

Planning & Heritage Statement For

**Demolition of Existing Garages and
Replacement with 3 no. Dwellings**

Land to Rear of 57 to 63 Wilbury Road
Hove, East Sussex



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1 Introduction

1.1 Background

Murphy Associates has been commissioned by Mr Walker of Skepp Projects Ltd, in association with Giles Ings, ABRIR Architect, to progress a full planning application for the demolition of existing garages to the rear of 57 to 63 Wilbury Road. The proposal is to replace the garaging with 3 no. contemporary dwellings.

This submission takes account of the planning history to the site, its characteristics and context, the relationship with adjacent residential development, trees, the existing access and its location within the Willett Estate Conservation Area. It is as a result of careful consideration of the issues at hand, that the proposal has evolved to its current form – a bespoke, contemporary, car-free development providing high quality new homes in a sustainable location.

This Planning Application is accompanied by:

- Application Forms
- CIL Forms
- Combined Planning & Heritage Statement
- Design & Access Statement
- Arboricultural Report & Method Statement
- Internal Daylight Assessment
- Energy Statement (needs to be updated as previous one was for 2!!)

The drawings and information pack provided support the proposal and demonstrate that a policy compliant scheme can be delivered that produces a high quality scheme, providing three additional family homes, in a climate where BHCC are not able to demonstrate a 5-year housing land supply; without harming existing residential amenities; the streetscene or the significance of this part of the Willett Estate Conservation Area.

It also seeks to ensure that the three new dwellings meet National internal space requirements, daylight requirements, and are provided with an appropriate level of residential amenity space and privacy. It should be noted that the proposals have evolved as a result of a collaboration between the architect, and planner/heritage consultant as well as other specialists to ensure delivery can be achieved comfortably.

Section 2 of this report describes the site and its context in a residential location, within the Willett Estates Conservation Area. It also sets out the planning history of the site, and scheme evolution.

Section 3 details the relevant local and national planning policy applicable to the proposal including those that support the provision of three family housing units in a sustainable developed location.

Section 4 introduces the current proposal for three contemporary residential units replacing under-used garaging.

Section 5 assesses the proposals against planning policies in terms of design, character, heritage significance, residential amenities, the proposal having regard to heritage significance including setting and character.

Section 6 concludes that the proposal represents a sustainable, well designed form of residential development, protecting the character of the area, and providing three much needed dwellings that contribute to the supply of family housing within the City. These benefits resulting in a development that accords with local and national policies, thus should be supported.

Overall, it is considered that the provision of three additional family units is pertinent in the current climate. The NPPF supports the approval of sustainable development, particularly involving the provision of new homes and indicates that planning permission should be granted without delay. This position has recently been emphasised more recently by Levelling Up Secretary announcing the intention to change policies to increase the supply of homes on previously developed land.

At the more local level, adopted City Plan Policies place increasing weight on proposals for new housing, explicitly acknowledging the limited supply of housing land within the City and thus promote 'Maximising Development Potential' and the optimum use of sites such as this. As no harm would arise to the character and appearance of this part of the Conservation Area, the 'titled balance' is re-engaged and great weight should be given to the provision of dwellings in the City as the 5YHLS figure continues to deteriorate.

There are a number of examples of garage sites that have been made way for the provision of new homes throughout the City. The result is the delivery of bespoke housing in sustainable locations, making better use of underused garaging and at the same time, removing the negative slight on such sites that are often used less frequently and forgotten. These sites have enabled the provision of unique, well-designed homes elevating design standards whilst meeting the Nationally Described Technical Space Standards and BHCC space standards.

2 Site and its Context

2.1 The Site

The site is located to the rear of 57- 63 Wilbury Road, forming an elongated site in a backland location. The site currently accommodates a flat roofed block of 14 garages spanning the north - south extent of the site and hardstanding (excluding the attached stores. The garages are utilitarian in appearance, are in a very dilapidated condition, and we are advised that only two of the garages are currently being used. The garages are accessed via a vehicular access to the north east, adjacent to 63 Wilbury Road which falls within the applicant's ownership and sit to the rear of Nos. 57-59 and 61- 63 Wilbury Road to the east.

