



Appeal Decision

Site visit made on 24 June 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/Q1445/W/25/3362348

Coach House to the rear of 225 Preston Road, Brighton BN1 6SA

- 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 D Mousavi against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/02121.
 - The development proposed is the conversion of a mews building to a C3 dwelling including alterations and extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal scheme would preserve or enhance the character or appearance of Preston Village Conservation Area;
 - whether the proposal would provide acceptable living conditions for the future occupiers of the development in respect of the internal living space to be provided; and
 - the effect of the proposal on the living conditions of the occupants of the property to the east of the appeal site in respect of the outlook from the windows and garden.

Reasons

Character and Appearance of the Conservation Area

3. The appeal site is in the Preston Village Conservation Area (CA) and, as such, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The Preston Village Conservation Area Character Statement (2005) describes the special character of this part of the CA as a mixture of small cottages and shops.
5. In its Statement of Case (SoC) the appellant says that the appeal site features in views west and east along Lauriston Road, within which the site is highly subservient due to its anonymously diminutive scale alongside the properties of Lauriston Road which are significantly taller and have a much greater level of exterior detailing.

6. Whilst the properties to the west of the appeal site on Lauriston Road are taller, they form part of a well-proportioned terrace. Furthermore, those properties are not located in the CA and, therefore, are not part of the CA's character.
7. The appeal site is one of a number of smaller-scale buildings which are located to the rear of, and are visually subservient to, commercial premises on Preston Road. It also reflects the scale and proportions of other smaller buildings, such as residential cottages, in this part of the CA.
8. The appeal scheme would be odds with the character of the CA and whilst it would not be taller than nearby buildings, the increased height on this relatively small and prominent plot would result in an incongruous development because of its inharmonious proportions. In particular it would appear to be tall and narrow, and the large area of wall above the first floor windows on the western elevation gives the building a 'top heavy' feel.
9. Whilst Policy DM19 of Brighton & Hove City Council's City Plan Part Two (2022) (CPP2) supports the optimisation of densities, the explanatory text to that policy states that development will also need to take account of other policies, including in relation to design, and show that a satisfactory balance has been achieved between respecting local context and maximising site potential. Similarly, paragraph 129 of the National Planning Policy Framework (the Framework) notes that achieving appropriate densities involves taking account of the desirability of maintaining an area's prevailing character and setting. Thus, the appeal scheme would fail to preserve or enhance the character and the appearance of the CA. As such I consider that it conflicts with policies CP12 and CP15 of Brighton & Hove City Council's City Plan Part One (2016) (CPP1) and with policies DM18 and DM26 of CPP2 which seek to achieve high quality design whilst also making the best use of land, and to preserve or enhance the distinctive character and appearance of conservation areas.
10. Given that the appeal scheme would affect a relatively small part of the CA, I consider that it would result in less than substantial harm to the significance of this designated heritage asset.

Living Conditions of Future Occupiers

11. The appeal scheme is presented as a 3-bedroom 4-person dwelling over 3 storeys. At 92m² the floor area exceeds the Nationally Described Space Standard (NDSS) minimum of 90m² for such properties. However, the Council has said that when the top floor bedroom (11.3m²) and adjoining storage area (4.5m²) are considered together there would be sufficient floorspace for a double bedroom which must have a minimum floorspace of 11.5m² according to the NDSS.
12. Whilst small internal layout changes or differences in the way that space is used could result in the top floor room being classified as a double bedroom, I can only determine this appeal on the basis of the information before me which shows that the appeal scheme would comply with the NDSS and, therefore, with CPP2 Policy DM1 which sets out that development must comply with the NDSS and with Policy DM20 insofar as it seeks to ensure a good standard of amenity for future occupiers.

Living Conditions of Occupiers of Neighbouring Properties

13. The Council has said that the appeal scheme would appear overbearing to the adjacent property to the east, and there would be an unneighbourly impact on the west facing windows and garden which would lead to a sense of enclosure, when they have, up to now, benefitted from the 'breathing space' of the existing low-rise development.
14. The appeal scheme would change the outlook for occupiers of the property to the east of the appeal site through the addition of one storey. However, the current outlook from windows in that property is towards a variety of different building shapes and sizes in a built-up area. Furthermore, the increased height on the appeal site would be seen in the context of a taller building to its west.
15. Therefore, I do not consider that the effect of the appeal scheme on the living conditions of occupiers of neighbouring properties should weigh against it.
16. As such I consider that the appeal scheme complies with the relevant provisions of CPP2 Policy DM20 which seeks to avoid the unacceptable loss of amenity to adjacent occupiers. It would also comply with the principles set out in Brighton & Hove City Council's Updated Design Guide for Extensions and Alterations Supplementary Planning Document 12 (2020).

Other Matters and Planning Balance

Non-designated Heritage Assets

17. Whilst there are non-designated heritage assets on the northern side of Lauriston Road, I do not consider that the significance of these would be affected by the appeal scheme.

Public Benefits

18. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. The appellant has stated that the appeal scheme would make efficient use of a derelict previously-developed site, improve the appearance of the building, bring the building back into use, and represent a more welcome addition to the corner of the conservation area. They also note that the Council is unable to demonstrate a five-year supply of housing land (it currently has a 1.4-year supply) and therefore the appeal scheme is a substantial public benefit.
20. Furthermore, there would be additional positive public / economic benefits during the build and through the additional occupants who would contribute to local spend.
21. There is an extant permission (BH2023/03122) for a 2-storey, 2-bedroom dwellinghouse which retains the height and modest appearance of the existing mews building and which was therefore considered acceptable by the Council. This permission is a material consideration.
22. Whilst the appellant has said that the Council's evidence base demonstrates considerable demand for family-sized homes, paragraph 2.16 of CPP2 defines

these as “2 and 3+ bedroom properties”. Therefore, the extant permission would also be described as a family-sized home.

23. Overall, I do not consider that the public benefits associated with the appeal scheme, including the use of a ‘windfall’ site, to be sufficient to outweigh the harm to the significance of the CA.
24. The Framework states that great weight should be given to the conservation of designated heritage assets and, therefore, I consider that that harm provides a strong reason for refusing the development proposed. Accordingly, I do not consider that paragraph 11(d) of the Framework is engaged.

Planning Balance

25. The appeal scheme involves the provision of one dwellinghouse and the delivery of housing is a matter to which I attach significant weight, not least given that the appeal site is previously-developed land. However, there is an extant permission for a dwelling, albeit smaller, on the appeal site.
26. The appeal scheme would represent acceptable living conditions for future occupiers and occupiers of neighbouring properties. This is a neutral consideration.
27. I have considered the benefits of the appeal scheme as described by the appellant but note that it would result in less than substantial harm to the CA, a designated heritage asset. This is a matter to which I must attach great weight.
28. I have also taken account of the extensive list of policies in the appellant’s SoC but consider that, other than those discussed above, the policies listed in the SoC are not central to the decision on this appeal.
29. Overall, I consider that the harm associated with the appeal scheme is not outweighed by the benefits and, therefore, the appeal scheme conflicts with the development plan when taken as a whole.

Conclusion

30. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR