



Appeal Decisions

Site visit made on 20 January 2009

by **Elizabeth Fieldhouse** DipTP DipUD
MRTPI

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

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Decision date:
17 February 2009

Appeal A Ref: APP/Q1445/E/08/2089723

Rear of 70 Brunswick Place, Hove, BN3 1NB

- 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 Michael Knowles against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01692, dated 9 May 2008, was refused by notice dated 11 August 2008.
- The works proposed are new eco-home in location of existing double garage (facing Lansdowne Road).

Appeal B Ref: APP/Q1445/A/08/2089721

Rear of 70 Brunswick Place, Hove, BN3 1NB

- 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 Michael Knowles against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01691, dated 9 May 2008, was refused by notice dated 15 August 2008.
- The development proposed is a new eco-home in location of existing double garage (facing Lansdowne Road).

Decision

1. I dismiss the appeals.

Procedural matters

2. The tree closest to the proposed building has been removed with the agreement of the Council. The Council considers that the protection of remaining trees could be adequately covered by condition. I saw nothing at my site visit to make me take a different view and I shall not consider this matter further.

Main issues

3. I consider the main issue in respect of appeals A and B is the effect of the proposed development on the character and appearance of the area, having regard to the location within the curtilage of a listed building in the Brunswick Town Conservation Area; and in respect of appeal B only is whether the proposed development would provide a satisfactory standard of accommodation in terms of sustainability and the lifetime homes criteria.

Reasons

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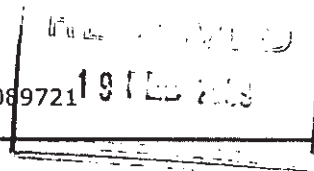
Character and appearance

4. The appeal site comprises an existing double garage to the rear and in the curtilage of 70 Brunswick Place, a grade II listed end of terrace building from the mid 19th century. The terrace is characterised by painted stucco elevations with classical architectural detailing in which the sash windows provide a repetitive detail to the terrace and a strong vertical emphasis to individual buildings. While the street frontage elevations have more detailing than the rear, I consider that both are important. In relation to no. 70, I saw that both the road front façade and the rear elevation are clearly evident in the street scene and viewed in conjunction with the appeal site from Lansdowne Road. The listing includes the walls, piers and attached railings, with the proposed building linked/abutted to the wall.
5. 70 Brunswick Place is four-storey over basement and is divided into flats with the basement flat accessed through the garden gate from Lansdowne Road. The garden is only accessible to the basement and ground floor flats. The proposal would involve the replacement of the garage, with a maximum height of around 3.4m, by a single storey dwelling/studio flat with direct access off Lansdowne Road and the garden that would be shared between the existing flats and the proposal. The garden would also accommodate a covered bicycle store and a refuse/recycling store being accessed from Lansdowne Road via the existing gate in the about 1.7m high boundary wall.
6. The appeal site is within a residential area and further residential development would accord with Government policy in Planning Policy Statement 3 *Housing* which provides for the efficient use of land but the policy advises that this should be without compromising the quality of the local environment. I consider that the existing double garage does not make a positive contribution to the conservation area but, due to its height in relation to the attached boundary wall, it is not prominent in the street scene nor does it visually compete with the scale and materials of the attached listed wall or no.70. I find no harm from the loss of garaging or its replacement by a residential unit providing this can be achieved without harm to the character or appearance of the conservation area or the setting of the listed building and associated features, and providing a satisfactory standard of accommodation can be achieved.
7. The proposed building, on the footprint of the existing garage, would be about 4.7m high, around 1.3m higher than the existing garage, at the back-edge of the pavement along the southern side of Lansdowne Road. Due to its height on the Lansdowne Road frontage, I consider that the proposal would be a prominent feature in the street scene and be perceived as dominating the listed boundary wall. The building would drop to about 3m high adjoining the boundary with the garden to no.68, a similar height to the existing garage. The mono-pitch roof would be used to accommodate roof lights and solar panels within a grassed surface, but this would not be evident from the road.

8. The roadside elevation would incorporate a translucent window about 1.9m square with an approximately 0.5m high sill. There would also be an approximately 1.6m high window above, and the width of, the timber front door. The glazed and entrance elements would be linked by local sourced sweet chestnut cladding which would be set within the rendered wall. Rather than providing a more informal and varied treatment to the street scene, by reason of its frontage scale, window arrangements/emphasis and mix of materials, I consider that the proposed roadside frontage of the building would create a discordant element not reflecting or complementing the street scene and harming the setting of the listed building and associated features. In my opinion, the proposal would not respond to its context, would appear incongruous in its setting and dilute the visual importance/value of the listed structures within the setting of the listed building.
9. The existing garden is very limited in size and with the proposal would provide the open space for an additional unit as well as accommodating a bike store and refuse recycling store that would leave very little useable open space. Nevertheless, the majority of the units in the existing property have no access to private open space and the sea front with associated open space is only a short distance away. The proposed dwelling would occupy no more of the garden area than the existing garage and I do not find the use of the open area by an additional unit so harmful as to justify the refusal of planning permission for this reason.
10. Nevertheless, by reason of its design, frontage scale and materials, I consider that the proposal would fail to preserve or enhance the character or appearance of the conservation area and would harm the setting of the listed building and associated structures contrary to sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies HE3 and HE6 of the Brighton & Hove Local Plan 2005 (LP). For this reason the appeals should be dismissed.
11. I have noted the other buildings to which the appellant refers. I do not find them directly comparable in location, relationship to listed buildings and/or relationship of openings to walls/materials. In my opinion, they do not provide a justification for the appeal proposal which I have found harmful having considered it on its merits in the light of the relevant development plan policies and other material considerations.

Sustainability and lifetime homes

12. In February 2008 the Government confirmed that from 1 May 2008 it would be mandatory for all new homes to be rated against the Code for Sustainable Homes. The Code for Sustainable Homes replaces BREEAM EcoHomes standards for new housing in England with the BREEAM EcoHomes standard no longer relevant for housing. LP policy SU2 provides for efficiency of development in the use of energy, water and materials. The appellant has indicated that the development would be carried out to level 3 in the Code for Sustainable Homes. Although not all the details are included at this stage, in view of the appellant's willingness to meet code level 3, I am satisfied that such matters could be adequately required by condition.



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13. The proposed layout of the bathroom on the appeal drawings would not provide adequate space for a disabled occupier to access all facilities. The appellants consider that there is sufficient room within the proposed bathroom for the facilities to be rearranged so that the development would meet the criteria for 'lifetime homes' and allow for use by a wheelchair occupier. It has not been fully demonstrated that this could be achieved in the wet room without conflict between the necessary elements. Therefore I consider that the provisions of LP policy HO13 would not be fully met.
 14. For the reasons given above I conclude that the listed building appeal should fail and the planning appeal should be dismissed.

Elizabeth Fieldhouse

INSPECTOR