The land parcel edged red below excludes a store at each end of the row of garages as these fall within the ownership of the owners of 57-63 Wilbury Road. One garage can be glimpsed when looking along the access and is noted as sitting at a lower level.



Figure 1 - The site edged red encompassing garages and side access (orientated north).

The hard standing to the garages runs to the walled boundaries of the gardens to the rear of 57-63 Wilbury Road, which are defined by walls to the rear, with fence panels behind providing an overall height of approximately 2m.



Figure 2 - Rear boundary treatments to gardens - some with gates.

The southern boundary separates this runs of garages from the garaging area to the south with a similar boundary wall surmounted by close boarded fencing.



Figure 3 - Southern boundary and attached store (excluded from application).

The area is characterised predominantly by residential development, of a varied nature, with those typifying the area comprising late Victorian 'Willet' houses with raised ground floors, arranged as semi-detached pairs. Once built as townhouses, the majority are now subdivided to form individual flats.

Immediately to the east of the subject site are two pairs of semi-detached buildings comprising a partial lower ground floor with two floors above and attic floor. The buildings are finished with a gault brick with angled bays rising over all floors to the underside of the decorative bracketted eaves. A slate covered mansard roof to the front is punctuated with gabled dormers, most of which, apart from one, are of the original size. The raised ground floors to both pairs are denoted by tiled steps up to paired front doors under a shared slate decorative porch canopy with slates to the roof.



Figure 4 - Pair of Villa buildings (61- 63) to the south of the access to the garages.

These properties and the application site are located within the Willett Estate Conservation Area (1989), the brief character appraisal identified the area as being characterised by large bay fronted houses set in wide tree lined streets. The road retains many of its characteristic Willet houses. Although garaging is present behind a number of buildings, their presence is not a prevalent characteristic of the area

In general, residential buildings on Wilbury Road are mostly detached or semi-detached and follow a uniform building line. Glimpses can occasionally be obtained between buildings, particularly where there are side accesses – providing access to side doors, rear gardens or to rear garages. Changes have occurred over time to windows, roofs and dormers, later 1960s and 70's buildings such as the example directly opposite the access to the garages.



Figure 5 - View northwards along the line Villas

Initially, the variations to buildings, be that in terms of material, form, appearance, roof treatments and period are not immediately apparent as one is drawn to the tree lined street and long views toward the sea.



Figure 6 - The tree lined street leads and frames the view toward the sea.

The application site is located to the rear of these dwellings. As a result, there will be no impact on the street scene or building line along Wilbury Road.

To the west and backing onto the site is the mid twentieth century flatted development of Baltimore Court which sits within ample grounds with parking to the rear. This building fronts The Drive where the character is also varied with mid twentieth century buildings amongst surviving brick and terracotta faced late Victorian buildings.

To the north of the site is the flatted development of Elizabeth Court and Philip Court and its grounds. Although not a public footpath, a path provides a link from Wilbury Road to The Drive along the southern boundary wall.

The scale of these flatted developments is considerably greater than dwelling houses nearby, with five and eight storey built form, in contrast to the three storeys evident in Wilbury Road.



Figure 7 - Contextual images: Flatted buildings to The Drive to the west of the Garage site. The site backs onto an area used for garaging and parking.

The boundary between the subject garages and the garaging / parking area is demarcated by a high brick wall which, and as noted in historic mapping formed the boundary of the residential gardens to the semi-detached villas, before the garaging was introduced – see section of Heritage and Appendix B.

The site is located in a highly sustainable location with major bus routes passing along Cromwell Road to the north and Eaton Road to the south, The Drive to the west providing access to local facilities and services in Hove and Brighton. It is within walking distance of Hove Station which offer regular train connections including to Brighton, Gatwick and London. Local facilities including shops and restaurants, library, and amenities are within walking distance. The site is located within easy walking and/or cycling distance of shops (being located within the Regional Shopping Centre) and amenities such as the beach, Sussex Cricket Club, and Hove Lawns. Future residents of the proposed dwellings would benefit from this accessible location.

