



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/14/2212385

25 Harrington Villas, Brighton, East Sussex BN1 6RG

- 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 Dr Steve Singh against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/02881 was refused by notice dated 1 November 2013.
 - The development proposed is removal of part boundary wall to enable creation of car park space and crossover. Approx size 3m x 5.6m.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the Preston Park Conservation Area.

Reasons

3. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
4. 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.
5. Saved Policy HE6 in the Brighton and Hove Local Plan 2005, seeks to preserve or enhance the character or appearance of a conservation area. I consider that this policy is broadly in accordance with the Framework as far as it meets the Framework's core principles; particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance.
6. Guidance in the Councils Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD 12) (2013) states that the loss of original boundary walls that contribute to the character of a conservation area will be resisted. Guidance in the Councils Supplementary Planning Document: Architectural Features (SPD 09) (2009) does not allow the partial demolition of boundary walls in conservation areas.
7. The appeal site lies within the Preston Park Conservation Area, a designated heritage asset. This area comprises predominantly residential property dating

mainly from the mid to the late 19th century. A distinct characteristic of this part of the conservation area is the front boundary treatment comprising low red brick garden walls and pillars. Even though there are some driveways and garages, parking is primarily on street, rather than within the residential curtilages.

8. The appeal property is a traditional semi-detached dwelling with characteristic front boundary wall and pillars. The proposal would remove part of the boundary wall to allow for on site parking. From my observations, the removal of part of the traditional wall would unbalance the appearance of this pair of semi-detached properties. Due to its height, traditional design, and sense of enclosure, I consider the wall makes a positive contribution to the character of the Conservation Area. Thus, the demolition of part of this wall 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.
9. The provision of one off street parking area would make minimal contribution to parking provision in the area. Thus, I consider it would provide little public benefit. Having regard to the Framework I find for the above reasons that the harm is not outweighed by any public benefit.
10. In reaching my conclusion, I have had regard to all other matters raised, including on site parking provision at some nearby residential properties. I note that none is directly comparable to the proposal before me, which I have considered on its individual merits. Others are primarily parking areas to the side of dwellings or garages, rather than parking places in front of the front elevations of dwellings.
11. I conclude that the proposal would have an adverse effect on the character and appearance of the Preston Park Conservation Area. This would be contrary to saved Policy HE6, and guidance in SPD 09 and SPD 12.

J L Cheesley

INSPECTOR