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# Appeal Decision

Site visit made on 5 January 2011

**by Simon Miles BA(Hons) MSC MRTPI**

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

**Decision date: 31 January 2011**

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## **Appeal Ref: APP/Q1445/A/10/2131097**

### **The Bungalow, Hangleton Lane, Hove, East Sussex BN3 8EB**

- 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 Jerjes Philips against the decision of Brighton and Hove City Council.
  - The application Ref BH2010/00107, dated 15 January 2010, was refused by notice dated 17 March 2010.
  - The development proposed is a private residential dwelling consisting of a two bedroom bungalow.
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### **Decision**

1. I dismiss the appeal.

### **Main Issue**

2. I consider this to be whether the proposed development would preserve or enhance the character or appearance of the Hangleton Conservation Area, having particular regard to the effect on the setting of the adjacent Grade II and Grade II\* listed buildings.

### **Reasons**

3. The appeal relates to a proposal to erect a new single storey dwelling on a small parcel of garden land adjacent to an existing dwelling, known as The Bungalow, situated at the junction of Hangleton Lane with Hangleton Valley Drive. The area includes a mix of modern residential development and older buildings. The former includes the existing dwelling, whilst the latter includes two historic buildings to the south.
  4. The historic buildings are Grade II\* listed Hangleton Manor and Grade II listed Rookery Cottage, which adjoin the site to the south and southeast respectively and have distinctive flint pebble elevations and many attractive period features. The site is also within the Hangleton Conservation Area, which derives its special character mainly from the historic setting of Hangleton Manor, St Helen's Church and St Helen's Park, which lies between these two buildings.
  5. The long north elevation of Hangleton Manor faces directly towards the proposed development site, whilst Rookery Cottage is built directly abutting the eastern boundary of the existing garden. Hangleton Manor is used as a public
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house and an open area, used for car parking, lies between the listed building and the southern boundary of the proposal site. The front elevation of Rookery Cottage and that of the adjoining Grade II listed dwelling, The Cottage, faces south onto this open area. The listed buildings form a most attractive grouping, which makes a very significant positive contribution to the character and appearance of the area. As matters stand, there is sufficient space around the listed buildings to preserve their setting and the visual integrity of this important group.

6. I am therefore concerned about the small and confined character of the proposed plot and the incongruous sunken design of the proposed dwelling, which would lead to a cramped and contrived form of development, at variance with the well-spaced layout and conventional design and appearance of existing surrounding buildings. Furthermore, because of the close proximity of the site, I am concerned that the development would intrude unduly on the setting of the listed buildings, eroding their cottage garden setting and undermining the historic form and layout of the conservation area.
7. The appellant acknowledges the close proximity of the listed buildings and seeks to justify the proposal mainly on the grounds that the development would be concealed from view. It seems to me that this only underscores the contrived nature of the design, since concealment would not be necessary if the site were capable of being developed in harmony with the spatial characteristics of the area. But in any event, whilst the existing and proposed boundary treatments might screen the development from street level, there are windows in the upper floors of both Rookery Cottage and Hangleton Manor looking down onto the site. It would not be possible to prevent views of the development from many of these windows.
8. Furthermore, there is insufficient information to demonstrate that the development and associated excavation works could be carried out without causing harm to the structural integrity of Rookery Cottage. Similarly, there is insufficient information to show the extent and manner of alterations proposed to the existing flint boundary walls, which are an important feature of the site and contribute positively to both the character and appearance of the conservation area and the setting of the listed buildings.
9. For all these reasons, I consider that the proposed development would not preserve the character and appearance of the Hangleton Conservation Area. Indeed, for the reasons set out above, I find that significant harm would be caused to its character and appearance, particularly in terms of the adverse and intrusive effect of the development on the setting of the adjacent Grade II and Grade II\* listed buildings, Rookery Cottage and Hangleton Manor.
10. It follows that the proposal conflicts with saved Policies QD1, QD2, QD3, HE3 and HE6 of the adopted Brighton and Hove Local Plan 2005, insofar as these policies seek to ensure that development is appropriate to the local townscape, contributes positively to the visual quality of the environment and takes account of important local characteristics, whilst also preserving or enhancing the character or appearance of conservation areas and protecting the setting of listed buildings.

11. In other respects, I note the Council's concern about possible overlooking between the proposed dwelling and Rookery Cottage. In particular, there are various windows in the west elevation of Rookery Cottage looking down onto the site. However, because there are no windows shown to the east elevation of the proposed dwelling, any such impact would be confined to overlooking from Rookery Cottage down onto a small part of the garden area of the proposed new dwelling. Whilst this does add to my overall concern about the development, the effect of this would not be sufficiently serious for the appeal to fail solely on this basis.
12. In reaching my decision, I have had regard to the fact that the proposal would secure a small area of additional garden for Rookery Cottage. The removal of an existing garage would also open up limited views of Rookery Cottage from the north, from the vantage point of Hangleton Lane. However, I do not consider these minor alterations to be of significant benefit, particularly as the important public views of Rookery Cottage are from the south and west.
13. Overall, because of the significant harm that I have identified above, the balance in this case weighs clearly against approval. The fact that the existing garden is no longer classified as previously developed land further weighs against approval, as there is no presumption in national policy that this site should be developed to provide new housing. In view of the foregoing, the appeal does not succeed.

*Simon Miles*

INSPECTOR

