



Appeal Decision

Site visit made on 9 July 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2018.

Appeal Ref: APP/Q1445/W/17/3191841

36 Garages, Walsingham Road, Hove BN3 4FF

- 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 Miss India Carr against the decision of Brighton & Hove City Council.
 - The application Ref BH, dated 28 June 2017, was refused by notice dated 5 September 2017.
 - The development proposed is described as 'Amendment to planning approval BH2014/02571 (Conversion and part demolition of detached garages to form 1 no. one bedroom single-storey dwelling) in order to create a two bedroom dwelling single-storey dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the Sackville Gardens Conservation Area ('SGCA').
 - Whether the proposal would provide acceptable living conditions for the occupiers of No. 36 Walsingham Road, with particular regard to the provision of useable amenity space.

Reasons

Background

3. The proposal before me follows the refusal of an application for residential development and the subsequent allowing of an appeal in 2015¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Conservation area

4. I found that the significance of the SGCA partly lies in the interesting mix of house types along its three residential streets united by their very wide roads with views down to the seafront. Properties appeared to have uniformly shaped and modest rear garden and yard areas and although I observed outbuildings

¹ APP/Q1445/W/15/3017300.

- within the rear gardens of some of the properties the gardens were free from significant development.
5. Despite the lack of any detailed analysis or objections from the Council's Conservation advisor I am not bound by their view. Having regard to the overall size and shape of the appeal site, the increase in size of the building and change to its form would result in it no longer appearing as a subsidiary ancillary building. On the contrary, covering the majority of the appeal site it would result in an over intensive form of development that would be at odds with the prevailing character and appearance of the SGCA's rear garden areas.
 6. The use of a sedum roof does little to alter this view and the replacement of an incidental outbuilding, entirely typical of those found to the side and rear of dwellings in the SGCA, with a built form of such an inappropriate scale would not be replacing poor design with better design. It would be an incongruous and unsympathetic addition that in such a context would not represent a high quality of design.
 7. I note that the previous Inspector in granting permission for the conversion of the existing garage building found that there would be a limited visual impact from the street. Whilst the proposal would not be fully visible from the street until travelling directly past the appeal site, it would be readily visible from a number of surrounding properties and the eye would be unacceptably drawn to its incongruity. Irrespective of this the requirement for development proposals to preserve or enhance the character or appearance of the SGCA applies with equal force whether or not the proposal is prominent or in public view and I find it would have much greater and more harmful effects than the approved scheme.
 8. For these reasons, the proposal would fail to preserve or enhance the character and appearance of the SGCA. It would therefore conflict with Policy CP12 of the Brighton and Hove City Plan Part One which, amongst other things requires development to raise the standard of architecture and design and conserve or enhance the city's built heritage and its settings.
 9. In the context of the National Planning Policy Framework ('the Framework'), the proposal would cause less than substantial harm to significance of a designated heritage asset. The limited public benefits of an increase in the amount and quality of living accommodation and economic benefits during construction do not outweigh the considerable importance and weight I give to the desirability of preserving or enhancing the character or appearance of the SGCA. Consequently, the proposal would not accord with the heritage and design objectives of the Framework.

Amenity space

10. I have not been provided with any adopted amenity space standards but nonetheless, the shape and layout of the proposal would result in a reduction in the existing rear amenity space² that appeared to solely serve a ground floor flat within No. 36. Moreover, having viewed the appeal site from the ground floor rear facing flat and taking into account the shape of the amenity space, it would not be practical or useable for the occupants of that unit to carry out activities other than sitting out and drying clothes, such as gardening or

² This was fenced off from the appeal site at the time of my visit.

outdoor play. If the space is also to be shared with occupiers of other units in the building as the appellant suggests³, in my view the space would be wholly inadequate. Whilst I note the findings of the previous Inspector given the proximity of the appeal site to the seafront, this is not a direct equivalent or replacement and living conditions of the occupiers of No. 36 was not before him in that appeal.

11. For these reasons, the proposal would cause harm to the living conditions of the occupiers of No. 36 Walsingham Road in terms of useable amenity space. Consequently, the proposal would conflict with Policy QD27 of the Brighton and Hove Local Plan 2005 which requires development to not result in a loss of amenity to proposed and existing residents. The proposal would also conflict with the Framework's objective of ensuring a high standard of amenity for existing and future users.

Other Matters

12. I note the appellant's reference to the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework. However, the proposal would not accord with an up to date development plan and even if the so called 'tilted' balance in part d) ii applied, the harm that I have identified would not be outweighed by the public benefits. The application of policies in the Framework that protect assets of particular importance therefore provide a clear reason for refusing the development proposed. As such and either way, the proposal would not be the sustainable development for which Paragraph 11 indicates a presumption in favour.

Conclusion

13. For the reasons set out above, the proposal would conflict with the development plan, when read as whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
14. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

³ 58.7sqm to serve 4 flats set out within the appellant's final comments.

