



Appeal Decision

Site visit made on 11 March 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2024

Appeal Ref: APP/Q1445/W/23/3330982

1 -2 George Street, Hove BN3 3YA

- 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 N Mager of Morgans Property Consultants against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03829, dated 8 December 2022, was refused by notice dated 21 July 2023.
 - The development proposed is redevelopment Class E unit including extension of the first floor and construction of additional storeys to accommodate C3 units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gave the description of development set out in the above heading. However, the appeal form and Council's decision notice gave it as: 'redevelopment of existing ground floor commercial unit (E) and erection of additional storeys to create 9no. residential units (C3) in a three to four storey mixed-use commercial and residential building'. I have used this more detailed and precise description in my assessment of the proposal.
3. After the application was submitted, the Council was asked to change the name of the applicant to Charlford Limited. The Council agreed to this and referred to Charlford Limited on the officer's report. However, as the original application and the appeal were made in the name of Mr Mager of Morgans Property Consultants, I have used his name in the above banner heading.
4. Revised elevations were submitted during the Council's assessment of the proposal. I have determined the appeal based on the plans listed on the Council's decision notice.

Main Issues

5. The main issues are the effect of the proposal on:
 - a) the character and appearance of George Street;
 - b) heritage assets, namely the settings of the Cliftonville and Old Hove Conservation Areas and the setting of St Andrews Church, a Grade II* listed building.

Reasons

George Street

6. George Street is the heart of Hove's shopping area. It is a straight street predominantly characterised by modest two-storey buildings with pitched roofs. The almost continuous eaves line is a key unifying feature of the street scene. Although there are occasional upward extensions which punctuate the eaves line, these are of modest proportions and do not increase the overall height of the buildings to more than two-storeys. First floor windows vary in shape and style but in long views consistently align with each other. This adds a sense of cohesion to the street scene. By contrast at ground floor level shop frontages display a wide variety of different colours, signage, and fenestration detailing. Collectively these give the street its visual interest and distinctive character.
7. The appeal site comprises two buildings currently in commercial use on the eastern side of George Street. No 1 is out of character with much of the street as it is single-storey and has a flat roof. On its southern side it adjoins a larger, three-storey building which occupies the corner of George Street with Church Road. Nos 2 & 3 are a pair of two-storey properties with pitched roofs and a common eaves line. Only No 2, which is approximately twice the width of No 3, forms part of the appeal site.
8. In the context of the surrounding two storey development in George Street, the introduction of a building with three principal storeys and a flat roof would seriously disrupt the rhythm and character of the existing terrace. Instead of one row of windows there would be two. The windows would be deeper than those elsewhere on the street and the brick course above the first-floor windows would fail to align with the eaves of the terrace to the north. This would appear incongruous and at odds with one of the street's most consistent features. The height, bulk, and width of the additional two storeys would be out of proportion with the terrace along this part of George Street.
9. The smaller footprint and setback from the front elevation of the third floor would reduce the visibility of the third floor element of the scheme from its immediate surroundings. Nevertheless, the rectangular block-like shape of the proposal's north elevation would project above the smaller and more diminutive shape and scale of the retained roof of No 3. This would be harmful in longer views from the northern part of George Street.
10. The proposal seeks to mirror the height of the building on the corner with Church Road by projecting a taller building further north along George Street. However, the scale and grandeur of properties on Church Road reflects their location along a more important street. It therefore does not follow that it is appropriate to increase the height of buildings along George Street to match those on Church Road. The height, bulk, width and uniform appearance of the proposal as a whole would not create an appropriate transition between the corner property on Church Road and the two-storey terrace which characterises the remaining length of the eastern side of George Street.
11. At street level the proposed shop frontage would appear to be floor to ceiling curtain walling with three openings. As this would extend across the full width of the proposed building, it would lack the interest and intimacy of the small-scale shop fronts which characterise the majority of George Street. In addition,

the fascia structure would project beyond the strong, consistent building line, harmfully increasing the building's prominence.

