

<u>18No:</u>	BH2024/00984	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Land To Rear Of 28 Medina Villas Fronting Albany Villas Hove		
<u>Proposal:</u>	Retrospective application for the installation of boundary wall and sliding entrance gate formed of railings to existing garages.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	09.05.2024
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	04.07.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Savills Runway East - York And Elder Works 50 New England Street Brighton BN1 4AW		
<u>Applicant:</u>	Two Mills Asset Management Ltd C/O Savills Runway East - York And Elder Works 50 New England Street Brighton BN1 4AW		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

Conditions:

1. The development has failed to preserve or enhance the historic significance of the Cliftonville Conservation Area by reason of its design and the disproportionate extent of gate compared to wall, which has led to an unbalanced, industrial appearance incongruous with the wider residential setting of Albany Villas and the heritage features of the conservation area. The development is therefore contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One, and DM18, DM21 and DM26 of the Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	101	B	19 April 2024
Existing Drawing	226	B	19 April 2024
Existing Drawing	228	-	19 April 2024
Existing Drawing	229	-	19 April 2024

2. SITE LOCATION

- 2.1. The application site is an area of land on the west side of Albany Villas occupied by a large double garage, within the Cliftonville Conservation Area. Planning permission has not been granted for this structure, either by express permission (an application) or via permitted development rights, but it appears that it is now lawful by reason of being immune from enforcement action, since it has been in situ for at least four years. A wall with piers has been erected fronting Albany Villas, with electronic vehicle gates, it is the subject of an ongoing enforcement investigation (ref. ENF2023/00476).
- 2.2. The site is subject to the Cliftonville, Denmark Villas and The Drive Article 4 Direction that has removed the right to erect or alter gates, fences or walls, or make access onto the highway.
- 2.3. A new dwelling built immediately south of the application site (known as no.36 Albany Villas) was not built in accordance with its permission but is now considered to be lawful by reason of being immune from enforcement action, as the unauthorised works have been substantially completed for four or more years, with no enforcement action being taken by the Local Planning Authority (LPA).
- 2.4. A second new dwelling has been erected immediately north of the application site.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Medina Villas is predominantly lined on both sides by stucco fronted Victorian villas, arranged in semi-detached pairs with generous spacing between allowing access to the rear of the properties. The quality of detailing and materials remains important to the character of these historic buildings both in Medina Villas and Albany Villas.
- 3.2. 28 Medina Villas is part of a semi-detached pair at the northern end of the road. Originally houses with three-storeys over a raised basement, they are distinctive in the road for their height and rounded bays with a bottle balustraded parapet, unlike any others in Medina Villas.
- 3.3. The rear of the property fronts onto Albany Villas. This road faces the rear of some of the properties on Medina Villas but is a significant road in itself and not just developed for mews access and most of the buildings facing the street are separate from Medina Villas. The street has a suburban residential character with late nineteenth century detached and semi-detached white painted stucco houses. There is a strong suburban character to it with planted front gardens between the boundary walls and the houses.

4. RELEVANT HISTORY

- 4.1. **PRE2019/00031** Pre-application advice was given in February 2019 for refurbishment of the pre-existing garages and erection of a boundary wall and gates. The advice is summarised as follows:
- The garages are atypical of the streetscene and neither preserve nor enhance the historic significance of the conservation area.
 - A front boundary wall is welcomed in principle, but the proposed design is not considered to be suitable, the railings are too tall and closely spaced, and there is considered to be a disproportionate amount of gate to wall.
 - The resurfacing of the courtyard is acceptable in principle, subject to final details, materials and colour.
- 4.2. The present application is for the same scheme that this advice related to.

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2019/03088 - Land to Rear of no.27 Medina Villas** Erection of 1no two storey plus basement dwellinghouse (C3) fronting Albany Villas. Approved
- 5.2. **BH2019/02452 - no.36 Albany Villas** Erection of two storey 4 bedroom detached dwelling. (Part retrospective) Refused for one reason:
- “1. The revisions to the dwelling, in particular (but not limited to) the window detailing and position; front garden layout/features/structures and the front boundary treatment, are considered inappropriate and harmful features that fail to respect the historic character of the immediate vicinity of the site. The development therefore causes harm to the character and appearance of the streetscene and the surrounding conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and HE6 of the Brighton and Hove Local Plan.”*

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought retrospectively for the erection of a front boundary wall and gates. There are a total of five brick piers with decorative capstones, with total heights of around 2.0m; two pairs of these piers are linked with short brick wall sections featuring decorative flintwork. There are two openings to the site featuring sliding black metal railing gates, to a height of approximately 1.6m; the gates are approximately 5.6m and 2.8m wide, respectively, and take up the majority of the 13.5m wide boundary.
- 6.2. As noted above, the development matches the design for which pre-application advice was given in 2019.

7. REPRESENTATIONS

- 7.1. Seven (7) representations have been received, supporting the proposal on the following grounds:
- The garages are an improvement over the pre-existing development.

- The development has not contributed to parking stress by not developing the site as a dwellinghouse.
- The gates are attractive.
- The wall and gates have reduced antisocial behaviour on the site.

8. CONSULTATIONS

- 8.1. **Arboriculture Team:** Comment - A tree in the north corner of the application site has been removed; in accordance with the 5-day notice issued by the Council, the developer is required to re-plant within twelve months of the date of removal, which was in July 2023. Failure to do so could result in enforcement for non-compliance.

