



Appeal Decisions

Hearing held on 10 June 2008
Site visit made on 10 June 2008

by **Olivia Spencer** BA BSc DipArch RIBA

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

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Decision date:
14 July 2008

Appeal Ref: APP/Q1445/E/07/2059572

Land to the rear of 8 Locks Hill, Portslade, Brighton BN41 2LB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr I Dodd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/00626, dated 26 February 2007, was refused by notice dated 25 May 2007.
- The works proposed are demolition of part of an existing boundary wall and construction of a new flint boundary wall and garage.

Appeal Ref: APP/Q1445/A/07/2059566

Land to the rear of 8 Locks Hill, Portslade, Brighton BN41 2LB

- 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 Mr I Dodd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/00851, dated 26 February 2007, was refused by notice dated 25 May 2007.
- The development proposed is the construction of a pair of semi-detached cottages with private gardens and car parking.

Decision

1. I dismiss the appeals.

Main issue

2. It was agreed at the hearing that reasons 2 and 3 for refusal of planning permission, which relate to efficient use of resources and the provision of cycle storage, could be overcome by the imposition of conditions. I therefore consider the main issue in this case is the effect of the proposed development on the setting of no.8 Locks Hill which is listed grade II.

Reasons

3. The appeal site is located within a suburban area but the flint faced 2 storey listed cottage, which predates much of the adjacent development, has retained much of its original rural vernacular character and a spacious verdant setting. The building is separated from a terrace of houses to the north and to a greater degree from former school buildings to the south which are set at a lower level. The land on which the proposed houses would be built may not have originally been in the same ownership as the listed building and in recent years it has been in commercial use. Nevertheless it now forms, in combination with the
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adjoining gardens to the north, a significant area of space and greenery around the cottage. Falling ground levels to the west mean that the nearby large block of flats has little visual impact from within the site or from in front of the listed building in Locks Hill.

4. The proposed access would cut across the historic curtilage of the listed building and would be wider, and thus nearer to the cottage than the existing driveway. The front wall and a short nib of rear flint wall would be cut back and a large and very visible entrance created, with an expanse of hard surfacing, albeit with some planting, evident beyond. This characteristically suburban feature would detract significantly from the soft semi-rural character of the cottage garden and adjacent land. The proposed flint wall that would separate the access road from the listed building, though attractive in its own right, would have the effect of enclosing the southern elevation of the listed building, reducing that part of the garden and cramping the currently generous area around the flank wall entrance to the cottage. Thus whilst the works would involve only minor alterations to the existing walls, I consider the harm caused by the proposed access to the setting of the listed building would be substantial.
5. Although the main entrance doors to the proposed houses would be in the eastern elevation, this side of the structure has been designed to reflect the traditional rear cat-slide form of the listed building. The 2 buildings, old and new, would thus appear to sit back to back with a distance of only some 10.5 metres between their closest points. A layout such as this is predominantly an urban pattern of development and as such I consider it would appear at odds with the informal spacious and historically rural character of the listed building. Further though built at a lower level than the cottage, the eastern roof slope of the proposed buildings, some 13 metres wide and rising approximately 5 metres from eaves to ridge, would be visible above the boundary wall. Such a considerable expanse of roof built close to the boundary I consider would have an enclosing and overbearing effect that would seriously detract from residents and visitors understanding and experience of, the original rural character of the listed building which relies to significant degree on its setting.
6. I conclude the proposed development would fail to preserve the setting of the listed building contrary to Policy HE3 of the Brighton and Hove Local Plan 2005.

Other considerations

7. I note that the appellant currently parks cars in the existing narrow site access, reversing from it into the road. However there seems little reason why parking and turning facilities could not be provided without development of the houses and widening of the entrance. And whilst Government policy promotes the efficient use of previously developed land, it advocates that this should be achieved together with enhancement of the built environment not at the expense of it as I consider would be the case here. Neither is sufficient therefore to outweigh the considerations that led to my conclusion on the main issue.

Olivia Spencer

INSPECTOR

