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## Appeal Decision

Site visit made on 18 December 2018

by **Tim Crouch MSc DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> February 2019

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**Appeal Ref: APP/Q1445/W/18/3207374**

**Garages Rear of 187 Kingsway, Hove, BN3 4GL**

- 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 Welstead Properties Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/03293, dated 28 September 2017, was refused by notice dated 1 February 2018.
  - The development proposed is demolition of the existing garages and erection of 2no 2-storey dwellings plus basement level.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

#### *Site Address*

2. The application form provides the site address postcode as 'BN3 4GJ'. However in subsequent documents it appears as 'BN3 4JL'. The latter is more accurate so I have used this in my decision.

#### *Amended plans*

3. The appellant has provided amended plans as part of the appeal process. The plans primarily increase the size of the lightwell to the basements by moving the retaining wall to the edge of site. This also moves the front walls above ground forward to the boundary of the site.
4. The Council has considered the amended plans as part of its submission and has confirmed that it has no objection to their inclusion. I am aware that there were no third party representations to the planning application or to the appeal itself. Given the nature of the changes, the Council's confirmation and the clear statements from those that have been consulted, I do not consider that any interests would be prejudiced and have therefore considered the appeal on this basis.

### Main Issues

5. The main issues are the effects of the proposal firstly, on the character and appearance of the Sackville Gardens Conservation Area, and secondly, on the living conditions of future occupiers with particular regard to light and outlook.

## Reasons

### *Conservation Area*

6. The appeal site is located to the rear of 187 Kingsway and fronts onto Sackville Gardens. It is within the Sackville Gardens Conservation Area. The existing row of six adjoining single storey garages is set back from the pavement with an area of hardstanding to the front. The proposal would replace these with two semi-detached properties of 2-storeys, with a basement level, and two car parking spaces. The proposal would also front Sackville Gardens.
7. The Council's Sackville Gardens Conservation Area Character Statement identifies that nearly all of the buildings in the Conservation Area are in residential use, with a tall frontage to the sea and a lower scale behind. I observed this on my site visit. Kingsway provides a grand scale frontage to the sea, sky and gardens at Western Esplanade. Set behind, separated by characterful gaps, are north-south routes, including Sackville Gardens. These are quieter with straight, wide roads with mainly tall 2-storey, elevated Victorian terraced and semi-detached dwellings. These have traditional features, proportions and a strong building line, set back with small front gardens.
8. The site forms part of the rear of the grand property at No 187, which presently provides ancillary car parking. I have been provided details of a previous appeal<sup>1</sup> for a larger scheme dismissed in 2015. Like that Inspector, I also saw that although the garages do not contribute aesthetically to the architecture of the street, as existing low, flat roofed single storey structures, they do form part of the open character that exists between the adjacent taller buildings and as development turns the corner from Kingsway into the streets it services.
9. The proposed development is located close to the rear of No 187, with parking located to the north retaining some ground level gap to 1 Sackville Gardens. The proposed dwellings would be set down with reduced height and of a contemporary design, featuring a lightwell frontage and bridged walkway. I note the appellant's view that the proposal should be considered in the context of an ancillary relationship to the grandeur of No 187, that mews style development is not uncommon, and that the site is within a boundary within the character of the area linked to the grand frontage. However, the proposed dwellings would be clearly independent, exacerbated by the sharp modern appearance. Despite the proximity and historical link to No 187, these would be clearly read as forming part of the character and appearance of Sackville Gardens. This would be reinforced by the partial set back building line and some design references to the Victorian features of the street.
10. The proposal would be a reduced height two storey dwelling and include an asymmetric roof form, with flat ridge, set forward of the established building line within Sackville Gardens. Whilst trying to retain the open character of this immediate area, and add architectural variety, the scale, design and positioning close to No 187 would appear cramped and out of keeping with the wider streetscene. This would be prominent given its positioning forward of the dwellings to the north.

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<sup>1</sup> Appeal reference APP/Q1445/W/15/3007084

11. Furthermore, whilst modern and considered in design, the proposal includes many features which do not reflect the wider area. The scale of windows, deep light wells and bridged walkways do not complement the character and appearance of the Conservation Area. Details have been provided of the approved Sackville Hotel re-development scheme opposite the appeal site. Whilst this represents a more modern design, it does not appear to include these features and has yet to be built. It therefore does not support the design proposed for the appeal site.
12. Due to the scale, location and design, the proposal would fail to preserve the character or appearance of the Conservation Area. Whilst the harm to the Conservation Area as a whole and its significance would be less than substantial, other than the addition of two units of accommodation no other public benefit has been presented to me. In this context I am not persuaded that this would represent a public benefit that would outweigh that harm that I have identified. Consequently, the proposal is contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part 1, and HE6 of the Brighton and Hove Local Plan (Local Plan). These policies seek to ensure, amongst other objectives, that development preserves or enhances the character or appearance of the area.

*Living conditions*

13. The proposal would include bedroom accommodation at first floor and basement, with living rooms at ground level. The first floor bedrooms would be in the roof space, with angled roof, limited full head height and single window provided by a low level dormer. Whilst sloping ceilings are not unusual and the floor area is not inadequate, the particular relationship of two sloping ceilings, limited area of full roof height and a low single window opening would produce the feeling of cramped and unsatisfactory living conditions.
14. The lower ground floor bedrooms would have single aspect outlook onto the retaining walls. Whilst substantial windows, and the distance to the retaining wall has been increased in the amended plans, these would be the only windows serving the bedrooms and would only view the tall retaining walls, framed by the underside of the modern bay window design above. Despite the increase in distance to the walls, the overbearing impact would still be substantial. A further impact would be the increase in perceived overlooking from pedestrians in Sackville Gardens looking directly into the private bedroom space. This would be likely to result in measures by future occupiers to obscure this and increase privacy, further eroding the outlook from within the room.
15. The amenity space serving the proposed southernmost unit has been increased in the amended plans. This now affords more light to the area, similar to the original area for the northernmost proposed dwelling, to which the Council had no objection in relation to natural light. Therefore, whilst this does not override the harm above, it does address this particular issue.
16. Consequently, taken as a whole, the proposal would produce inadequate accommodation to meet the likely needs of future occupiers contrary to Policy QD27 of the Local Plan which, amongst other things, seeks to prevent a material loss of amenity to proposed occupiers.

**Conclusion**

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

*Tim Crouch*

INSPECTOR