

Appeal Decision

Site visit made on 12 September 2016

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 22ND September, 2016

Appeal Ref: APP/Q1445/W/16/3152605

107 Beaconsfield Villas, Brighton BN1 6HF

- 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 Wayne Taylor against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04002, dated 5 November 2015, was refused by notice dated 19 May 2016.
 - The development proposed is external works to maisonette (107) and lower ground flat (107B) comprising erection of new rear balcony/terrace serving 107, replacement of existing rear bay windows to 107 and 107B, other minor alterations to rear elevations of 107 and 107B, erection of panel screening on rear north boundary, and installation of glazed barrier to perimeter of light well to front elevation of 107.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposed development would preserve or enhance the character or appearance of the Preston Park Conservation Area; and
 - ii) The effect of the proposed development on the living conditions of neighbouring occupants, with particular regard to privacy.

Preliminary Matter

3. I saw during my site visit that some external alterations have already taken place, including the installation of a squared bay window at the rear of the maisonette known as 107 Beaconsfield Villas and two sliding sash windows at the rear of the garden flat known as 107B Beaconsfield Villas. These installations differ from the associated details shown on the plans subject to this appeal. I understand from the appellant's submission that this matter has been made the subject of a separate application to the Council. I will therefore determine the appeal on the basis of the plans and evidence before me.

Reasons

4. Beaconsfield Villas is a wide residential street within the Preston Park Conservation Area (PPCA). The road is characterised by a mix of predominantly two-storey detached and semi-detached houses generally dating from the late 19th Century. The appeal property is a substantial detached red brick property, retaining many original features although some subsequent
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alterations can be seen. As with other properties in the immediate vicinity, it has a relatively small front garden and a substantial rear garden that slopes down towards further residential properties beyond. The house is divided into two residential units, a maisonette occupying the street-level and first floor above (No 107) and a garden flat occupying the lower ground floor (No 107B).

5. The building is currently undergoing internal and external refurbishment. The proposed development, which would be predominantly at the rear of the property, comprises the replacement of angled bay windows with squared bays, a raised terrace with glazed privacy screens, timber panel screening on the rear north boundary and alterations to cladding. There would also be a glazed screen installed around an existing light well at the front of the property.

Character or appearance

6. Taking the Council's dimensions, the rear terrace would measure approximately 5.6m wide by 3.5m deep. It would be supported by brick piers and have steps down to the garden below on one side. There would be 1.8m high obscured glazing on both sides of the terrace and a glazed balustrade along the front of the terrace, facing down the garden. The terrace would be accessed from the dining room of No 107 via glazed doors in the proposed replacement bay.
7. The terrace would be a substantial feature attached to the rear of the property. Despite its broadly restrained detailing, its height would make it a prominent structure that would be unlike any other visible nearby. The brick piers would be similar in appearance to other brick piers that have been installed in the garden where there are steps leading up the garden terraces towards the house. While the supporting piers themselves would be essentially in-keeping with these existing garden piers, they would nevertheless interfere with the view of the rear elevation of the house, particularly with regard to 107B and the bay window there. This would be harmful to the character and appearance of the host building.
8. I saw during my site visit that the existing timber steps leading from No 107 to the rear garden are in poor condition and did not appear safe for use without significant repair or replacement. I also acknowledge that No 107 and No 107B currently have shared use of the same private rear garden and I understand that the terrace is proposed to provide some outdoor space dedicated for No 107, together with replacement steps down to the garden. However, the visual impact of the proposed terrace would be significantly greater than the existing solution of simple timber stairs to access the rear garden, a solution which is also evident on some other properties in the vicinity. Furthermore, the proposed white opaque glass privacy screens would draw visual attention to the structure and would be out of keeping with the generally more traditional materials evident in the vicinity.
9. The proposed squared replacement bays would result in the loss of traditional sliding sash windows, which are characteristic of this part of the PPCA. While I note that there are examples of other squared bays nearby, including at the front of the host building, this does not outweigh the harm to the character and appearance of the building that would arise from the loss of the sliding sash windows, which also feature predominantly in the rest of the building.

