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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 6 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179340**

**11 Kensington Place, Brighton BN1 4EJ**

- 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 Barry Leigh against the decision of Brighton & Hove City Council.
  - The application Ref: BH2017/00439 dated 7 February 2017 was refused by notice dated 19 April 2017.
  - The development proposed is infill rear extension; parapet wall to match existing, flat roof and new glass studio.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the Appellant referred to a revised proposal to offset the rear extension at the upper floor by 1 metre which he had sought to discuss with the Council prior to determination. I am, however, required to determine the appeal on the basis of the plans determined by the Council.

### Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the North Laine Conservation Area.

### Reasons

4. The appeal property is a mid-terraced property on the west side of Kensington Place. As with all the properties in Kensington Place, and notwithstanding the planting at the rear of the appeal site, the rear elevation is partly seen from the lane to the west, Trafalgar Lane, above the rear boundary walls. Both streets form part of the designated heritage asset of the North Laine Conservation Area. This Conservation Area is characterised by an irregular linear grid pattern of mainly modest terraced properties dating generally from the early nineteenth century onwards and providing a lively yet intimate mixed use area comprising residential, retail and commercial premises. Although there have been numerous changes and additions over the years, the modest scale, form and historic layout of the properties and street pattern remains a predominant characteristic of the Conservation Area.

5. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
6. The proposal would comprise a two storey rear infill extension which would extend to 'square off' the existing floor plan and rear elevation, with a single storey glass box studio to the rear. I appreciate that there have been a number of individual alterations and additions to the rear elevations of the properties in Kensington Place which can be seen in part from Trafalgar Lane, but in the main the original layout of the properties is still read, with the Victorian pattern of rear outriggers extending further to the rear than the main property. This pattern of development contributes to the character and appearance of the Conservation Area.
7. The appeal proposal would bring built development over two storeys across the whole rear elevation and would remove the original form and layout of the building. Furthermore, it would provide a continuous bulk and massing of development alongside the outriggers to the adjoining properties, which would detract from the general pattern of development along the rear of the terrace.
8. The impact of the proposed two storey rear extension with the loss of the original form to the property would result in harm to the character and appearance of the existing property and the contribution that the appeal property makes to the significance of the designated heritage asset. The proposal would not therefore preserve the character and appearance of the North Laine Conservation Area. This harm would conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan, Policy CP15 of the Brighton & Hove City Plan Part One and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations, as well as the National Planning Policy Framework and in particular Section 12: Conserving and enhancing the historic environment. These policies and guidance all seek a high standard of design which respects the local context and re-enforces local distinctiveness, with particular regard to conserving designated heritage assets.
9. I have sympathy with the Appellant's personal reasons for seeking the additional accommodation, but these do not outweigh the harm I have concluded. The Appellant has drawn my attention to other submitted applications in the close vicinity of the appeal site, some of which also proposed two storey infill extensions. I have taken these into account but each proposal must be considered on its individual merits and they do not persuade me to a different conclusion in this case, given my findings on the harm to the existing building and designated heritage asset.
10. Paragraph 134 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would add to the provision of residential accommodation. I have taken into account that the proposal would result in environmental benefits to the fabric of the property, but there is nothing before me to suggest that the proposal before me would be the only means to achieve such benefits. Whilst the harm to the designated heritage asset of the Conservation Area would, in my view, be less

than substantial, the public benefits would not be sufficient to outweigh that harm.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR

