



Appeal Decision

Site visit made on 16 February 2012

by M T O'Rourke BA (Hons) DipTP MRTPI

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

Decision date: 21 February 2012

Appeal Ref: APP/Q1445/D/11/2167681
31 Florence Road, Brighton BN1 6DL

- 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 Peter Maddalena against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/02609, dated 2 September 2011, was refused by notice dated 25 November 2011.
 - The development proposed is to widen existing gate space access to current hard standing by 40 inches. Work involves removing pillar, partial removal of brick wall which is less than 1m high. Reinstating pillar using the same bricks and making good the wall again using existing bricks. There is a pavement crossover already in place in front of the gate space.
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Procedural Matters

1. The description in the box above is taken from the application form. The Council has used a shorter and simpler description of the development as '*widening existing pillared entrance to boundary wall (Retrospective)*.' I have determined the appeal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for widening existing pillared entrance to boundary wall (Retrospective) at 31 Florence Road, Brighton BN1 6DL in accordance with the terms of the application, Ref BH2011/02609, dated 2 September 2011 subject to the following condition:
 - 1) Within 3 months of the date of this decision details of an iron gate to the widened pillared entrance hereby permitted, including a timetable for its installation, shall be submitted for the written approval of the local planning authority. The approved details shall be carried out in accordance with the approved timetable.

Application for costs

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issue

4. Florence Road is within the Preston Park Conservation Area which has an Article 4 Direction removing permitted development in respect of single dwelling houses so that alteration to the boundary walls need planning

permission. The main issue is therefore the effect of the development on the host property, on the townscape and on the character and appearance of the Conservation Area.

Reasons

5. No. 31 is an attractive semi detached house, one of the middle of a set of 3 similar pairs of houses set down the hill on the north side of Florence Road. The front entrance doors and paths to Nos. 31 and 33 are paired in the centre and each has a front garden with a wider opening giving access to the side.
6. Works were carried out last year to widen the side access by removing a section of the front boundary wall, relocating the gate pier and rebuilding the side retaining wall to the garden to widen the hardstanding for car parking.
7. Although not universal this is a common arrangement in the street and a number of the houses have side openings and driveways of varying widths and treatments, not just the larger properties at the lower end of Florence Road. Low front boundary walls separated by brick piers/pillars are a distinctive feature of many of the properties in Florence Road. Frontage widths and treatments vary and the piers and gateways are not all spaced at regular intervals. Rather it is the contrast between the taller piers and low walls, particularly when looking down the hill, which creates the street rhythm, forms an attractive part of the townscape and contributes to the character and appearance of this part of the Conservation Area.
8. The Conservation Area Character Statement does not specifically mention the front walls and piers as being a key feature of Florence Road, but saved policies HE6 and HE8 of the Brighton and Hove Local Plan (LP) and the Council's Supplementary Planning Document (SPD 09) on Architectural Features generally resist the loss of such features in Conservation Areas. However the SPD advises that alterations to walls can be acceptable where original patterns, materials and details appropriate to the property are proposed.
9. In this case, the pier has been rebuilt in the original brick and to its original height and detailing, and the only issue is its new position and the hardstanding. Although the pier no longer aligns with the side elevation of the house, I did not find this to be a particularly consistent or important feature in the townscape. The hardstanding is to the side of the house; the bay is not obstructed and a reasonable sized front garden is retained. The Council's Conservation and Design Team advised that *'the street rhythm and coherence of the front boundary treatment would be largely retained'*.
10. The inclusion of a suitable but simple iron gate, recommended by the Conservation Officer to help to retain a hard boundary and reduce the visual impact of the car parking, could be the subject to a condition. The rebuilt pier and associated low walling continue to provide the contrast that contributes to the townscape. The slight reduction in the front garden is not noticeable. There is a mature tree in the street but no objection was made by Council's Arboricultural Section that the works have or would adversely affect it.
11. Both parties referred to the 2010 appeal decision at 5 Florence Road which allowed works that involved significant changes to the front boundary including the loss of a length of wall, an additional pier and reinstatement of flower beds and a Victorian pedestrian path. In that No. 5 is a detached property with a wide frontage and the front garden was already used for parking, it does not

set an example for the current development. However it is illustrative of the variety of boundary treatments that can be seen along Florence Road of which the changes at No. 31 make up a minor element.

12. The Council has concerns that if alterations similar to those at No. 31 were replicated it could erode the special character of the townscape and set an undesirable precedent for further proposals in Florence Road. Similar works have taken place at No. 27 down the hill and permission has been refused for a hardstanding at No 33. These are the subject of separate appeals. The Council has also referred to a recent refusal at No. 21. That is a larger double fronted property and proposed the removal of nearly 5m of wall and a hardstanding in front of the bay and is quite different in scale and impact to this appeal proposal.
13. The Article 4 Direction allows the Council to consider each proposal on its own individual merits having regard to the current arrangements and the surrounding townscape. The Council's own Conservation and Design Team has adopted a pragmatic approach to these works. I take a similar view. As I have found the works subject of the current appeal to be acceptable, they would not set an undesirable precedent and the schemes at Nos. 27, 31 and 33 would not be an adverse cumulative effect on the townscape.
14. I conclude that the appeal works are not harmful to the character and appearance of the host property, the townscape or the Conservation Area, and thus accord with the objectives and requirements of policies HE6, HE8 and QD16 of the LP.
15. Other than requiring a gate to be provided across the vehicular access, for the reasons set out in paragraph 10, no other conditions are necessary. I have taken into account all other matters raised including the concern at the loss of on-street parking but as there was previously a hardstanding there has been no change. I find none to be of such weight as to override the considerations that have lead to my conclusion, for the reasons given above, that the appeal should be allowed.

Mary O'Rourke

Inspector