10. With this in mind, the proposed replacement of the existing rear door of No 107 and the adjacent windows with two sash windows would be of some benefit to the appearance of the building. However, the associated loss of the existing timber detailing above the windows and replacement with plain timber cladding would be unfortunate, albeit I accept this is unlikely to be an original feature. The proposed screening panel on the boundary with 109 Beaconsfield Villas would be limited in size and constructed from timber and accordingly would have no significant effect on the character or appearance of the host building.
11. The front elevation of the building is attractive and imposing. It retains various original details, albeit it has been subject to some previous alterations, including the squared bay. While the proposed raised glass barrier around the existing light well would be positioned in front of the squared bay, it would introduce an alien feature at the front of the property, which despite its frameless structure would be visible from the street through the front accesses. It would therefore have an adverse effect on the character and appearance of the area.
12. For these reasons, I consider that the proposed development would harm the character and appearance of the host building and accordingly of the PPCA. However, I quantify the extent of this harm to the PPCA as being less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework. Such harm needs to be balanced against any public benefits the development might bring. While I recognise that there would be some benefits, including in terms of safety with regard to the existing timber stairs and the light well, and by providing some dedicated outdoor space for No 107. However, these would be very modest public benefits and other solutions are likely to be available to meet these purposes. Accordingly, the benefits of the proposed development do not outweigh the harm to the character and appearance of the PPCA that I have identified.
13. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the Preston Park Conservation Area. It would therefore be contrary to Policy CP15 of the Brighton and Hove City Plan Part One 2016 (BHCP) and Policy HE6 of the Brighton and Hove Local Plan 2005 (BHLP), which among other things seek to conserve and enhance the city's historic environment, giving greatest weight to designated heritage assets, including conservation areas. It would also be contrary to Policy QD14 of the BHLP, which among other things seeks to ensure that alterations to buildings are well designed, sited and detailed in relation to the host property.

Living conditions

14. The height and location of the raised terrace would result in the potential for overlooking of adjacent gardens, particularly given its raised position in relation to the side boundary treatments. However, the proposed obscure glazed screening would ameliorate this to a large degree by effectively 'blinkering' views down the garden of the host property and thus preventing overlooking of the more sensitive upper garden areas closest to the rear elevations of the neighbouring properties at 105 and 109 Beaconsfield Villas, in particular.
15. Due to sloping ground, the appeal property and the neighbouring houses are set in an elevated position in relation to their rear gardens. This means that there is already significant scope for reciprocal overlooking of neighbouring gardens. As a result of the proposed privacy screens, I consider that the

terrace would not give rise to any significant exacerbation of overlooking beyond the existing situation. Therefore the proposed development would not result in a significant adverse effect on privacy.

16. For these reasons I conclude that the proposed development would not harm the living conditions of neighbouring occupants, having particular regard to privacy. Accordingly it would not conflict with retained Policy QD27 of the BHLF, which among other things seeks to ensure that development would not harm the living conditions of adjacent residents.

Other Matter

17. I have considered the appellant's opinion that the Council's Supplementary Planning Document titled 'design guide for extensions and alterations' (SPD12) suggests that alterations to fenestration that are not visible from the street would not normally harm the character and appearance of a conservation area. However, with regard to new and replacement windows in conservation areas where they would be visible from the street, SPD12 is specifically concerned with the use of materials. From this, it cannot be meaningfully deduced that alterations not visible from the street would normally or inherently result in no harm to the character or appearance of the conservation area, as the appellant suggests, or indeed that they would preserve or enhance it as is statutorily required.
18. I have considered the effect of the proposed development on the character and appearance of the host building, understanding that the rear elevation cannot be seen from the street. It is however visible from other properties within the PPCA. Furthermore it is necessary to consider the effect of development on the conservation area as a whole, not only the parts that are visible from the street. Accordingly, I find nothing in SPD12 sufficient to outweigh my conclusions above in respect of character or appearance.

Conclusion

19. While I have found no significant effect in relation to living conditions, I have identified harm in relation to the character and appearance of the PPCA, which would not be outweighed by the relatively modest public benefits of the proposed development. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

C Jack

INSPECTOR