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## Appeal Decision

Site visit made on 9 May 2017

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13<sup>th</sup> June 2017**

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**Appeal Ref: APP/Q1445/W/17/3168994**

**Derek House, 45 New Church Road, Hove BN3 4BF**

- 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 Derek House Hove Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/02242, dated 16 June 2016, was refused by notice dated 11 August 2016.
  - The development proposed is replacement of existing balcony balustrading to elevations with metal balustrade and obscure plain glass screens.
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### Decision

1. The appeal is allowed and planning permission granted for the replacement of existing balcony balustrading to elevations with metal balustrade and obscure plain glass screens at Derek House, 45 New Church Road, Hove BN3 4BF in accordance with the terms of the application, Ref. BH2016/02242 dated 16 June 2016 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans AC/DH/03, AC/DH/04 and AC/DH/05.

### Main Issue

2. The main issue is the effect of the development on the character and appearance of the existing building.

### Reasons

3. Derek House is a seven storey building of flats of red brick construction with white uPVC windows. It has white banding across the brickwork to all elevations. Cladding strips beneath windows on the front elevation extend across recessed walls to form enclosed balconies. These features provide distinct horizontal elements in the appearance of the building.
4. There are 21 balconies (3 to each floor) across the frontage of the building. It is proposed to replace all with a single style balcony featuring obscure glass screens and metal balustrading. Three glazed panels would be erected across the front of each balcony with a single panel across the flank return. The removal of the cladding would expose the outer face of each balcony slab;

- these surfaces would be treated as rendered band courses, in effect continuing the white banding across the building.
5. Notwithstanding the loss of cladding from each balcony, cladding would still remain as a design feature below each window adjacent to the balconies. The appearance of these windows on the front elevation would now resemble the treatment to existing principal windows on the rear elevation, where there is horizontal cladding beneath each window but no balcony alongside. The new balconies would present vertical lines on the front elevation similar in proportion to the vertical lines formed from the adjacent windows, each with an area of cladding beneath.
  6. The alterations would result in some loss of an original architectural feature, but to my mind, this would not significantly harm the identity or appearance of the building. The horizontal cladding would still be retained below principal windows and a coherent appearance to the building as a whole would remain. The new glazed panels to the balconies would be of similar proportions to cladding to be removed. They would present a new feature to the building, but their simple design would not detract from its appearance.
  7. The site is not within a conservation area, but the Sackville Gardens Conservation Area includes the properties on the opposite side of New Church Road and dwellings in roads to the south. The planning application was advertised as affecting the setting of a conservation area, but the single refusal reason does not refer to the effect of the development on the wider area. Derek House is one of several seven storey buildings of flats on the northern side of New Church Road which collectively present a very different character to that of the houses within the conservation area opposite.
  8. Edward House, the adjacent building of flats to the east, has glazed balconies across its frontage similar in appearance to those proposed at Derek House. The proposal would also be of similar appearance to the glazed balcony treatment to other buildings of flats nearby, thereby helping to integrate the development within the character of the surrounding area.
  9. Policy CP12 of the Brighton & Hove City Plan Part One (adopted March 2016) is a general policy that requires all development to have excellent design and to establish a strong sense of place by respecting the diverse character areas covered by the Plan. Policy QD14 of the Brighton & Hove Local Plan 2005 (retained policies March 2016) is a more detailed policy requiring extensions and alterations to buildings to be well designed and detailed in relation to the parent building. I consider that the proposed alterations would be of good design and that they would respect the character and appearance of Derek House. They would respond positively to the horizontal and vertical rhythms of the building and its overall design coherence. As such I find no conflict with these development plan policies.

### **Conditions**

10. In addition to the statutory condition limiting the duration of the permission, I consider that a condition specifying the approved plan numbers is necessary as this provides certainty regarding the nature of the changes to be undertaken.

**Conclusion**

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

*Rory MacLeod*

INSPECTOR