2.2 Planning History (the 'site')

Previous applications had been submitted in respect of this site and are referred to below.

Planning application BH2019/01250 was submitted in April 2019, proposing demolition of existing garages and erection of 2 x 3 bed dwellinghouses. These dwellings were proposed as 2.5 storey pitched roof houses, located to the northern part of the site, with parking spaces to the south. The application was withdrawn on 6th June 2019, prior to any formal recommendation being made. Details of that application are presented below.



Figure 8 - Block Plan of previous scheme, BH2019/01250



Figure 9 - East facing elevation, BH2019/01250

It is understandable that a scheme of this nature was not met with favour.

In April 2021 pre application advice (Reference PRE2021/0021) was sought on a revised scheme for the erection of 2 x 3 bed dwellinghouses, reduced to 1.5 storeys in height, with accommodation contained in a mansard roof. Details of this scheme were not made available to the writer.

BHCC at this time stated in terms of principle of development:

'The provision of additional residential units would be given increased weight as the LPA is unable to demonstrate a five year housing supply. The site is in a residential area and therefore a residential use would in principle be an appropriate reuse of the land.'

Advice was given that the built form be revised prior to submission of an application, with particular care given to potential overlooking and loss of privacy for occupiers of both the proposed and surrounding dwellings.

Effectively BHCC did not object to the principle of a residential development of this site provided attention was paid to residential amenities for both existing and proposed dwellings.

Relevant Examples

Rear of 10 Wilbury Road

The principle of residential development replacing garages was established under reference BH2011/03899 for one single storey dwelling (replacing 8 garages). The application was preceded by application reference BH2010/02108 for a pair of one bedroom dwelling behind one detached Willet house. Although the appeal was dismissed, the appointed Planning Inspector supported principle of a contemporary dwelling in this location. Application reference BH2011/03899 addressed the Inspector's concerns and was approved.

