



## Appeal Decision

Site visit made on 4 February 2019

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> March 2019

---

**Appeal Ref: APP/Q1445/W/18/3212895**  
**77 St Aubyns, Hove BN3 2TL**

- 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 Art Stuart against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/02485, dated 20 July 2017, was refused by notice dated 6 September 2018.
  - The development proposed is the demolition of existing garages and construction of single-storey house.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the local area, including that of the Old Hove Conservation Area (OHCA) within which it would sit and the adjacent Cliftonville Conservation Area (CCA).

### Reasons

3. The appeal relates to a pair of utilitarian flat roof garages which sit at the rear of No. 77 St Aubyns, accessed directly from Seafield Road. The eastern side of Seafield Road is characterised by attractive and imposing period properties, which sit within the CCA. The western side of the road is characterised by the rear elevations of similarly imposing properties which include an array of balconies and fire escapes. However, at road level, this particular section is dominated by a long run of similar flat roofed garages which are set back a generous distance from a tree lined highway. Whilst the garages themselves are unremarkable in their appearance, their general uniformity and consistent positioning is a striking element of the street scene and is a key element of its character.
  4. The proposal would demolish the garages and replace them with a single storey dwelling of a contemporary design. Like the Council, I have no issue with the design and external finish of the proposed dwelling, which is attractive in its own right. Nevertheless, even accounting for the fact that the proposed
-

dwelling would be set back 3 metres or so from the back edge of the highway, it would project noticeably further forward than the adjacent garages.

5. Given the consistent positioning of the garages within the row, I consider that the forward projection of the proposed dwelling would harmfully affect their overall rhythm and setting. As a result, the proposed dwelling would appear overly prominent and out of keeping.
6. A run of three storey terraced houses have been built towards the southern end of Seafield Road and a two storey detached house sits between them and the row of garages. These all sit closer to the highway. So too does the large detached house at the opposite end of this side of Seafield Road (No. 35), but this relates more closely to the adjacent buildings fronting Church Road. These examples sit at either end of the extensive row of garages, rather than in the middle of the row itself. On this basis, I consider their context, setting and visual impact to be materially different to that of the appeal proposal.
7. The visual harm arising from the proposal would be widely visible within Seafield Road. As a result, it would detract from the character and appearance of this street scene, which sits with the OHCA and overlooks the CCA on the opposite side of the road. It therefore follows that the character and the appearance of these two Conservation Areas would not be preserved. The harm to them would be '*less than substantial*' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The National Planning Policy Framework (the Framework) explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

*Other considerations*

9. In this case, the appellant asserts that the proposal amounts to the effective use of land in a sustainable location which would meet the need for homes and points to the fact that the Council cannot currently demonstrate a five year supply of deliverable housing sites. These are undoubtedly positive aspects of the scheme, but it would make only a very modest impact in such terms.
10. I also note the principle of demolishing the garages is not in dispute. In addition, I am satisfied that the proposal would not harm the living conditions of nearby residents and that the adjacent elm tree could be safeguarded with appropriate tree protection measures. But these are neutral factors in the planning balance.
11. In reaching my decision, I have considered the additional issues raised by third parties. Some degree of disturbance is to be expected during construction works. This is a short term effect and measures can be imposed to restrict it to an acceptable level. Concern has also been raised about a lack of private

parking. However, the appeal site enjoys a sustainable location where the use of alternative methods of transport other than private motor vehicles is to be encouraged.

**Overall Conclusion**

12. Despite the application generating some letters of support, I conclude that the proposal would harm the character and appearance of the immediate surroundings and it would fail to preserve or enhance the character or appearance of the OHCA and the adjacent CCA. In such terms, it conflicts with the Framework and policies CP12 and CP14 of the adopted Brighton & Hove City Plan Part One.
13. The arguments advanced by the appellant in favour of the scheme do not outweigh the harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon*

INSPECTOR

