



## Appeal Decision

Site visit made on 18 February 2008

by **J Mansell Jagger MA(Cantab) DipTP**  
MRTPI IHBC

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

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Decision date:  
5 March 2008

**Appeal Ref: APP/Q1445/A/07/2057789**

**Land at rear of 22 Florence Road, Brighton BN1 6DJ**

- 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 Mr Robin Cross against the decision of Brighton and Hove City Council.
- The application ref: BH2007/02477 is dated 28 June 2007.
- The development proposed is construction of a two-storey, three-bedroom house.

### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the conservation area.

### Reasons

#### *Preliminary matters*

3. The Council has indicated that, had it been in a position to do so, it would have refused the application for the following reasons:
  - 1) The proposal would result in significant detriment to the spacious nature of the site and surrounding area, which is one of the key positive attributes of this part of the Preston Park Conservation Area.
  - 2) The design of the proposed house fails to relate to the main building on the site or neighbouring development and so fails to provide a high standard of design, resulting in a building with a bland and featureless appearance.
  - 3) The requirement to provide a lower floor below ground level and the limited residual garden area resulting from the large footprint of the proposed dwelling are indications that the proposal constitutes an overdevelopment of the site. These aspects also compromise the ability of the proposal to provide acceptable living conditions for future occupiers.

#### *Character and appearance*

4. The appeal site is part of the rear garden of 22 Florence Road, a substantial detached house now converted into flats. The *Preston Park Conservation Area Character Statement* notes that Florence Road is a wide tree-lined road that is notable for its impressive detached and semi-detached late 19<sup>th</sup> century houses and two churches. Like the other properties in Florence Road, no.22 has a large rear garden, though at present part of it is taken up with a number of garages and a parking area for the flats.

5. Policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 require new developments to be of a high standard of design that takes into account local characteristics. Policy QD3 seeks to ensure the maximum use of sites, whilst avoiding town cramming and providing suitable design and quality of spaces around buildings. Policy HO4 encourages full and effective use of sites whilst respecting the capacity of the local area to accommodate additional dwellings. Policy HE6 sets out the requirements to preserve or enhance the character or appearance of the conservation area.
6. The proposal would have a very limited impact on the appearance of the conservation area as seen from the street, but it would have a significant effect on the historic character and layout of the area, which remains largely intact. The rear gardens of the properties on this side of Florence Road adjoin those of houses in Springfield Road and, with their trees and shrubs, the gardens have a spacious character and create a pleasant visual amenity for residents. I accept that the garages are unattractive and that the appearance of the area would benefit from their removal; however, they are ancillary to the use of the present house and are seen as subsidiary elements in the rear garden space.
7. In comparison, the proposal would subdivide the garden and create a separate residential unit with its own curtilage that would effectively develop the rear half of the site. This would dramatically reduce the curtilage of the existing house and the sense of spaciousness that, even despite the presence of the garages, is still a feature of the present layout. It would fail to provide an appropriate setting for the existing building.
8. In order to reduce the impact of the development, the lower, bedroom floor would be largely below ground level and lit by light wells that would provide only a very limited outlook. This would result in a form of development quite out of character with the area and I agree with the Council that this is an indicator of overdevelopment and of the unsuitability of this backland site for this scale of development.
9. Whilst a contemporary design might be acceptable, I do not believe that the proposed design would be sympathetic to the area. Suitable landscaping might soften and help screen the new building, but it is likely that the mono-pitch aluminium clad roof would stand out and be over-assertive in views from the upper floors of neighbouring houses.
10. The appellant has drawn attention to backland development in nearby Preston Park Avenue. However, I am not aware of the circumstances of those developments and cannot afford them any great weight. In any event, I have judged this proposal on its own particular merits.
11. In my view, the proposal would neither preserve nor enhance the character of the conservation area and would conflict with the adopted planning policies set out above. Further, if this proposal were permitted, it would be likely to set an undesirable precedent for further proposals for the subdivision and development of rear gardens in the area, which it would be difficult for the Council to resist and which would severely harm the character of the conservation area.
12. I have taken into account all other matters raised, but find no compelling reason to alter my conclusion that this proposal should not be allowed.

*J Mansell Jagger*

INSPECTOR

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