



Appeal Decision

Site visit made on 29 November 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16thmDecember 2022

Appeal Ref: APP/Q1445/D/22/3309536

84 Havelock Road, Brighton BN1 6GF

- 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 and Mrs Matthew Myers, against the decision of Brighton and Hove City Council.
 - The application Ref BH2022/02289, dated 15 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is described on the application form as "Installation of Schiedel ICID Plus twin wall flue system".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council adopted the Brighton and Hove City Plan Part Two (CPP2) in October 2022. This replaced Policies QD14 and HE6 of the Brighton and Hove Local Plan, which were included in the Council's reason for refusal. The main parties were given the opportunity to comment on the relevant policies in the CPP2, Policies DM21 and DM26. I have taken comments received into account in my decision and give full weight to these policies.

Main issue

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area, within which the site is located. In reaching my decision I have applied Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when assessing proposals for new development within a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.

Reasons

Conservation Area

4. The appeal concerns a two storey semi-detached dwelling. I agree with the Appellant that the significance of the Conservation Area includes the uniformity of the streetscene and the architectural detailing of the buildings. Havelock Road in the vicinity of the appeal site is characterised by semi-detached and terraced dwellings. These tend to have features such as bay windows and attractive detailing below the eaves, as well as around entrances and windows.

Chimneys are also a typical feature. In consequence, the streetscene has a particularly consistent and repetitive appearance.

5. Both of the properties in the pair that include the host dwelling have vertically aligned ground and first floor bay windows. There is also fairly intricate detailing at the front. The pair have a highly symmetrical and balanced appearance despite the chimney at no. 84 having been removed by a previous occupier. Moreover, the host dwelling reflects the uniformity and regularity found nearby and, in consequence, makes a positive contribution to the character and appearance of the Conservation Area.
6. The proposed flue would be attached to the flank of the dwelling, emerging from the wall at a height of 2.8m, further back from the front than an existing pipe. The latter feature rises fairly modestly above the plane of the roof but not the ridge and the downpipe at the front does not go above eaves level. The submitted plans show that the flue would project above the ridge of the main roof, as well as being fairly close to it. A supporting letter submitted with the application confirms that it would rise 600mm higher than the ridge.
7. I saw at my site visit that the flue would be readily seen from the street over the top of the side door given the extent of the gap between the adjacent properties. The existing pipe at this side would not prevent this. It would also be easily seen despite the nearby street tree, especially during periods of leaf fall. The flue would have a diameter of 200mm and I am not persuaded that it would be particularly slim, with the proposed elevation showing it wider than the adjacent pipe. The new flue would be in a significantly more elevated position than the existing pipes. Rather than mitigating the impact, the adjacent pipes would tend to draw the eye towards the taller feature, highlighting its impact.
8. The proposal would not result in any architectural features or details being removed or altered. Nevertheless, as a result of the above factors, I consider that the new flue would be highly visible despite the black finish. Moreover, it would be a utilitarian and functional feature, abruptly contrasting with the fairly intricate and ornate character of the front elevation, which it would readily be seen in conjunction with. In consequence, the proposal would significantly diminish the architectural integrity of the host dwelling and the positive contribution made to the Conservation Area.
9. The Appellant has provided extracts from the Council's Architectural Features Supplementary Planning Document (SPD). These indicate that flues should not be located on visible street elevations and should be in discreet and unobtrusive positions on side and rear elevations. Even if acceptable in these respects they should be in a location that is the least obtrusive achievable with size and length kept to the minimum possible. Given the height of the flue and its visibility from the street at both the side and at the front rising above the rooftop, it would be overly prominent rather than being discreet and unobtrusive.
10. The fairly unusual presence of the flue rising above the top of the house would be at odds with the traditional chimney stacks generally found on the top of other nearby properties. The incongruous presence of this feature would unduly disrupt the consistency and regularity of design and appearance found in the vicinity.

11. Because of the detrimental impact on the significance of the heritage asset, the proposed development would not preserve or enhance the character or appearance of the Conservation Area.
12. Brighton and Hove City Plan Part One (CPP1) Policy CP15 seeks to conserve and enhance the historic environment in accordance with its significance. The public benefit of a contribution to mitigating climate change will be weighed against any harm to the significance of the heritage asset. CPP2 Policy DM21 intends that alterations should take account of the existing character of the area. CPP2 Policy DM26 seeks to preserve or enhance the distinctive character and appearance of the Conservation Area. Where less than substantial harm would arise, the Applicant should fully meet the requirements set out in the National Planning Policy Framework (the Framework).

Public benefits

13. It is indicated in the Framework that if the harm in relation to the heritage asset is less than substantial it should be weighed against the public benefits of the proposal, as set out in paragraph 202. Although less than substantial harm would occur in this case great weight should still be attached to it, as the Framework indicates in relation to the conservation of designated heritage assets.
14. The Appellant indicates the intention to install a wood burning stove. It is indicated that the room in which it would be located is poorly served by central heating and that the existing fireplace is not functional, unsafe and that a gas safety certificate could not be obtained. The flue is needed because of the removal of the original chimney. It is claimed that the stove would be a low carbon, low emissions and high efficiency appliance. Nevertheless, I have no information or expert representations, such as from the installer or an appropriate engineer, to substantiate any of the above claims or quantify any of the latter benefits. There is no evidence of the degree of any contribution to the mitigation of climate change.
15. Any economic benefits from matters such as the installation and purchase of the stove and flue would be likely to be relatively modest, especially given the one-off nature of such matters. Even the purchase of fuel on an ongoing basis would probably make only a fairly limited contribution to the local economy, serving a single stove in a domestic property.
16. The Appellant claims that extending the flue to the rear would necessitate an undue number of changes of direction so that the Building Regulations would not be complied with. Even if this is the case, there is nothing to show that the height of the flue is the minimum necessary given the projection above the ridge. Moreover, it seems to me that the position of the flue must be constrained by the location of the stove.
17. It is indicated that an alternative location for the stove was considered and reference is made to an outbuilding and extension to the rear of the kitchen. The former is said to be an uninhabited storage shed and the latter to be modest and house a WC. However, there is no detailed information or clear explanation to show why these alternative locations for the stove, or any other position, could not be used or why any necessary modifications or alterations would not make them suitable. In these circumstances, it has not been demonstrated that the flue would be in the least obtrusive achievable location.

Conclusion

18. In the above circumstances, the public benefits of the proposal and other considerations can only be afforded fairly minimal weight in favour of the appeal and are substantially outweighed by the adverse effect in relation to the heritage asset. It is therefore concluded that there would be conflict with the Framework and CPP2 Policy DM26. The proposal would also be contrary to CPP1 Policy CP15 and CPP2 Policy DM21, as well as the SPD.
19. I note the discussion with the Council regarding potential solutions but must consider this appeal on its own merits. Taking account of all other matters raised, there is nothing that would justify accepting the development and it is therefore determined that the appeal fails.

M Evans

INSPECTOR