



Appeal Decision

Site visit made on 4 January 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/Q1445/W/23/3326332

18 Guildford Road, Brighton BN1 3LU

- 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 Mrs Alison Carrington against the decision of Brighton & Hove City Council.
 - The application Ref BH2023/00112, dated 11 January 2023, was refused by notice dated 12 June 2023.
 - The development proposed is the installation of an air conditioning unit at first floor front elevation (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not contain a suitable description of development. I have therefore used the description provided on the appeal form and the Council's decision notice.
3. I observed on my site visit that the development has been completed in accordance with the approved plans. I have therefore determined the appeal on the basis that retrospective permission is sought for the development which has already been implemented.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Hill Conservation Area.

Reasons

5. No. 18 Guildford Road is located within the West Hill Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of Brighton City Centre in the nineteenth century, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance and layout of the buildings that comprise the Conservation Area. The lack of modern day paraphernalia on the frontages of the buildings adds to this aesthetic appeal. In combination, the location of No. 18, and its appearance, ensures that it contributes positively to the significance of the Conservation Area.
6. In this instance, an air conditioning unit (the unit) has been fitted above the historic shop frontage of the building. I recognise that the unit is small and is

situated above eye level. However, being on the front elevation, it is easily visible. Furthermore, the eye is drawn to it due to the lack of modern paraphernalia on other nearby buildings. As such, the unit appears highly incongruous and out of place within the street scene, and it therefore detracts from the historic appearance of the host building and those adjacent to it. The harm is exacerbated by the fact that No. 18 is situated within the centre of the Conservation Area, at a junction of roads, and is therefore a particularly prominent location.

7. The appellant has suggested that the unit could be 'wrapped' to reduce its visual impact. However, the colour of the unit already closely matches that of the front elevation of the building. In addition, the unit would still project out from the building, and in combination with its black grill, this would ensure that it would still be an obvious feature. As such, the proposed 'wrapping' would do little to mitigate the harm.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. Nevertheless, the proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
9. In this instance, the appellant has suggested that the unit is required to make the office space more environmentally friendly. It is not clear to me how air conditioning would achieve this aim. The appellant has also stated that the unit enables the office space to be let to the current occupiers of the space, a computer repair company. While this may be the case, there is no reason to assume that the space could not be let to other businesses that may not be reliant on cooler internal temperatures. There is also no substantive evidence before me to demonstrate why the unit must be situated on the front elevation of the building. In combination, these benefits attract limited weight in my consideration of the appeal.
10. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would result in harm to its significance. This would fail to satisfy the requirements of the Act, paragraph 208 of the Framework and would conflict with Policies DM26 and DM29 of the Brighton & Hove City Plan Part Two (2022) and Policy CP15 of the Brighton & Hove City Plan Part One (2016). Taken together, the relevant aspects of these policies seek to preserve the significance of designated heritage assets, including Conservation Areas.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR