



Appeal Decision

Site visit made on 3 April 2013

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 12 April 2013

Appeal Ref: APP/Q1445/D/13/2193094

83 Pembroke Crescent, Hove, East Sussex BN3 5DF

- 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 Paul Braddick against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03555, dated 8 November 2012, was refused by notice dated 14 February 2013.
 - The development proposed is re-laying and extension of driveway.
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Decision

1. The appeal is allowed and planning permission is granted for re-laying and extension of driveway at 83 Pembroke Crescent, Hove, East Sussex BN3 5DF in accordance with the terms of the application, Ref BH2012/03555, dated 8 November 2012, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and drawing Ref: 7.

Preliminary Matter

2. I have used the description as it appears on the decision notice but altered its wording slightly. This appropriately, but more succinctly describes the development compared with that used on the application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Pembroke and Princes Conservation Area.

Reasons

4. The appeal property is a detached dwelling set within the Pembroke and Princes Conservation Area. It is proposed to re-lay an existing area of hardstanding in front of the dwelling and to extend it to one side into a fairly
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- shallow area of garden that projects towards a short stretch of the property's return frontage to Pembroke Gardens.
5. The Council is concerned that the extended area of hardstanding, and its use for car parking, would introduce an incongruous feature into the street scene and one that would erode the area's important sylvan character that is recognised within the Council's Conservation Area Character Statement as being determined by the streets' patterns and the green front gardens of the properties within it.
 6. Nevertheless, I saw that garden frontages varied considerably in depth within the area and that parking within some, where size allowed, was not altogether uncommon. In this case, the existing enclosure to the appeal property, which comprises a low wall with taller brick piers and close boarded fencing between, would be retained. Therefore, whilst I accept the Council's view that the existing hedgerow and planting around the perimeter of the proposed additional hardstanding may not always remain, I am not persuaded that a parked vehicle within this space would appear either out of character or particularly prominent within the street scene. In addition, a fairly large area of lawn and soft landscaping would be retained on the opposite side of the existing hardstanding, directly to the front of the dwelling.
 7. The Council has referred to their Supplementary Planning Document 09 (SPD) entitled *Architectural Features* (adopted in 2009) within the reason for refusal. However the SPD clearly states that it is intended to provide detailed policy guidance on the repair, restoration and enhancement of historic buildings being statutorily listed buildings; historic buildings that make a positive contribution to the character or appearance of conservation areas; historic buildings that make a positive contribution to the special historic interest of registered parks and gardens; and locally listed buildings. There is no suggestion that the appeal property satisfies any of these criteria and therefore I see no particular relevance to the SPD in this case.
 8. Overall therefore, for the reasons given I conclude that the proposal would not noticeably alter the established character or appearance of the conservation area, which would be preserved. In this regard there would be no conflict with the aims and objectives of either Policy QD14 *Extensions and alterations* or Policy HE6 *Development within or affecting the setting of conservation areas* of the Brighton & Hove Local Plan 2005. As such there would be no harm to the area's significance as a heritage asset and no conflict with the National Planning Policy Framework 2012 as it relates to conserving and enhancing the historic environment. Accordingly, and having regard to all other matters raised, the appeal is allowed.
 9. For the avoidance of doubt and in the interests of proper planning it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans.

John D Allan

INSPECTOR