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## Appeal Decisions

Site visit made on 30 August 2011

**by Elizabeth Fieldhouse DipTP DipUD MRTPI**

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

**Decision date: 6 September 2011**

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### **Appeal Ref: APP/Q1445/E/11/2149499**

#### **8 Medina Terrace, Hove BN3 2WL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Polly Samson against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/03645, dated 22 November 2010, was refused by notice dated 12 January 2011.
  - The works proposed are "insertion of 'temporary' cycle storage beach hut to rear westerly car port of property".
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### **Appeal Ref: APP/Q1445/A/11/2149505**

#### **8 Medina Terrace, Hove BN3 2WL**

- 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 Mrs Polly Samson against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/03808, dated 8 December 2010, was refused by notice dated 2 March 2011.
  - The development proposed is the "insertion of 'temporary' cycle storage beach hut to rear westerly car port of property".
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### **Decisions**

1. The appeals are dismissed.

### **Procedural matters**

2. The development proposed in both appeals is more clearly described in the decision notices as 'Erection of beach hut for cycle storage to rear of property (Retrospective)' and the appeals are considered on this basis.

### **Main Issue**

3. The effect of the beach hut on the character and appearance of the building and the attached terrace, having regard to the location within the setting of a grade II listed building and the Cliftonville Conservation Area.

### **Reasons**

4. The detached cycle store is about 3.5m from the main building and fills the corner where the boundary wall with 7 Medina Terrace meets the wall adjoining the access to parking to the rear of Spa Court. The building is a free standing structure on the hard surfaced rear area that is also used for open off-street parking. 2-8 (consecutive) Medina Terrace, including walls, piers and railings

- fronting the road, are grade II listed and date from around 1875. They are rendered with the roof concealed behind a parapet. The imposing terraced buildings are four-storey over basement with a rear curtilage some 5.5m deep.
5. Apart from immediately adjoining the basement, the rear gardens are raised to near that of the adjoining pavement. The boundary wall with no.7 adjoining the beach hut is some 1.68m high but 1.2m high on the neighbouring side where the raised rear curtilage is slightly higher. The beach hut is 0.27m higher to the eaves than the garden wall with the pitch roof rising about a further 0.7m to the ridge. The beach hut is of the same construction, materials and colour palette as the beach huts on the edge of the Esplanade to the east of, but well separated from the appeal site. Those beach huts are lined up along the edge of the Esplanade.
  6. The appeal building with its bright yellow door is incongruous as an isolated beach hut and does not relate to those on the Esplanade in terms of proximity or characteristic of use. In terms of scale, it does not compete with the listed building but is incongruous and discordant detracting from the setting of the listed building. By reason of its height, projection above the boundary wall and colour, the beach hut appears unduly large and prominent. It is clearly evident from the south and west and although there are less sensitive backdrops further from the Esplanade to the rear of Victoria Terrace, to the north of the appeal site, and there is a modern building to the west, these are not directly associated with Medina Terrace.
  7. The beach hut as located fails to accord with Brighton & Hove Local Plan 2005 policy HE3 that aims to prevent development that would have an adverse impact on the setting of a listed building. As advised in Planning Policy Statement 5 *Planning for the Historic Environment* (PPS5) policy HE9 the significance of a heritage asset can be harmed by development within its setting. PPS5 policy HE10 requires any harm to be weighed against the wider benefits.
  8. The proposal provides storage for the bicycles belonging to the occupiers of the property. There is no contention on the benefit of cycle storage. Nevertheless, I am not convinced that the beach hut erected would be the only method of satisfactorily accommodating the occupiers' bicycles or a justification for the harm identified. The bicycle illustrated on the application drawing occupied less than half of the height of the beach hut.
  9. Due to the height and projection above the boundary wall of the beach hut, the proposal fails to preserve the setting of the listed building or to preserve or enhance the character or appearance of this part of the Cliftonville Conservation Area. For these reasons the appeals should fail. In reaching this decision account has been taken of the development plan and all material considerations, including third party representations.

*Elizabeth Fieldhouse*

INSPECTOR