[Officer note: these issues relate to the separate Tree Preservation Order process].

- 8.2. **Conservation Advisory Group:** Object. Very wide sliding gate not of appropriate design or proportions. Refer to Heritage Officer comments.
- 8.3. **Heritage Officer:** Object. The high gates extend across the majority of the width of the property. These compare poorly with the suburban character of this part of the conservation area. They have a much more industrial character and with the landscape almost all covered with hard standing, it has more of the character of a goods yard than what would be expected in a residential area. The wide sliding gates and the extensive hard landscaping would therefore be harmful to the character and appearance of the conservation area and should be refused on heritage grounds.
- 8.4. Local Highway Authority: No Objection

9. MATERIAL CONSIDERATIONS

- 9.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

10. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Conservation Area Character Statements

Cliftonville (1997)

11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to the design and appearance of the development; the impact on heritage assets, and on highway safety.
- 11.2. A site visit was undertaken in May 2024.

Design and Appearance

- 11.3. The proposal includes the reinstatement of a front boundary enclosure. This is welcomed in principle - both in strengthening the definition between the public thoroughfare and the private frontages of the street, and for reducing the prominence of the garages themselves in views along Albany Villas. However, as highlighted in pre-application advice, there are concerns over the visual impact of the development and the related impact on heritage features.
- 11.4. It is considered that there is a disproportionate amount of gate to wall in the development that has been carried out, with the large sliding gates dominating the street frontage and appearing incongruous with the prevailing character of the streetscene. The disproportionately large gate, and sliding opening method, creates an industrial character which fails to soften the appearance of the site which, as a set of garages, already is at odds with the wider residential character of Albany Villas. Due to the large gates and small section of wall in the centre of the frontage, each gate would have to slide open over the other opening, perhaps indicative of the unsuitable proportions of the development.

- 11.5. In discussions during the application process, the applicant cited that the reason for the design is informed by the changing topography of the site, which reportedly restricts the installation of smaller gates and would disrupt the rhythm of a greater number of piers. However, the site does not feature significant topographical changes, and it is not understood why, if that was the case, that it would make small gates less practical.
- 11.6. On this basis, the design and appearance of the development is considered unacceptable, contrary to policies CP12 of City Plan Part One, and DM18 and DM21 of City Plan Part Two.

Impact on Heritage Assets

- 11.7. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 11.8. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight". In accordance with paragraph 208 of the NPPF, 'great weight' should be given to the Conservation Area's preservation.
- 11.9. As noted above, the new boundary wall and gates sit prominently within the streetscene and thereby impact on the historic significance of the Cliftonville Conservation Area. Due to the abovementioned concerns with the appearance of the development, it is considered that it has resulted in less than significant harm to the historic significance of this designated heritage asset, with the slight public benefit of increased site security not considered to outweigh the harm.
- 11.10. It has also been noted that no heritage statement has been submitted with the application, and there is very little evidence that the impact of the development on the Cliftonville Conservation Area has been considered in the design. Paragraph 200 of the NPPF states that LPAs should require applicants to describe the significance of heritage assets affected by development, and '*As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.*'
- 11.11. On this basis the scheme is considered to have an unacceptable impact on the conservation area and its heritage features, contrary to policies CP15 of City Plan Part One and DM26 of City Plan Part Two.

Impact on the Public Highway

- 11.12. The development is not considered to have resulted in any detrimental impact on highway safety. Due to the design of the railings allowing through-views, vehicles leaving the site would have acceptable visibility splays and be able to react to pedestrian movements. The Local Planning Authority has no concerns in this regard.

Other Considerations

- 11.13. The scheme would have no impact on residential amenity.

- 11.14. A tree has been removed from the wider site, with the agreement from the Council that a replacement species would be planted within twelve months of the date of removal, which according to the Council's Arboriculture Team was in July. This tree falls outside the site boundary of the current application. Given this and the fact the Council can pursue enforcement relating to trees independent of the planning system, it is not considered that this matter need be given any significant weight in the current assessment.
- 11.15. Securing the site with a boundary wall will have reduced the availability of the open forecourt as a space for antisocial behaviour, which was a reported issue prior to the works being carried out. The reduction of crime and the fear of crime is a public benefit of the development and one of the aims of policy CP12 of the City Plan Part One.
- 11.16. Following the site visit it was noted that the central area of soft landscaping on the submitted plans does not exist. Given that this area falls largely outside the application site boundary and is not referenced in the application description, a corrected drawing is not considered to be essential.

Conclusion

- 11.17. The development as carried out is incongruous with the character of the wider streetscene and has had a detrimental impact on the historic significance of the Cliftonville Conservation Area. The public benefit of the scheme in terms of increased security for the site is acknowledged but is not considered to be significant enough to outweigh the harm to a designated heritage asset, which in accordance with the NPPF is given great weight in the planning balance. It is also considered that the public benefit could have been achieved with an alternative design that could have preserved or enhanced the significance of the conservation area.
- 11.18. The development has not raised any concerns with regards to highway safety, but lack of such harm can only be measured neutrally in the planning balance, and cannot serve to outweigh identified harm in terms of the design and appearance of the development. For the foregoing reasons the proposal is considered to be in conflict with policies CP12 and CP15 of the Brighton and Hove City Plan Part One, and DM18, DM21 and DM26 of the City Plan Part Two.

12. EQUALITIES

- 12.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.