12. I accept that the principal of a minimalistic, contemporary design for a replacement building in this location would be acceptable. However, the cumulative effect of the above design issues would result in a building that would be unmistakably out of keeping with the surrounding street scene.
13. Consequently, I conclude that the proposal would cause significant and permanent harm to the character and appearance of George Street. This would be contrary to Policy CP12 of the Brighton & Hove City Plan Part 1 (City Plan P1) and Policy DM18 of the Brighton & Hove City Plan Part 2 (City Plan P2). These policies, amongst other things, seek to raise the standard of architecture and design in the city, ensuring that development contributes positively to the sense of place by respecting the context, character, and urban grain of the area. It would also conflict with Policy DM23 of the City Plan P2 which requires particular care to be given to the detailed design of shop frontages. Policy DM21, which was also cited in the Council's decision notice sets out requirements for alterations to existing buildings. However, as the appeal proposal is for a replacement building, it is not relevant to my assessment.

Heritage assets

a) Cliftonville Conservation Area

14. The Cliftonville Conservation Area (CCA) is a predominantly residential area characterised by straight streets lined with semi-detached villas with classical stucco facades. Within any one street or group there is a consistency in the height of the buildings and their roof and elevational details. There are also other common features such as bay windows, stepped entrances and boundary walls. The CCA therefore derives its significance from consistency of the design of the houses and their repeated features. These give a strong sense of rhythm and uniformity to each individual street scene. They also provide streets in the CCA with a distinctive appearance which distinguishes them from the more mixed character of the surrounding urban area. The existing setting of the CCA therefore makes only a minimal contribution to its significance.
15. The boundary of the CCA runs between the rear of the properties on the western side of Ventnor Villas and the eastern side of those in George Street. The appeal site is immediately adjacent to properties fronting Church Road between Ventnor Villas and George Street. Neither these properties nor the appeal site is within the CCA. However, it is very close to the CCA boundary which includes No 1 Ventnor Villas. Views of the existing site from most of the CCA are limited, although it can be seen looking west along the private access track between the Church Road properties and the southern end of those in Ventnor Villas.
16. Notwithstanding the setback of the top storey from the front and rear elevations, the additional height of the proposal would be apparent from the private access track referred to above. However, given its scale and location it would not appear unduly prominent. The height of the building would also obscure glimpses of the rear of Ventnor Villas from Seafeld Road. However, given the varied and built-up nature of the surroundings I am satisfied that this would not harm the setting of the CCA or any contribution that its setting makes to its significance.

b) St Andrews Church

17. St Andrews Church is a Grade II* listed building, with 13th century origins, which later became ruinous. It was rebuilt in the Romanesque style in the 1830s encasing the surviving aisles and retaining the original tie-beam and crown post roof. It is set within a modest sized churchyard enclosed by a low flint wall along Church Road. This setting to the church provides the otherwise densely developed urban area with a sense of openness and a valuable green space. The church and the greenery of its churchyard can also be appreciated when emerging from the passageway that connects George Street with the area to the west. The churchyard therefore positively contributes to the character and appearance of the area.
18. The significance of the church is derived from its prominent position on Church Road, its age and internal surviving historic features, the materials used in its reconstruction, and its role as a place of worship over many centuries. Its setting is primarily confined to the churchyard and views of it from Church Road. Its unique built form and its immediate surroundings distinguishes and separates it from the urban development in the vicinity. The church stands out in contrast to its surroundings, which includes Tesco and its car park, and other 19th and 20th century development, much of which is of utilitarian quality. Its churchyard setting contributes to the significance of the church as a heritage asset and as a building which continues to have high community value.
19. The proposal would be about 50m to the east of the church and separated from it by the properties on the western side of George Street. Whilst the additional height of the proposal could be glimpsed from the churchyard, this would be seen as part of the wider urban fabric and would not intrude into the setting of the church. The height of the building might appear more conspicuous if viewed from church tower. However, as there was no evidence that the tower is accessible to the public, it is not a place from which the church or its setting is primarily appreciated.
20. I am therefore satisfied that the proposal would not adversely affect the setting of St Andrew's Church, which would be preserved. This would accord with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me to have special regard to the desirability of preserving the setting of a listed building.

c) Old Hove Conservation Area

21. The Old Hove Conservation Area (OHCA) lies to the south and west of George Street. Commercial and community uses characterise Church Road, whilst 19th century housing predominates on streets to its north and south. The southwest quadrant comprises early 20th century housing. The OHCA derives its significance for its variety of high-quality Victorian, Edwardian and early 20th century buildings. These display many original features which are worthy of preservation. St Andrews Church is one of the most important buildings within the OHCA and its churchyard provides the only public area of green space.
22. The part of the OHCA closest to the appeal site includes St Andrews Church. As I have already found that the proposal would not result in harm to the setting of the church, it follows that there would be no material harm to the setting this part of the OHCA. Views towards the site are largely obscured from the remainder of the OHCA as well as being more distant and limited. I am

therefore satisfied that the proposal would not harm the setting of the OHCA, or any contribution that its setting makes to its significance.

