



Appeal Decision

Site visit made on 12 September 2008

by **J A B Gresty MA MRICS**

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

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Decision date:
9 October 2008

Appeal Ref: APP/Q1445/A/08/2065642 245 – 249 Ditchling Road, Brighton BN1 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by EBGL against Brighton & Hove City Council.
- The application Ref BH2007/04068, is dated 29 October 2007.
- The development proposed is part demolition, part change of use, alteration and extension of the buildings to form a single dwelling house at No 245 and additional office floor space at Nos 247 and 249. Resubmission of refusal ref. BH2006/001608.

Decision

1. I dismiss the appeal and refuse to grant planning permission for part demolition, part change of use, alteration and extension of the buildings to form a single dwelling house at No 245 and additional office floor space at Nos 247 and 249. Resubmission of refusal ref. BH2006/001608.

Background

2. A previous application for development of the site was dismissed on appeal (APP/Q1445/A07/2033632) for conservation area reasons only and found to be satisfactory with regard to its effect on travel demands and minimisation of construction waste.
3. The appeal proposal before me is similar to the previous scheme in terms of the scale of accommodation proposed and, from my own observations, I find no reason to disagree with the previous Inspector's conclusions with regard to travel demands in the area and minimisation of construction waste. Also, I note that the Council supports the current proposal with regard to travel demands and does not object on waste grounds.

Main Issue

4. Part of the proposal is the alteration of No 245, including removal of the existing shop front and replacement with a bay window to replicate the original design of the property. No parties object to this element of the scheme. Therefore, I consider the one main issue in this appeal to be whether the proposed office development on the site of Nos 247 – 249 would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

5. The appeal site occupies a prominent and open location on Ditchling Road, on the edge of the Preston Park Conservation Area. No 245 is a two-storey former dwelling

that forms the end property of a terrace of Victorian houses. These houses have distinctive two-storey gabled bays on their front elevations and are an attractive feature in the street scene. A generally similar style of terraced development is repeated along Ditchling Road, giving it a distinctive, planned character and appearance that I found to be characteristic of the Preston Park Conservation Area. Whilst the ground floor bay of No 245 has been altered, the front elevations of most of the houses in the terrace and elsewhere nearby on Ditchling Road are largely unaltered, reinforcing the character and appearance of the locality.

6. At Nos 247–249, adjoining No 245, is a part single-storey and part two-storey flat-roofed building dating from the mid-20th century of very different design to the nearby housing. The section fronting onto Ditchling Road is single-storey only however so the building does not stand out unduly prominently in the street scene and its appearance is largely subservient to the Victorian terrace. Further, it reflects the style of the small parade of flat-roofed shops nearby to the north. Behind the single-storey part of the building, set back from Ditchling Road, is a bulky two-storey building with a large blank brick wall facing towards the north-west. Whilst of a plain design, being set back from the road this section of building is not prominent when viewed from Ditchling Road.
7. The proposed development includes demolition of the flat-roofed building at Nos 247-249 and replacement with a two- and three-storey office building of contemporary design. The building would have a distinctive, largely glazed, frontage and the elevations viewable from the north and north-west would have strong rectangular forms. Whilst the rear part of the building would be marginally taller than the existing two-storey flat-roofed building, the front part facing Ditchling Road would have three storeys. As a consequence of its height, bulk, prominent location and contemporary design, the new building would be a dominant feature in the street scene and would be at odds with the scale and appearance of the adjoining terrace and other properties in the locality. Also, I consider that the scale of the proposed new office building would result in the appeal site ceasing to have a positive visual relationship with the nearby parade to the north.
8. On the Ditchling Road elevation, that part of the office development that would adjoin No 245 has been designed to reflect the appearance of the Victorian terrace, including the continuation of the pitched roof and new brickwork to match that of No 245. This would provide a visual link between the terrace and the contemporary styled element of the office building.
9. Whilst I note that the Council's conservation officer considers that the proposal satisfactorily addresses the shortcomings of the previous scheme and that LP Policy QD1 seeks to discourage replication of existing styles and pastiche designs, these factors do not overcome my concerns regarding the scale and design of the proposed office development. Accordingly, overall, I consider that the development would not make a positive contribution to the visual quality of the environment, contrary to the aims of LP Policies QD1 and QD2 nor would it enhance or preserve the views into and from within the Conservation Area, contrary to LP Policy QD4. I conclude that the proposed development would not preserve or enhance the character or appearance of the Preston Park Conservation Area, contrary to the aims of LP Policy HE6.

Other Matters

10. Concerns have been raised by nearby residents with regard to loss of privacy. There would be views from the proposed offices into the back gardens and of the rear elevations of the houses to the north. However, the appeal site is some distance away from these properties, on the other side of an access road. Consequently I consider that the proposal would not have a significant effect on the living conditions of the occupiers of those properties with regard to loss of privacy.
11. In its current condition the appeal site does not make a positive contribution to the character or appearance of the locality. However, I consider that this is not reason enough to justify an unacceptable replacement development.
12. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

J A B Gresty

INSPECTOR

