

Appeal Decision

Site visit made on 17 November 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Q1445/D/22/3305293
51 Westbourne Villas, Hove, BN3 4GG

- 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 J Fairall against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/01355, dated 20 April 2022, was refused by notice dated 14 July 2022.
 - The development proposed is the erection of extension to rear annex to create first floor.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Contrary to the description on the Council's Decision Notice the appeal proposal does not have a pitched roof and I therefore omit that phrase from the description of development which I use above.

Main Issue

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

Reasons

Character and appearance

4. The appeal site embodies a three and a half storey imposing detached residential dwelling, garden land, and a single storey residential annex. It is a plot which runs from the principal road of Westbourne Villas through to the more modest Westbourne Place. This latter road has a mix of development types fronting it including period terraced homes towards the northern end, more recent detached properties on the eastern side, and rear servicing and ancillary facilities towards the south on the western side where the appeal property is located. The road provides an interesting scene of established character and pleasing appearance. The appeal scheme is as described above and the additional storey would provide a gym for the residents. The ground floor layout in the presently flat roofed single storey annex would be unchanged, aside from the addition of a staircase.
 5. The site lies within the Sackville Gardens 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 Saved Policy HE6 of the Brighton and Hove Local Plan (LP) which also includes a range of 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) and Policy DM26 in the City Plan Part Two (CP2).

6. The stretch of Westbourne Place on the side including the appeal annex is a low-key low-level arrangement of walls, garages and outbuildings. This provides some sense of openness whilst also allowing for fairly clear views of the principal rears of the applicable main host properties. In contrast to frequently found rear elevations in urban environments the ones here are pleasing and interesting, worthy of show. The planned two storey structure would not be suitably subservient and would intrude upon this scene. It would also look ill at ease and dominant along this frontage in its own right with an incongruous addition of bulk and height giving an alien final building of little architectural merit. Furthermore, Westbourne Place is on a splayed arrangement and with the lessening depth of plots on the western side the scheme would appear as cramped overdevelopment. In summary the appeal scheme would be an inappropriate anomaly of a building within an area which should have its character and appearance, at minimum, preserved.
7. Given all these circumstances and the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and conflict with LP Saved Policy HE6, CP Policy CP15 and CP2 Policy DM26. At the same time, I conclude that the appeal scheme would not accord with LP Saved Policy QD14, CP Policy CP12, and CP2 Policy DM21 which taken together and amongst other matters call for extensions to be well designed, take account of the character and visual quality of an area, and generally have architectural merit. The scheme would also run contrary to the SPD12 Design Guide for Extensions and Alterations which has aesthetic aims reflective of the policies.

Other matters

8. I do understand the Appellant's wish to increase accommodation within the annex and I can see that thought has been given to materials and inclusion of a green roof. I can see that the simple elevations have been used to try and minimise any visual impact from the planned building albeit as I comment above my view is that the design would not mitigate the incongruity. I am cognisant of the appeal decision (APP/Q1445/W/18/3218211) relating to a two-storey dwelling on the other side of the road but that did deal with a very different proposal on a markedly different plot. I do not share the Appellant's view that that permission, or the reasoning leading up to it, or any other two storey scheme, should play heavily within this appeal's determination. In any event I have to assess this scheme on its own merits. The suitability or otherwise for intensification and increased massing of development varies depending on exactly which part and which side of Westbourne Place one is considering.
9. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

10. 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

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

D Cramond

INSPECTOR