



Appeal Decision

Site visit made on 3 March 2014

by **J L Cheesley BA(Hons) DIPTP MRTPI**

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

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/D/14/2212505

Pineglade, Bazehill Road, Rottingdean, Brighton, East Sussex BN2 7DB

- 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 Richard Byrne against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03668 was refused by notice dated 24 December 2013.
 - The development proposed is replacement garage, store and workspace.
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Costs

1. An application for costs was made by Mr Richard Byrne against Brighton and Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the Rottingdean Conservation Area.

Reasons

4. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
5. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Saved Policy HE6 in the Brighton and Hove Local Plan 2005, seeks to preserve or enhance the character or appearance of a conservation area. Saved Policy QD2 states that the design of new development should emphasise and enhance the positive qualities of the local neighbourhood. I consider that these policies are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance; should be taking account of the different roles and character of an area and should be seeking to ensure high quality design.

7. The appeal site lies within the Rottingdean Conservation Area, a designated heritage asset. The conservation area includes a large part of the historic village. The appeal site lies in close proximity to a number of historic farm buildings including the Grade II listed Challoners building and a number of former farm buildings originally associated with the Challoners building, which are now in residential, use. Due to local topography, the existing garage site is in an elevated position in relation to these former farm buildings and in relation to the host dwelling.
8. The proposal includes the retention of the existing carport and replacement of the existing garage/outbuilding with a larger garage/store and workspace. The existing building is a low-key structure visible from Bazehill Road. The new building would be some 9 metres in depth, around 6 metres in width and some 5.3 metres to the roof ridge.
9. Due to the scale of the proposed building and particularly the bulk and height of the proposed roof, I consider that it would appear as an overly prominent building in this location, in close proximity to historic buildings. In addition, due to its scale within the local topography, it would appear as an incongruous addition to the hierarchy of buildings, which focuses on the principal former farm buildings. This would not preserve the character or appearance of the conservation area but this would be less than substantial harm as set out in the Framework.
10. The provision of the building would provide off street parking and enable the appellant to undertake restoration work. This would provide some public benefit. However, having regard to the Framework I find for the above reasons that the harm is not outweighed by any public benefit.
11. I have been provided with examples of other developments in the vicinity, none of which are directly comparable to the proposal before me, which I have considered on its individual merits. I have been referred to a previous Appeal Decision for a different proposal on the site Ref: APP/Q1445/D/13/2203332. I realise that the proposal before me differs from that former proposal.
12. For the reasons state above, I conclude that the proposal would have an adverse effect on the character and appearance of the Rottingdean Conservation Area. This would be contrary to saved Policies HE6 and QD2.

J L Cheesley

INSPECTOR