
Appeal Decision

Site visit made on 30 October 2013

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 3 December 2013

Appeal Ref: APP/Q1445/A/13/2201112

24 Albert Road, Brighton BN1 3RN

- 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 Z Solomon against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00478, dated 14 February 2013, was refused by notice dated 23 April 2013.
 - The development proposed is the creation of a single storey extension to existing garage and roof alterations to facilitate storage area above and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description used on the application form differs from that on the planning appeal form and decision notice. The original description reads; 'Amendment to previous planning approval BH2010/00041.' For clarity and the avoidance of doubt, I have used the Council's description as re-iterated by appellant in his appeal form.
3. The development has been carried out. However, the plans submitted differ from the development carried out on site. For example, the uppermost portion of the front first floor windows is screened by the eaves, whilst in the proposed drawings the windows would sit just below the eaves. The space between the top of the garage door and the sill of the windows is shown to be wider on the drawings than has been built. In addition, the garage doors shown on the drawings are off centre, whereas the existing structure has a wider left hand corner post, resulting in the garage door being centred within the front elevation. These differences, when considered cumulatively, result in the proposal being materially different to the structure that has been built.
4. I note that the appellant suggests that the differences in detailing could be overcome by the use of conditions. Having had regard to *Circular 11/95: Use of conditions in planning permission* (the Circular), I consider that the changes required to the existing structure would be substantial. Interested parties might want to comment on the modifications, particularly given that the site is in a conservation area. In such cases, paragraph 84 of the Circular advises conditions should not be used as a remedy. I conclude that the use of conditions to significantly alter the proposed scheme would not be reasonable,

and as such would fail to meet the tests of the Circular. I have, therefore, considered the proposal based on the originally submitted plans.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Hill Conservation Area.

Reasons

6. The appeal site is located within the West Hill Conservation Area which the Conservation Area Character Statement states is characterised by being a mainly residential area between Brighton Station and the Seven Dials parts of the city. Albert Road, in particular, is characterised by a terrace of dwellings along its northern side with the appeal site located on the southern side, which is characterised by the spacious development of three storey semi-detached houses dating from the 1870s and 1880s of which the appeal building is one.
7. Whilst there are some limited examples of garages on the side of dwellings within the area, these tend to be detached from the main dwelling or are set back from the front elevations by a greater distance than that shown on the drawings showing the proposal. No 25 Albert Road forms the other half of the semi-detached properties, and visually the building provides a complete unit within the street scene. There is a single storey timber detached garage to the side of No 25, which is set back from the front elevation, with a space between the building and the garage. Given its siting and single storey form, the garage to the side of that part of the building does not detract from the balanced appearance of the two dwellings.
8. The proposed garage would be set back a small distance from the front elevation of the building, and cover the gap between the flank wall of No 24 and the boundary wall with No 17 Buckingham Road. The original garage was an unimposing single storey structure with a flat roof, which covered a smaller footprint. The proposed scheme consists of a two storey garage with hipped roof. The proposed scheme has tried to respect the architectural significance of the host dwelling by incorporating some design details.
9. However, these details would result in an awkward juxtaposition between the proposed garage and the main dwelling, which further exacerbates the visual discordance arising from the proposed scheme. Furthermore, when the garage is considered in the context of abutting one side of the entire building it would not only result in a visual unbalancing of Nos 24 and 25, but would also appear out of scale with the four storey host building. Therefore, whilst the harm to the significance of the conservation area is less than substantial, the benefits of the scheme to the appellant in providing additional living space are not sufficient to outweigh that harm.
10. I note that the site has a long planning history dating back to an application in 1989. Whilst these are important material considerations, I have not been provided with the technical details of these schemes. In any case, whilst this history refers to the principle of the development, they do not overcome the harm to the conservation area arising from the proposal before me I have identified.
11. I therefore conclude that the proposed development fails to preserve or enhance the character or appearance of the West Hill Conservation Area

contrary to Policies QD14 and HE6 of the *Brighton and Hove Local Plan 2005*, which, amongst other aims, seeks to ensure that proposed development is detailed in relation the property and should show a high standard of design and detailing.

Cullum J A Parker

INSPECTOR