



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/11/2167682
33 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 [outline] planning permission.
 - The appeal is made by Mr Robert Gibbins against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/0252, dated 21 August 2011, was refused by notice dated 16 November 2011.
 - The development proposed is to move brick pier of front wall approximately 90cm to improve access to existing vehicle hard-standing area, widening of existing hardstanding and relocation of brick pillar.
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Procedural matters

1. The description in the box above is taken from the application form. The Council describes the development as '*widening of existing hardstanding and relocation of brick pillar*'. I have determined the appeal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for widening of existing hardstanding and relocation of brick pillar at 33 Florence Road, Brighton BN1 6DL in accordance with the terms of the application, Ref BH2011/02521, dated 21 August 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The brick built pier hereby permitted shall match in material, colour, style, design, scale and proportion those of the existing brick built pier.
 - 3) Notwithstanding condition 5, no development shall take place until details of the iron gates have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Development shall not begin until details of the crossover between the proposed hardstanding and the highway have been submitted to and approved in writing by the local planning authority; and the new hardstanding shall not be used until the crossover has been constructed in accordance with the approved details.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan, computer generated image, before and after plans (A3), and block plan (at A4 and marked Appendix

1) all stamped BH2011/02521; and an unnumbered plan with before and after elevations stamped 18 October 2011.

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. 33 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. There is an existing timber shed at the side of the house, the subject of a 2008 planning permission.
6. The proposal seeks to widen the existing secondary opening to the side of the house to allow for the formation of a wider hardstanding for car parking. A short section of the front wall would be removed and the existing brick pier relocated and rebuilt. It would mirror the arrangement at No. 33, its pair, and at No. 35, to the east. However unlike those properties, which are level from the pavement, there is a step-up at the front of the site and no crossover. The Sustainable Transport Team questioned when it was last used as a vehicular hardstanding and recommended refusal because cars would need to partially bump up the kerb and ride over untreated footway to avoid hitting the lamp column. However it was also made clear that this recommendation could be overcome by the provision of a crossover that meets the Council's requirements. This could be made the subject of a condition and is not therefore a matter that weighs against the proposal. Nor was there any concern about the loss of on-street parking as a consequence of the works.
7. The Council's concern, and that of the Preston and Old Patcham Society and the Brighton Society, relate to the visual impact of the demolition and relocation of the pier on the townscape. However the Article 4 Direction does not prohibit such works; it merely requires that they are the subject of a full planning application so that they can be properly assessed. In that regard, there are a number of houses in Florence Road, including those to either side of No. 33, that have side openings and driveways of varying widths and treatments, not just the larger properties at the lower end of Florence Road. Although not universal, it is a common arrangement in the street.
8. The 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.

9. 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.
10. In this case, the pier is proposed to be rebuilt in the original brick and to the original height and detailing, and the only change would be to its new position, the reduced length of front wall and the hardstanding. Although the new pier would no longer align with the side elevation of the house, this is not a particularly consistent or important feature in the road. The new pier would be level with the side of the bay; the hardstanding would be to the side of the house; and a reasonable sized front garden would be retained. I agree with the Council's Conservation and Design Team which advised that '*the street rhythm and coherence of the front boundary treatment would be largely retained*' and that an exception to policy could be justified in this case.
11. The provision of a suitable but simple iron gate, as recommended by the Conservation Officer, would help to retain a hard boundary and reduce the visual impact of the car parking and could be made the subject of a condition. The rebuilt pier and reduced length of low walling would continue to provide the contrast that is part of the streetscene. The slight reduction in the front garden would not be noticeable and the pair of houses would be matched.
12. 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. 33 would make up a minor element.
13. The Council has concerns that if alterations similar to those proposed at No. 33 where replicated it could erode the special character of the townscape and set an undesirable precedent for further proposals in Florence Road. Similar works have already taken place at No. 27 and No. 31 which are the subject of separate appeals. The Council 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 would have been quite different in scale and impact to the proposal at No. 33.
14. 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 that the works subject of the current appeal would be acceptable, they would not set an undesirable precedent and this proposal, together with the works that have already taken place at Nos. 27 and 31, would not have an adverse cumulative effect on the townscape.

15. I conclude that the appeal proposals would not be 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.
16. Conditions are needed to ensure that the detail of the new pier matches the original; that a gate is provided, for the reasons set out in paragraph 10; that a crossover is constructed to the Council's standards; and to list the plans, for the avoidance of doubt and in the interests of good planning.
17. 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 led to my conclusion, for the reasons given above, that the appeal should be allowed.

Mary O'Rourke

Inspector