d) Findings in relation to heritage assets

23. Drawing the threads of my assessment together, I conclude that the proposal would not result in harm to the setting of St Andrews Church, a Grade II* listed building, or the settings of the Cliftonville or Old Hove Conservation Areas. In this respect the proposal would comply with Policy CP15 of the City Plan P1 which seeks to conserve and enhance the city's historic environment in accordance with its identified significance. It would also accord with Policy DM29 of the City Plan P2 which permits development which would not harm the contribution that the setting makes to the asset's significance.
24. The proposal would also comply with the Act and the advice of the National Planning Policy Framework (the Framework) which is to conserve heritage assets in accordance with their significance, giving great weight to the asset's conservation.

Planning Balance

25. The Council is unable to demonstrate a five-year supply of deliverable housing sites which currently stands at just 1.8 years. Consequently, paragraph 11 d) of the Framework is engaged. As I have found no harm to designated heritage assets, there is no clear reason for refusing the development having regard to footnote 7, and it is appropriate to apply the test set out in paragraph 11 d) ii).
26. The city's shortfall of housing supply is acute and there is a pressing need to provide additional units of accommodation. The proposal would make use of a small site within the urban area, part of which is under-used, to provide nine additional homes. This would be a public benefit of great weight and would be consistent with the Framework's acknowledgement that such sites can make an important contribution to meeting the housing requirement of an area (paragraph 70).
27. As a mixed-use development, the proposal would retain commercial uses at ground floor level and continue to provide an active street frontage within the George Street primary shopping area. These are additional factors in the scheme's favour and consistent with the Framework's approach to making effective use of land and ensuring the vitality of town centres.
28. The standard of accommodation for future occupants would be acceptable and there would be no harmful effects on the living conditions of occupants of surrounding dwellings. Future residents would be close to services and facilities and would have opportunities to choose to walk, cycle or use public transport to reach them. Appropriate energy use and water efficiency standards could be achieved. However, as these factors are necessary to make the development acceptable in planning terms, they carry neutral weight in the planning balance.
29. It had been anticipated that the proposal would make a financial contribution towards the provision of affordable housing. However, following a viability assessment it has been agreed that to do so would render the scheme non-viable. Consequently, there are no benefits associated with the provision of affordable housing to be considered in the balance.

30. On the other hand, I have concluded that the design would result in permanent and significant harm to the character and appearance of George Street. It would therefore conflict with the Framework's approach to design which advocates the creation of high quality, beautiful and sustainable buildings, which are visually attractive and will function well. This is a matter which attracts substantial weight in the balance.
31. Even though Brighton & Hove's housing needs are acute, that is not a sufficient reason to replace a non-descript single-storey building and part of a two-storey terrace with a building which would cause permanent harm to the local environment. The proposal would fail to add to the overall quality of the area, contrary to the objectives of the Framework and its specific advice that development that is not well designed should be refused. Therefore, whilst this site is suitable for redevelopment, there may be other ways of providing the benefits associated with some new homes without causing the harm that would arise with the appeal scheme. This leads me to conclude that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits of nine additional homes. Consequently, the presumption in favour of sustainable development does not apply.
32. In reaching this conclusion I have had regard to five appeal decisions where Inspectors have allowed other housing developments in Brighton & Hove. In those instances, the Inspectors either concluded that the benefits of the proposals outweighed less than substantial harm to heritage assets, or that the scheme complied with the development plan. None of these proposals is therefore directly comparable with the appeal proposal which I have determined on its individual planning merits.

Conclusion

33. For the reasons set out above, the proposal would conflict with the development plan. There are no other considerations, including the provisions of the Framework and the Council's housing land supply position, which outweigh that conflict. There is therefore nothing to indicate that the decision should be taken other than in accordance with the development plan.
34. I therefore conclude that the proposal is unacceptable, and the appeal should be dismissed.

S M Holden

INSPECTOR