



Appeal Decision

Site visit made on 19 March 2013

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 26 March 2013

Appeal Ref: APP/Q1445/D/13/2192720

21 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 Ms Linda Moss against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03284 was refused by notice dated 18 December 2012.
 - The development proposed is to demolish part of front wall. Move pillar to new location. Create hard standing for car, with gravel and planting soak away.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property, the street scene, and the Preston Park Conservation Area.

Reasons

3. The appeal property is a late nineteenth century semi-detached house located in Florence Road, within the Preston Park Conservation Area (PPCA). The Council's PPCA Character Assessment identifies Florence Road as wide and tree-lined, but does not identify boundary treatment as a key feature.
4. The arrangement of low walls interspersed by taller brick piers is a notable feature in Florence Road, and positively contributes to the character and appearance of the street scene and this part of the PPCA. A number of properties in the road have off-street parking in the front garden, although this does not predominate or undermine the general contribution of the boundary walls to the setting. These off-street parking spaces vary in terms of size, materials, position on the frontage, and the type and extent of boundary treatment which remains, with some blending more successfully into the street scene than others.
5. There is an Article 4 Direction in place which removes permitted development rights for works including the demolition of or alterations to front boundary walls. The Direction does not preclude such development, but rather requires applications so that they may be properly assessed. Policy HE6 of the Brighton and Hove Local Plan 2005 (LP) reflects the statutory duty to ensure that proposals affecting the setting of a conservation area preserve or enhance the character or appearance of the area. Supplementary Planning Document 09, 'Architectural Features' (SPD 09), which supports the policy, advises that, within conservation areas, permission will not be granted for the full or partial

demolition of a boundary wall, and LP Policy HE8 advises that proposals should retain structures and features that make a positive contribution to the character or appearance of a conservation area.

6. I accept that other properties nearby have off-street parking, but dealing with this appeal on its merits, I agree with the Council's assessment, that the walls, piers, green garden and the trees at the site make important contributions to the street scene and the character of this part of the PPCA. Notwithstanding the use of materials to replicate the existing pier, the removal of the wall to the extent proposed would neither preserve nor enhance the character and appearance of the site or the PPCA. The appellant has not specified the type of brick or block paving proposed, but the surfacing materials would not address the visual impact of the loss of the wall and the existing planting. Although there is no objection from the Council's Arboricultural Section, the proposal would result in the loss of landscaping in conflict with LP Policy QD16, which seeks to retain existing trees, shrubs and hedgerows.
7. There is little information provided of the construction date and circumstances of the more established parking spaces in Florence Road, but attention has been drawn to developments the subject of relatively recent planning appeals¹. Although there is limited information before me regarding the precise details of these schemes, the appeal decisions indicate that there were existing hard standings at each site, and in the case of 5 Florence Road other enhancements to the setting resulted. The extent of walling to be removed at 27, 31 and 33 Florence Road appears to have been in the region of 90cm. In contrast, the appeal proposal would involve the visually disruptive removal of a more substantial section of walling and part of the landscaping and tree behind. As a result, the examples cited do not set a precedent for this proposal.
8. The proposed siting of the pier would disrupt the alignment with features of the main house, but the siting of piers throughout Florence Road is not uniform; it is the contrast in height between the low walls and piers that creates regularity in the street scene, rather than the precise siting of these features. However, this does not alter my assessment above.
9. I note the appellant's reasons for seeking the proposed parking space, but the submitted information does not indicate that short-term parking to unload vehicles causes highway hazards or nuisance that would outweigh the harm to the appearance of the PPCA. There is limited detail supplied to indicate an overriding medical need for the parking space, but national guidance set out in 'The Planning System: General Principles' makes clear that the personal circumstances of an occupier will seldom outweigh more general planning considerations.
10. I therefore conclude that the proposal would adversely affect the character and appearance of the appeal site and the wider street scene, and would fail to preserve the character and appearance of the PPCA, contrary to the aims of LP Policies HE6, HE8 and QD16, and SPD 09.
11. For the reasons given above I conclude that the appeal should be dismissed.

Hilary Lock INSPECTOR

¹ APP/Q1445/E/09/2115098 & /2115064 (No.5); APP/Q1445/D/11/2167680 (no.27); APP/Q1445/D/11/2167681 (No.31); and APP/Q1445/D/11/2167682 (No.33)