



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: 28 May 2025

Appeal Ref: APP/Q1445/W/25/3358505

85 Beaconsfield Villas, Brighton BN1 6HF

- 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 Home Sussex Ltd against the decision of Brighton & Hove City Council.
 - The application Ref is BH2023/03200.
 - The development proposed is the erection of 2no dwellings (C3) to rear. Erection of single storey rear extension to existing property to create additional flat (C3), roof alterations with side rooflights and associated alterations, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: - i) the host property and the surrounding area, including the Preston Park Conservation Area, ii) the living conditions of the occupiers of the development and neighbouring properties, and iii) whether the proposal would result in the loss of family accommodation.

Reasons

Character and Appearance

3. Beaconsfield Villas is a residential street with properties to each side. No.85 is a large, detached property with accommodation over four floors, which has been subdivided into flats and at the time of my site visit was being renovated. To the rear there is a significant change in levels with the garden sloping down. As such, the host property and its neighbours have an elevated position with open views over the lengthy and verdant gardens. There are some dispersed outbuildings to the neighbouring properties, although they have a limited visual presence.
4. Within the wider area backland developments have been introduced, including directly to the rear, where properties of a very similar form to those proposed have been built to the rear of 34 Preston Park Avenue (No.34). Due to the ground levels, separation distance and vegetation, these are not a prominent feature seen from the rear of No.85. The appellant has also referred to planning approvals and aerial photos showing other backland developments. These are primarily served from Preston Park Avenue, and in my view, they are not generally as extensive and have not changed the overall character of the area, particularly this section of Beaconsfield Villas.

5. There are notable similarities to the development at No. 34, developed by the appellant. However, both the immediate context and specific details are different. At the opposite end of the gradient, with the land rising quite steeply, it creates a natural sense of enclosure to the rear of Preston Park Avenue. In contrast, the open aspect to the rear of the appeal property would be interrupted by the proposed development, which would be positioned a limited distance from the proposed extension to the rear elevation of No.85.
6. The proposed design of the houses has a contemporary form, is stepped in height, and utilises curves to the corners and features such as green walls to reduce its prominence. Nonetheless, it would introduce a substantial development to the rear and requires significant changes to the ground levels. This is to be primarily achieved through cutting in and whilst extending over two storeys, the resultant building would be relatively low lying. It would nonetheless project above the boundary fencing for a substantial length and would be a conspicuous addition viewed from the host and neighbouring properties. The footprint of the development, which includes retaining walls, would cover much of the site, with relatively small gardens for the proposed dwellings and remaining for No.85. This would be at odds with the existing green and spacious gardens, and the pattern of development along Beaconsfield Villas.
7. I recognise that in seeking to increase the supply of housing within the city, innovative developments and changes to the character of some areas are likely to be necessary. It is clear that the Council supports backland developments. While policy CP14 of the Brighton & Hove City Plan Part One (CPP1) supports higher densities than those typically found in the locality, new developments are to respect the character of an area, and there is a balance required with other design objectives. In this instance, I agree with the Council that the scale of the proposal would result in an overdevelopment of the site, which would be harmful to the character of the area.

Conservation Area

8. The site lies within the Preston Park Conservation Area. There is therefore 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.
9. The Preston Park Conservation Area relates to a residential area of generally 19th-century properties around Preston Park. There is a regularity to the pattern of development of linear streets, although the design and style of the properties vary across the area. The Preston Park Conservation Area Appraisal describes Beaconsfield Villas as a wide and busy residential road with a number of mature street trees. It also refers to larger properties now being in multiple occupation, and that the front gardens are mainly too small to be utilised for parking.
10. The Council's concerns relate to the loss of the front boundary wall and the street scene. The front boundaries vary along Beaconsfield Villas, and they are not significant in themselves. There is nonetheless a consistency to, and a general enclosure to the frontages, which contributes to the street scene and the character of the area. The proposal would disrupt this and create an open and car-dominated arrangement.

11. The proposed layout does echo that created at No.34; however, there is more formality to Preston Park Avenue, and the larger properties have deeper frontages accommodating parking. While properties along Beaconsfield Villas do accommodate flats, the domestic scale and character of the street are maintained. The proposed arrangements would be visually intrusive to the aesthetics of the frontage, emphasising the intensification of use. This would both be out of keeping with the street scene and fail to preserve the character and appearance of the Conservation Area.
12. The space in front of the appeal property is restricted in size, particularly the depth in front of the building. It is also unclear from the plans if all the elements to be provided (four parking spaces, access to the properties, including routes sufficient for cycles and bins which are to be stored to the rear, and the light wells to the lower ground floor flats) can all be functionally accommodated. This adds to the concerns above in relation to the capacity of the site to accommodate the proposed scale of development.
13. The proposed building to the rear would not be visible from the road, other than in very limited glimpses along the gaps to the side of No.85. However, the scale and form of the development would also disrupt the pattern of development, which contributes to the significance of the Conservation Area. While I note the Council has not directly raised this issue, in my view, this would also add to the harm to the Conservation Area.
14. The impact of the development would be localised, and the effect on the Conservation Area as a whole would be less than substantial. Nonetheless, in accordance with the Framework, great weight is to be given to the conservation of heritage assets irrespective of the level of harm. This harm, however, is to be weighed against the public benefits of the scheme, which I return to later in the planning balance.

Conclusion

15. In respect of this issue, I conclude that the proposal would be harmful to the character and appearance of the area and fail to preserve the Preston Park Conservation Area. The development would therefore be contrary to policy CP12 of the CPP1 and policy DM18 of the Brighton & Hove City Plan Part Two (CPP2) which require a high standard of design and for developments to make a positive contribution to the sense of place taking into account the local context, urban grain and the spaces around buildings. It would also be contrary to CPP1 policy CP15 and CPP2 policy DM26, which seek to conserve and enhance the historic environment and ensure that developments within Conservation Areas preserve the distinctiveness of the area.

