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## Appeal Decision

Site visit made on 14 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2025

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**Appeal Ref: APP/Q1445/W/24/3357347**

**20 Denmark Villas, Hove, Brighton & Hove BN3 3TE**

- 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 Mr Simon Evans against the decision of Brighton & Hove City Council.
  - The application Ref is BH2024/01649.
  - The development is creation of vehicle crossover and hardstanding to form off-street parking and alterations to front boundary wall.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council altered the description of development during consideration of the application to read 'Creation of vehicle crossover and hardstanding to form off-street parking space and alterations to front boundary wall'. This is a more concise description of the proposal and removes superfluous text from that set out in the application form. I have taken the description above which also appears on the appeal form. I am therefore satisfied that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.
3. At the time of my site visit the vehicle crossover and hardstanding had already been created, as had the removal of part of the boundary wall. However, 'retrospective' as referred to in the decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is sought for the vehicle crossover, hardstanding and alterations to the boundary wall and this is reflected in my description of development.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the property and Denmark Villas Conservation Area.

### Reasons

5. The appeal site is within the Denmark Villas Conservation Area (CA). The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. The appeal site comprises a four-storey semi-detached dwelling located within a predominantly residential area with similar style properties. The characteristics of the CA are that the properties are set back from the road behind low, yellow brick or rendered walls with piers and feature decorative tiled entrance paths and stone or tiled steps. Many of the properties contain well established greenery provided by mature trees and shrubs. The CA character statement recognises examples exist within the CA of small alterations including the loss of garden walls, which harm the special quality of the CA, therefore an Article 4 direction is in place which specifically seeks to control the removal of front boundary walls and the creation of hardstanding.
7. The appeal is retrospective therefore I have been unable to view the site prior to the works being undertaken, but the Council state the property featured rendered dwarf walls, pillars and landscaped front garden areas either side of the pedestrian access into the property. The wall, pillar and garden on the south side of the pedestrian access remain. The crossover has been constructed and hardstanding of brick paving has been created for the parking of a vehicle with the associated loss of garden area and low rendered wall. It is the appellants intention to reinstate the pier on the northern side of the pedestrian pathway.
8. The appellant considers the development is modest and does not harm the attributes of the CA which have evolved over time. My attention is also drawn to the loss of boundary walls and the creation of parking to the front of 14, 16, 18, 22 and 24 Denmark Villas which are either side of the appeal site, however, I have no evidence that these were created with the benefit of planning permission or after the creation of the CA. Whilst I have had regard to the examples put forward, each case must be judged on its own merits. The appellant's position is that the character of the area is now influenced by the fragmented nature of front boundary treatments and the views and vistas of Denmark Villas is composed of gaps within boundaries and the presence of vehicles at the front of properties. The appellant also identified the key features of the CA as highway alignments and the imposing built forms and thoroughfares. These are not the same features as those identified in the CA character statement.
9. The brick paving and loss of the boundary wall and garden area have resulted in the type of development the Council specifically seeks to resist, and which is identified in the CA character statement as being distinctive features of the CA which should be retained. Whilst it is proposed to reinstate the brick pier, this would not mitigate the significant visual impact of the loss of the feature boundary wall, the construction of a brick paved driveway which is not in keeping with the predominant materials used elsewhere within the CA and the intrusion of a parked car into an area generally characterised as front garden space identified in the CA. The cumulative effect of the loss of these important identified features of the CA fails to preserve or enhance the character or appearance of the CA and ultimately undermines the value of the CA.

10. The proposal would not reflect the relevant defining characteristics of the CA and the level of harm identified from the development would be less than substantial, however it still causes significant harm. I have noted that the appellant and letters of support state that the development would be a suitable use of space and provide access for charging an electric vehicle. As a result there would be some limited environmental and public benefits by allowing cars to be charged privately and not using public charging points which would contribute towards a more sustainable and low carbon future. However, this would not provide sufficient justification to allow the development, given the duty I have under Section 72(1) of the Act.
11. I conclude the development would fail to meet the requirements of the Act as it would fail to preserve or enhance the character or appearance of the Denmark Villas CA for the reasons given above. The development does not accord with Policies CP12 and CP15 of the Brighton & Hove City Plan Part One, Policies DM18, DM21 and DM26 of the Brighton & Hove City Plan Part Two and Policy 12 of the Hove Station Neighbourhood Plan which when read together seek to ensure development would retain structures that contribute positively to the identified character and appearance of the area, recognise the importance of hard boundary treatments, street elevations and the retention of gardens where they are significant to the CA.

### **Other Matters**

12. The Council have dealt with support for the proposal relating to matters of family safety, similar developments elsewhere within Denmark Villas, impact on adjoining residents, levels of on-street parking and planting within their case officer report. I have also covered in my decision matters relating to the appearance of the proposal. Whilst I have been unable to view the property prior to the works being carried out, I do not consider the removal of important and significant features of the CA to be an improvement on the previous situation.
13. The personal circumstances of the appellant are noted and acknowledgement from the appellant they were not aware separate permission (aside from the crossover) was required for the works to the boundary wall and front garden of the property is also noted, however, none of the issues raised are sufficient to overcome my concerns on the effect on the character and appearance of the CA from the development.

### **Conclusion**

14. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this. For the reasons outlined above, I conclude the appeal should be dismissed.

*C Coles*

INSPECTOR