



# Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

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

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**Decision date:**  
**24 November 2008**

## **Appeal Ref: APP/Q1445/A/2079048** **116 Church Road, Hove, East Sussex BN3 2EA**

- 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 Misty's Cafe Bar against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04688, dated 17 December 2007, was refused by notice dated 7 April 2008.
- The development proposed is the erection of a rendered boundary wall (east) and the erection of a part covered pergola, retrospective.

### **Decision**

1. I dismiss the appeal.

### **Procedural Matters**

2. There are two parts to the proposal: the pergola, which has been built and for which the Council has refused planning permission; and a proposed boundary wall, which would be structurally separate from the pergola and would replace an existing transparent boundary structure.
3. The Grounds of Appeal say that the pergola "is not considered to become a permanent fixture." However, as the Council argues, it not designed to be dismantled frequently and there is no indication on the application that temporary permission was sought. I have therefore dealt with it as a permanent structure.

### **Main issue**

4. The main issue in this case is whether the pergola and proposed boundary wall would preserve or enhance the character or appearance of the Cliftonville Conservation Area.

### **Reasons**

5. The pergola and wall provide outdoor seating at the rear of the appeal premises in an area which fronts Albany Villas. This road is residential and shares the predominant character and appearance of such roads in the Conservation Area, with attractive and often grand houses, of varying architectural styles and detailing. In contrast, at the centre of the Conservation Area is a short section of Church Road, including No 116, which is a busy commercial street.

6. The building line in Albany Villas is an important aspect of its character and appearance, and is continued to the corner of Church Street by its alignment with the main side wall of No 116. There is a single storey extension (No 116A) in front of this line, and the proposed boundary wall would continue this line, at nearly the same height to the rear of the property.
7. I accept that No 116A lies forward of the existing building line, and indeed there is a similar feature on the opposite corner at No 114. However, in contrast to the proposed wall, in neither case do these buildings extend beyond the rear wall of the main parts of Nos 114 and 116. Their impact on the important building line is therefore limited. In contrast, the proposed wall, because of both its length and height, would be an intrusive feature, standing well forward of a clearly defined and characteristic building line. It would, therefore, neither preserve nor enhance the character or appearance of the Conservation Area.
8. The proposed wall would screen the pergola except from views in Albany Villas to the south. The pergola is made of transparent materials over a dark wooden frame and the roof has two pitches. I have no doubt that, even in the limited views from the south, both the design of the pergola and the materials used are wholly at odds with the character and appearance of the buildings in the area, where render and solidity are determining features. My views on the design of the pergola are reinforced by my findings that the proposed wall would be unacceptable. The impact of the pergola without the wall, when it is clearly seen from several directions, is therefore the more harmful.
9. I conclude, therefore, that the proposal would neither preserve nor enhance the character or appearance of the Cliftonville Conservation Area, contrary to policies in the Brighton & Hove Local Plan 2005. I acknowledge the benefit to the appellants of being able to offer an outdoor seating area, and the possibility that the proposed wall may enclose noise from the area as it is used now. I also saw the other sites which the appellants argue are similar to the proposals here. None of this, however, convinces me to allow a scheme which I have found to be materially harmful.

*David Asher*

INSPECTOR