Living Conditions

16. The separation between No.85, as proposed to be extended, and the east elevation of 'house 2' would be less than 10m. The facing facades would have windows serving habitable rooms, and whilst there would be subdividing boundary fencing, this would only screen the lower level. Additionally, the proposed house is designed with an open terrace on the first floor, the outlook from which would be directly towards the host property. Given the close proximity, there would be intervisibility between the properties and a resultant lack of privacy for the occupiers.

17. The intervening space between the two buildings would be split to provide amenity space. Whilst the small space would be a commensurate size for the two-bedroom flats (flats 1 and 2) as the main outdoor space for house 2, which is a three bedroom property, the sunken and enclosed garden space would be severely limited. It would also be overlooked from the upper windows of No.85, and to some extent the neighbouring properties which have bay windows to the rear, extending the angle of view. With a limited distance to the boundary fence and the proposed building, there would also be a significant sense of enclosure and restricted outlook for the occupiers of the lower ground floor flats. I also share the Council's concerns regarding light, particularly to the bedroom of flat 1 which is to be served by a new light well. There are limited details of this, but it would appear that the lightwell extends within the parking area and would potentially be restricted by parked vehicles.
18. I acknowledge amenity provisions can take different forms and having regard to the style and form of the proposed houses the occupiers would be making a lifestyle choice. Nonetheless, due to the juxtaposition between the buildings and the different ground and floor levels, there is insufficient information to demonstrate that satisfactory living conditions would be achieved.
19. In terms of the neighbours, the development would result in visual changes. Due to the materials and the time taken for the green walls and planting to establish, the development would, particularly initially, be a prominent addition. However, I do not find that it would be so intrusive and imposing to have an overbearing impact on the living conditions of the occupiers of the neighbouring properties (Nos 83 and 87).
20. There are trees along the rear boundary; although these do not provide a full screen, and there would be some intervisibility with No.34, particularly as a terrace is proposed on the facing western elevation. In itself, I do not find that this element is detrimental; it is nonetheless one of a number of uncomfortable relationships, on the edge of acceptability in terms of creating a neighbourly form of development. Additionally, the application does not include any arboricultural information to demonstrate that the existing trees would be protected, and the opportunities for meaningful planting along the boundaries are limited.
21. For the above reasons, I conclude that the proposed development would fail to ensure that the occupiers of the development (both the flats and houses) have an appropriate level of amenity, including outlook, privacy, light and private amenity space. Accordingly, the proposal would not result in high-quality homes, with significant detriment to the living conditions of the future occupiers, in conflict with policies DM1 and DM20 of the CPP2 in these respects.

Family Accommodation

22. Policy DM3 of the CPP1 seeks to manage the subdivision of single residential units and the demand for small dwellings for family accommodation. It sets out a number of criteria, including that the floor area is to be greater than 120 sqm. The existing lower ground floor flat, which is to be subdivided, is below this threshold.
23. The policy refers to the dwelling as originally built. Whilst I have no specific details of the original form, the large property (No.85) has already been converted into flats. Additionally, a significant proportion of the existing lower ground floor is effectively basement storage with no windows. As such, the usable floor space is more limited, and the suitability of the flat as high-quality accommodation for a

family is questionable. In addition the proposal is to create a 2-bedroom flat and two houses, all of which would potentially provide accommodation for families. Accordingly, I do not find that there would be a loss of family accommodation, and the proposal would not conflict with the provisions of policy DM3.

Planning Balance and Conclusion

24. The Council has indicated that it can only demonstrate about 1.4 years of deliverable housing land supply, which is a substantial shortfall compared to the five-year supply sought by the Framework. In accordance with Paragraph 11(d) of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. The proposed development would contribute to the supply of new homes in a situation where there is a substantial shortfall and within a sustainable location. This carries great weight in favour of the proposed development. The development would also support the creation of jobs directly and indirectly, during construction and from future occupiers' spending in the locality, although, as a net increase of three dwellings, this would be limited. The Framework also supports windfall sites and indicates that densities may have to increase to meet identified housing needs. Together, these matters carry moderate weight in the context of this appeal.
26. On the other hand, I have found that the scale and form of development would be extensive and out of keeping with the spacious character of the area and would fail to preserve the Conservation Area. Additionally, the quality of living conditions both internally and externally for the future residents would be compromised. I have not found that there would be a loss of family accommodation, but the lack of conflict with policy DM3 is a neutral matter.
27. As I have already set out, there would be less than substantial harm to the Conservation Area. While giving great weight and importance to such matters I am satisfied that the public benefits derived from the new housing outweigh the identified harm to the heritage asset.
28. The development would conflict with policies CP12, DM18 and DM20 as a result of the harm to the character and appearance of the area, and the design fails to ensure a good standard of amenity for the future occupiers. These policies are consistent with the Framework in terms of requiring a high-quality design, achieving a high standard of amenity for existing and future users and ensuring that developments will function well. Conflict with these policies still attracts very substantial weight.
29. In addition, there are several areas where the level of information is somewhat deficient. I have given regard to whether these could be addressed through conditions; however, given the extensive form of the development and the tight interplay between the various elements, it could not be ensured that the provisions proposed could be accommodated without compromising the development further.
30. Accordingly, there would be a conflict with the key policy of the Framework, seeking to achieve well-designed places. I therefore find that the proposal would not comprise sustainable development and that, in combination, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

31. In conclusion, the proposal conflicts with the development plan, and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

G Ellis

INSPECTOR