



Appeal Decision

Site visit made on 30 April 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/Q1445/W24/3358269

150 Church Road, Hove BN3 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mon Cafe against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/01116.
 - The development proposed is the installation of a full height extraction duct to rear elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a full height extraction duct to the rear elevation at 150 Church Road, Hove BN3 2DL in accordance with the terms of the application, Ref BH2024/01116 and the plans submitted with it, subject to the following conditions:
 - 1) Within 6 months of this decision, the extraction duct shall be painted as detailed on the approved plans RF 23/459/02A and maintained thereafter to match the existing building.
 - 2) The extraction duct shall not be operated between the hours of 22:00 and 09:00 daily.

Preliminary Matters

2. The extraction duct has been erected, and therefore, this is a retrospective proposal, and I have dealt with the appeal on that basis.
3. With reference to the description of development, and for clarity, the proposal only relates to the extraction duct. Any planning requirements in relation to the fencing and canopy are separate matters.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area, with particular regard to the Old Hove Conservation Area.

Reasons

5. No.150 is part of a terrace of properties to the southern side of Church Road, located between Seafield Road and St Aubyns. The ground floor of the property to which the appeal relates is currently operating as Mon Café.

6. The appeal site is located within the Old Hove Conservation Area and as such Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. This part of Hove comprises a series of Conservation Areas, with the boundary for the Old Hove Conservation Area running down Seafield Road and adjoining that of the Cliftonville Conservation Area. The Conservation Areas include the busy and vibrant Church Road with an extensive range of ground-floor shops interspersed with food and drink establishments, as well as the primarily residential streets that extend from Church Road. The buildings are generally 19th-century, and the pattern of the development and the scale of these buildings, together with their architectural detailing, is an important part of the special interest of the area.
8. The appeal building contributes to the Old Hove Conservation Area in that it forms part of a terrace of properties of the same style with a commercial use on the ground floor. Seafield Road, from which the rear of the property is seen, comprises an extensive stucco terrace; however, the western side, to which the appeal site is located, is formed of the rear of the properties in St Aubyns with garaging and parking to the road interspaced with street trees.
9. The extraction duct (flue) is offset from the building and projects above the eaves line. It is a large flue, and the galvanised steel contrasts with the rendered property and is a notable feature. It is, however, seen in the context of the rear façade of the terrace, which includes various outriggers, extensions and fencing as well as a flue to another property, albeit smaller in scale. The flue is visible from Seafield Road, although this is primarily from a limited viewpoint looking directly along the back of the terrace. As a mid-terrace property, it is inset from Seafield Road and in general views along the road, due to the siting of No.35 and existing trees, its visibility is filtered and screened. It is not visible from Church Road, the main thoroughfare through the area.
10. The appellant has highlighted various examples of flues to other properties along Church Road. The prominence of these varies, and the background to each of these installations is not before me. Nonetheless, the presence of food establishments, which contribute to the vitality of the area, means there are inevitable requirements for flues and other equipment that have a commercial appearance compared to the vernacular of the buildings. The Council's Environmental Health Officer confirms that the flue would be acceptable in terms of noise and odour considerations, and it was clear from my site visit that such provisions are found to the rear of several properties in the locality.
11. The Council has specifically drawn my attention to a recent appeal decision for 26 Church Road, where a similar scale of flue was dismissed¹. From the details provided and my observations, the rear of that building is more exposed to the public domain, seen directly above a single-storey property and with an access road along the rear. Also, that appeal related to a number of flues, with the large flue '5' described as having a stepped form, being highly visible, and within the setting of a listed building. As such, I do not find that the proposals and the immediate surroundings are directly comparable.

¹ APP/Q1445/W/24/3337123

12. The Council's Supplementary Planning Document – *architectural features* advises that miscellaneous additions such as ventilation extracts in Conservation Areas will not be permitted on visible street elevations, but it does indicate that they will be acceptable in the least obtrusive locations and where the visual impacts are minimised.
13. Part of the proposal is to paint the flue to match the existing building, which, in my view, would diminish its current stark appearance and help to better integrate it with the building. I do not find that the rear of the appeal site contributes to the significance of the conservation area, and given its location, the flue would not be a dominant addition that draws attention.
14. Therefore, on balance and in the context of both the site itself and its wider setting, within which there are other extraction ducts, it would not be unduly out of place, nor does it result in an unacceptable level of clutter within this environment. I therefore do not find, taken as a whole, that the proposal would be harmful to the significance of the character and appearance of the Old Hove Conservation Area. Given this conclusion, there is no requirement to assess the proposal in the context of any public benefits as there is no harm to outweigh in this case.
15. Consequently, I find that the proposal would accord with Policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18, DM21 and DM26 of the Brighton and Hove City Plan Part Two. Together and amongst other things, these seek to ensure good design and that development proposals have regard to the local context and visual quality, and to preserve or enhance the Conservation Area with particular regard to the importance of street scene elevations and the distinctive character and appearance of the particular Conservation Area.

Conditions and Conclusion

16. As the extraction duct is already in place, a commencement condition is not required. However, a condition is necessary to ensure that its colour is altered to match the host building. The Council have also suggested a condition limiting the operational hours, which is reasonable given its proximity to windows serving residential units.
17. For the reasons set out and having regard to all other matters raised, the appeal is allowed.

G Ellis

INSPECTOR