine, 'porches can seldom, if ever, be added to the building without spoiling its appearance and character and that of the street as a whole ... The effect is particularly bad where a uniform terrace or row with a strong common identity has a variety of shapes and sizes of porch added'. For this reason, the CAS concludes that 'New porches will therefore generally not be acceptable in the North Laine'. This does not have the status of development plan policy but it is a significant material consideration to which I have had regard.
8. Relevant guidance is set out in Supplementary Planning Documents. SPD12: 'Design Guide for Extensions and Alterations' (2020) states that porches in conservation areas are not acceptable unless it can be shown that the building was originally intended to have one. SPD09: 'Architectural Features' (2009) states that in conservation areas new porches that are visible from the street will not be approved unless it can be demonstrated that this would reinstate an original feature and would not conflict with historic fabric.
9. A survey of Frederick Gardens indicates that 13 of the 29 properties (45%) have porches. Twelve of the properties (41%) have bay windows and 8 (28%) has neither a bay window nor a porch. The appellant contends that there is very little consistency. It is argued that porches similar to that proposed have already been erected on a number of properties and that the lead barrel roof with timber 4-panel front door and single-glazed lunette above would make the scheme sympathetic to the design of the host property.
10. I do not know the planning history of the existing porches and have not been presented with any convincing evidence to demonstrate that they were original to the cottages when built. It is suggested that the porches, including those with barrel roofs, contribute positively to the irregular and non-uniform character of the twitten. However, the reality is that they disrupt the rhythm and harmony of the row and harm its value as a group. The most attractive properties are those which remain substantially unaltered. These may be in the minority but that is not a reason to permit unsympathetic development which would further erode the character and appearance of the street.
11. I conclude that the proposal would fail to preserve or enhance the character or appearance of the North Laine Conservation Area. There would be conflict with Policy CP15 of the Brighton and Hove City Plan Part One (2016) and Policies DM21 and DM26 of the CP2. Together, these policies seek good design which conserves and enhances the city's historic environment.
12. There is also a clear conflict with the guidance set out in SPD09 and SPD12 and policy set out in the CAS. Policy DM26 of the CP2 requires proposals to take account of the appraisal set out in the relevant character statement. Although

¹ This relates to the formulation and publication of proposals for preservation and enhancement of conservation areas.

the CAS is not titled as such, it is effectively the same document and I have treated it accordingly.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR