

<u>No:</u>	BH2024/01649	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 Denmark Villas Hove BN3 3TE		
<u>Proposal:</u>	Creation of vehicle crossover and hardstanding to form off-street parking space and alterations to front boundary wall (retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	30.07.2024
<u>Con Area:</u>	Denmark Villas	<u>Expiry Date:</u>	24.09.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mr Simon Evans 20 Denmark Villas Hove BN3 3TE		

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:

1. The removal of a significant part of the front boundary wall, front garden and vegetation to allow off-street parking results in a noticeable loss of the site's historic fabric and setting. It gives the curtilage of the property an overdeveloped appearance, which harms the historic character of the property and the wider character and appearance of the Denmark Villas Conservation Area. Accordingly, the proposal is considered contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26, of City Plan Part Two, and Policy 12 of the Hove Station Neighbourhood Plan.

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 Plan			30 July 2024
Block Plan			30 July 2024
Existing Drawing			30 July 2024
Existing Drawing			30 July 2024

2. SITE LOCATION

- 2.1. The application site comprises an Italianate two-storey semi-detached dwelling of brick and tile construction with a rendered side elevation, located on the east side of Denmark Villas. The site is within the Denmark Villas Conservation Area and covered by the associated Article 4 Direction which removes some permitted development rights, and requires that planning permission is needed for minor alterations to dwellings, including the creation of hardstandings.
- 2.2. Prior to the works the subject of this application, the property featured rendered dwarf walls, pillars, and landscaped front garden areas either side of the main pedestrian access into the property. Only the wall, pillar and garden on the south side of the pedestrian access now remain.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the creation of a vehicle crossover and hardstanding to form an off-street parking space, and associated alterations to the front boundary wall.
- 3.2. The application is part-retrospective because the crossover and hardstanding are in place. The submitted drawings show that the applicant's intention is to construct a new pier on the northern side of pedestrian pathway, but this does not appear to have been undertaken to date.
- 3.3. The part-retrospective nature of the application is not a material consideration.

4. RELEVANT HISTORY

- 4.1. None for this site. In addition, there is no recent planning history (in the last 10 years) for similar development in Denmark Villas.

5. REPRESENTATIONS

- 5.1. **Fourteen (14)** representations have been received, supporting the development for the following reasons:
 - Suitable use of the space
 - Appearance and style of works is appropriate, in keeping with the building and street and Conservation Area.
 - Planting is attractive and welcoming
 - Improvement on the previous situation
 - Similar development elsewhere in Denmark Villas
 - No negative impact on adjoining residents
 - Electric charging point should be supported
 - Provides safe access for the family
 - Would not impact levels on street car parking

- 5.2. **Two (2)** representations have been received commenting on the application
- The council should remove the motorcycle parking bay
 - The dropped kerb is unnecessary.
- 5.3. **Two (2)** representations have been received objecting to the application for the following reasons:
- Would result in loss of on-street car parking

6. CONSULTATIONS

6.1. Transport No objection

6.2. Heritage Objection

The front boundary of this property and of its neighbours originally had low front boundary walls with railings between piers. In most cases the low walls and the piers survive leaving a coherent boundary frontage. Some of the properties still also have the railings, though they are not all original.

6.3. The wall should be retained or reinstated if it has been removed.

6.4. **Conservation Advisory Group (CAG) Recommend Refusal**

- The retrospective nature of this application, which attempts to cure breaches of the very clear Article 4 Direction, is regrettable.
- The loss of the wall, pier and greenery to the front garden, is also regrettable especially as this feature of Denmark Villas is specifically mentioned in the conservation area Character Statement.
- The red/brown "brick" patterned hard standing, is, in itself, harmful to the character of Denmark Villas.
- The photo provided misrepresents what is actually in place.
- We note that no permissions for other crossovers or hard standings have been granted.

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. 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 JAAP (adopted October 2019);
- Hove Station Neighbourhood Plan (made 28th March 2024).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Hove Station Neighbourhood Plan

Policy 8	Design and Public Realm
Policy 12	Conservation

Supplementary Planning Documents

SPD09	Architectural Features
SPD11	Nature Conservation and Design
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

Denmark Villas Conservation Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the impact on the significance of heritage assets in the vicinity; the potential impacts on the amenities of local residents; and highway safety.

Design and Heritage

- 9.2. 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. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".

- 9.3. These objectives are reflected in the aims of policy CP15 of the City Plan Part One, DM26 of City Plan Part 2 and Hove Station Neighbourhood Plan Policy 12 which states that developments will be expected to contribute towards the conservation and enhancement of historic environment features
- 9.4. In regard to front boundary walls, SPD12: Design Guide for Extensions and Alterations states that the removal of a front boundary wall or hedge and the development of the front garden into a forecourt for parking will be resisted "where it would have an adverse impact on visual amenity or the character of the streetscene". In addition, SPD09: Architectural Features states that "poorly considered alterations to boundaries or their partial or complete removal can have a substantially harmful impact' and ' modern car ownership and this is one of the biggest threats to the character of historic areas, where front gardens are seen as private car parks".
- 9.5. The removal of a section of front boundary wall and formation of the hardstanding creates approximately 4.5m x 2.75m of sealed area which occupies the space between the back of the highway and the front elevation of the house. The pedestrian pathway from the highway is retained in place, as is the front boundary wall and an area of courtyard garden located on the southern side of the pathway.
- 9.6. The works result in the entire section of northern part of the front of the site being covered by hardstanding. A substantial amount of front wall has been lost. The loss of a large section of front boundary wall is regrettable as it removes an original boundary treatment and results in the loss of an historic feature. A key principle of heritage policy is to retain important architectural features. Boundary walls are expressly identified as being characteristic of the area. The removal of a noticeable section of wall harms the character and appearance of the front of the property, which is highly visible from the public realm, with a resultant harmful impact on the conservation area.
- 9.7. A substantial proportion of the pre-existing garden has been lost in favour of an open-faced hard surface, provided with the specific intention of creating an additional vehicle parking space. This is a red brick surface which appears stark and gives this part of the property an overdeveloped appearance. This negative impact would be exaggerated at times when a vehicle would be parked on the newly created parking space.
- 9.8. The works neither preserve or enhance the conservation area and are in direct conflict to the conservation policies set at the national, local and neighbourhood level, and the objectives of the Article 4 Direction. The Heritage Team and the Conservation Advisory Group have both objected to the application on these grounds.

- 9.9. There are examples of similar arrangements along Denmark Villas. Most notably 14 - 24 Denmark Villas, which lie immediately to the north and south of the application site, have a similar arrangements. They all result in the loss of some of the front boundary walls in lieu of car parking. Regrettably this loss of an historic architectural feature serves to demonstrate how incremental changes can erode the historic character of streetscenes in Conservation Areas. The historic character of these properties has been severely impacted by these works. However, there is no recent planning history for these developments, many of which may have been undertaken prior to the designation of the Article 4 direction so without the need for a planning application. As such, the presence of these vehicular accesses elsewhere along Denmark Villas does not provide sufficient justification to cause additional harm to the character and appearance of the application site and the wider Denmark Villas Conservation Area. Despite representations stating that a precedence for the works has been set, given the lack of planning history, it would actually be the case that should this application be granted, an unwanted precedent would be set which would be firmly contrary to adopted policy, including the objectives of the recently made Hove Station Neighbourhood Plan.
- 9.10. Having regard to paragraph 205 of the National Planning Policy Framework (NPPF) the harm arising from the proposal to the significance of the Conservation Area would be less than substantial. However, it still causes significant harm, and any harm to a designated heritage asset requires clear and convincing justification in accordance with paragraph 206 of the NPPF.
- 9.11. Furthermore, in line with paragraph 208, such harm should be weighed against the public benefits of the proposal. Whilst noting the support received on the application, there is little public benefit from the development. Representation on the intention to install an electric vehicle charging point is noted, and this would contribute to national and local commitments to a more sustainable, low carbon emissions future. This would bring some public benefit in terms of reduced emissions. However, the weight attributed to this factor is insufficient to outweigh the harm to the character and appearance of the Conservation Area.

Transport and Highways

- 9.12. The Sustainable Transport Officer has not raised a concern in relation to the application. The scheme would result in the loss of one on-street car parking space through the creation of a cross-over to access the dwelling's new parking area. The site lies within Controlled Parking Zone N which has high on-street car-parking demand. Nevertheless, there has been no objection to the works on highway capacity grounds. It is also noted that the Parking Design and Implementation Team issued an updated consent for the works in September. However, this is a separate legislative procedure and does not prejudice the outcome of this planning application.
- 9.13. In terms of safety, the new crossover and vehicle access is not considered to result in highway safety concerns. Comments received from the public about

family safety and traffic incidents on Denmark Villas are noted, but the development is considered to have a neutral impact in this regard.

Impact on Residential Amenity

- 9.14. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.15. With regard to amenity, no significant adverse impacts are expected as a result of the development. It would result in the parking of a vehicle immediately in front of the house which would bring noise, light and disturbance closer to residents, but this is not unusual in the city, and no significant harm has been identified.

Habitats and Biodiversity

- 9.16. The creation of the hardstanding has resulted in the removal of planting in the pre-existing area of front garden. Due to the retrospective nature of the application, there is little detail on the loss of soft landscaping and regrettably the hard surface offers no habitat merit.
- 9.17. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

10. CONCLUSION

- 10.1. The development has clear conflict with local and national policy which seek to preserve the character and appearance of heritage assets. The application is therefore recommended for refusal.

11. EQUALITIES

- 11.1. 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.
- 11.2. 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.

