



Appeal Decisions

Site visit made on 3 February 2014

by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 18 March 2014

Appeal A Ref: APP/Q1445/A/13/2208797

105 Church Road, Hove, East Sussex BN3 2AF

- 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 Robert Partridge against the decision of Brighton & Hove City Council.
 - The application Ref BH2013, dated 9 September 2013, was refused by notice dated 5 November 2013.
 - The development proposed is demolition of existing vacant ancillary storage area to chemist (A1) and replacement with new single storey extension to provide A2 use (estate agents).
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Appeal B Ref: APP/Q1445/E/13/2208806

105 Church Road, Hove, East Sussex BN3 2AF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Robert Partridge against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03137, dated 12 September 2013, was refused by notice dated 7 November 2013.
 - The works proposed are demolition of existing vacant ancillary storage area to chemist (A1) and replacement with new single storey extension to provide A2 use (estate agents).
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. The Planning Practice Guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of these proposals, those changes to the guidance framework have not affected my decision.

Main Issues

3. The main issue in Appeal A and B is whether the proposed works and development would preserve the special architectural or historic interest of the listed building and, in addition, in Appeal A only, whether the proposed development would preserve or enhance the character or appearance of the The Avenues Conservation Area.

Reasons

Listed Building

4. The appeal site is a four storey end of terrace building on Church Road at its junction with Norton Road. It is currently in use as a chemist on the ground floor with a single storey storage area, in relation to that use, accommodated at the rear. The building is grade II listed, as part of the grade II listed terrace which it terminates. The shopping terrace opposite, which has similarities in scale and design, is also grade II listed. Together they have value as a group.
5. The appeal site is at the end of an attractive shopping terrace. Its front, primary elevation reflects its commercial public purpose with decorative yellow stock brick, stone detailing, attractive bays with canopies and iron railings at first floor level. Shopfronts are generally set between rusticated piers.
6. In contrast, the building's return into Norton Road, which terminates the listed terrace, is much plainer, with light colour rendered elevations and less detailing. This reflects its secondary status in relation to the shopping frontage. The single storey element to the rear is considerably plainer again and reflects its ancillary role in relation to the rest of the building. These elements of the design add to the significance of the listed building.
7. Even though it is suggested that the single storey element to that elevation is a later addition, it has a garage door opening which is not attractive and is in a bad state of repair, it still relates appropriately to the listed building and reads as secondary to the main elevation. In addition, whilst the return has been punctuated with window openings which are a later alteration to it, these relate only to the four storey element of the listed building's return onto Norton Road, are obscure glazed and do not function as shop windows. They are plainer and read as secondary to the main shop frontage, which is confined to Church Road, and do not compromise the significance I have identified.
8. The appeal proposal would introduce a central doorway with decorative pilasters, flanked by two large windows, intended to act as shop windows, within the return elevation. This would extend the listed building's shopping frontage into Norton Road, which would diminish its original design concept. In addition, by introducing more openings and decorative detailing into the single storey element of that return, it would alter the secondary nature of the return as a whole, and the ancillary nature of the single storey element to it. I consider that the proposed shape and size of the window openings would fail to relate to the window openings on the upper floors which would result in unacceptable harm, even though they would replicate existing ground floor openings on that return. Whilst the appeal plans do not indicate the detailing of the proposed windows, suggested vertical and horizontal subdivisions would fail to relate to the proportions of the space within which the windows would sit. Whilst I am aware that the appellant indicates a willingness to amend this element of the appeal proposal, the details before me add to my concern regarding its unacceptable effect on the appeal building. In any event, the appeal proposal is unacceptable for other reasons.
9. I conclude that Appeal A and Appeal B would fail to preserve the special architectural interest of the listed building. Due to this they would fail to accord with Brighton and Hove Local Plan (2005) (LP) Policy HE1, which

promotes works that would not have any adverse effect on the architectural and historic character or appearance of listed buildings.

Conservation Area

10. The Avenues Conservation Area was developed in the late nineteenth century in general accord with a street plan designed by Sir James Knowles, which set out the primary shopping streets and those secondary to them. The buildings have reflected this, generally with the more decorative elevations and shop frontages focussing on the main shopping streets. A consistent scale of three and four storey buildings, recurring materials, architectural features and high quality design add to the Conservation Area's character and appearance. The appeal site, the listed terrace of which it forms a part, and the grade II listed terrace opposite contribute to the character and appearance of the Conservation Area.
11. As the appeal site positively contributes to the Conservation Area and I have identified that unacceptable harm would be a consequence of the appeal proposal, it follows that unacceptable harm would result to the Conservation Area. In addition, by introducing openings and decoration into the ancillary part of a secondary elevation to the terrace, on a road that does not generally have shops, it would look out of place. It would disrupt the attractive views of the return elevations of the appeal site and the terrace opposite (no's 94-108), as seen from Church Road.
12. I conclude that Appeal A would fail to preserve or enhance the character or appearance of The Avenues Conservation Area. Due to this it would fail to accord with Brighton and Hove Local Plan (2005) (LP) Policies HE6 and QD14. These, together, promote well designed extensions and alterations and development that preserves or enhances the character or appearance of conservation areas.

Public Benefits

13. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified to both the listed building and the Conservation Area would be notable, although in the context of the significance of those heritage assets, less than substantial in each case. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, the harm should be weighed against the public benefits of the proposal. I acknowledge that the appeal proposal would provide some jobs and raising the parapet of the rear section of the building to link in with the rest of the side elevation and its horizontal detailing may improve its appearance. However, this would not outweigh the harm identified to either the listed building or The Avenues Conservation Area and their significance as designated heritage assets.

Conclusion

14. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeals should be dismissed.

R Barrett INSPECTOR