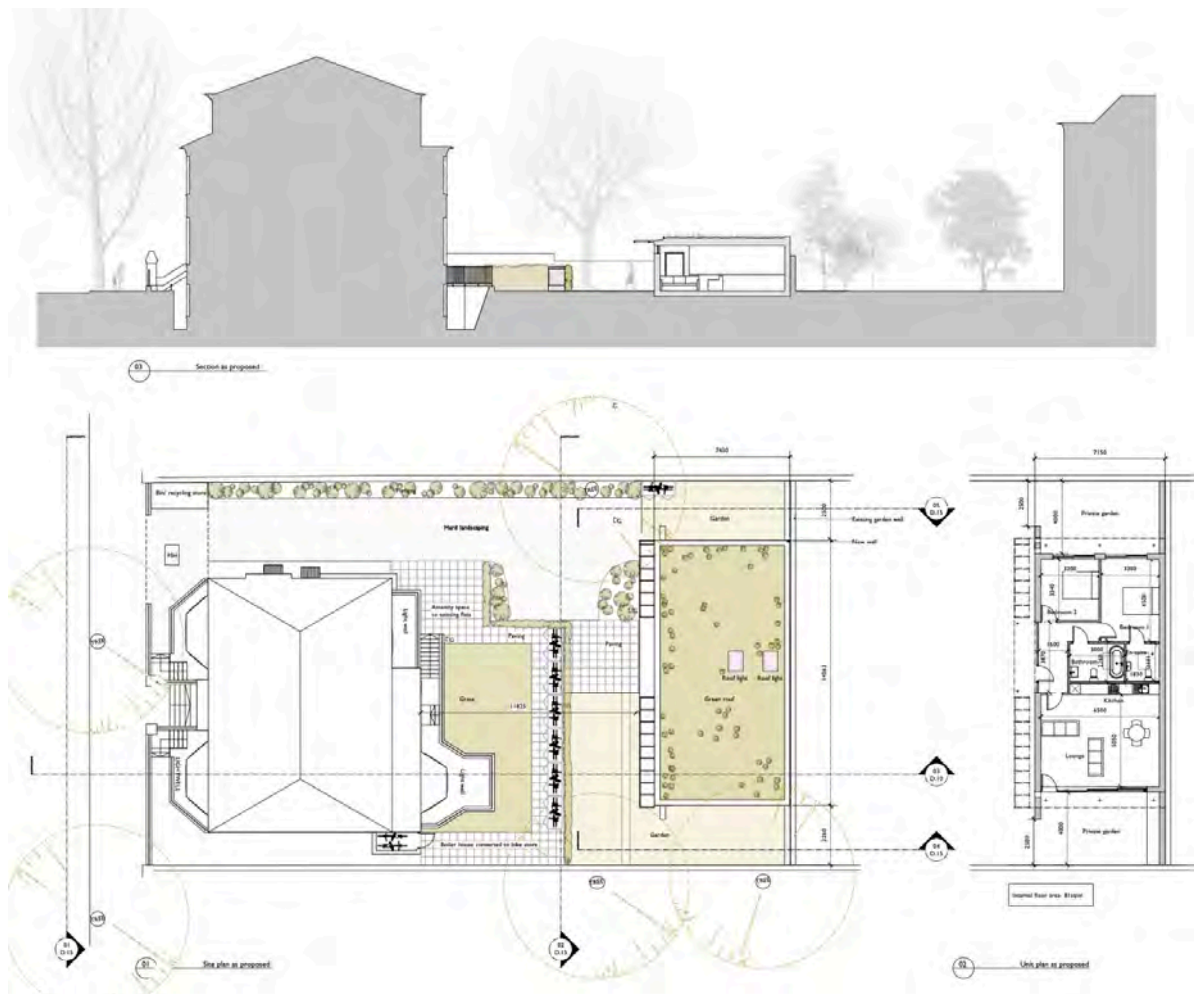


Figure 10 - Approved 2011 to rear of No. 10 Wilbury Road

A further application was lodged on the same site with changes under reference BH2018/03546, also for a single storey dwelling which was approved on 11th January 2019.

The Officer's report noted that the scheme would enhance the conservation area, and the scheme was acceptable in terms of principle of development, standard of accommodation, impact on neighbouring amenity and arboricultural and highways issues.

A further application was lodged under reference BH2020/00397 - Demolition of 8no garage units at rear and erection 1no two storey dwelling (C3) with associated landscaping, car parking & cycle store. This was approved on the 9th April 2020.

The Officer's report stated the proposed development would comprise sustainable development, that there would be no significant harm to neighbouring amenity and the scheme would enhance the appearance of the conservation area.

This application was followed by yet another application under reference BH2020/01959 for a two storey dwelling which was approved on 11th September 2020. The Officer's report indicated acceptance of the sustainable location of the site and that the proposed two

storey development would provide an additional dwelling in the city; and would generate some economic activity during construction work. No issues were raised about the standard of accommodation, amenity space, or residential amenities, and it was concluded that the standard of accommodation and amenity space to be provided would be acceptable; the scheme would enhance the appearance of the conservation area and was policy compliant.



Figure 11 - Dwelling approved over two floors - BH2020/1959 to the rear of

2.3 Designations, Policy Area & Constraints

The site is within the Willett Estates Conservation Area, where Policy DM26 of the City Plan Part 2 applies. The extent of the Conservation Area is shown in the map included as Appendix A. The map below, Figure 2, indicates the location of Grade I and Grade II listed buildings (designated heritage assets) as well as Locally Listed Buildings (non-designated heritage assets).

The site is also adjacent to a designated area of Open Space to the immediate north, consisting of the grounds around the neighbouring properties Elizabeth Court (65 Wilbury Road), and Philip Court (74A The Drive). Policy CP16 of the City Plan Part 1 is pertinent to this designation, and noteworthy, although not directly applicable to proposals on this development site.



Figure 12 - Designated & Non-Designated Heritage Assets

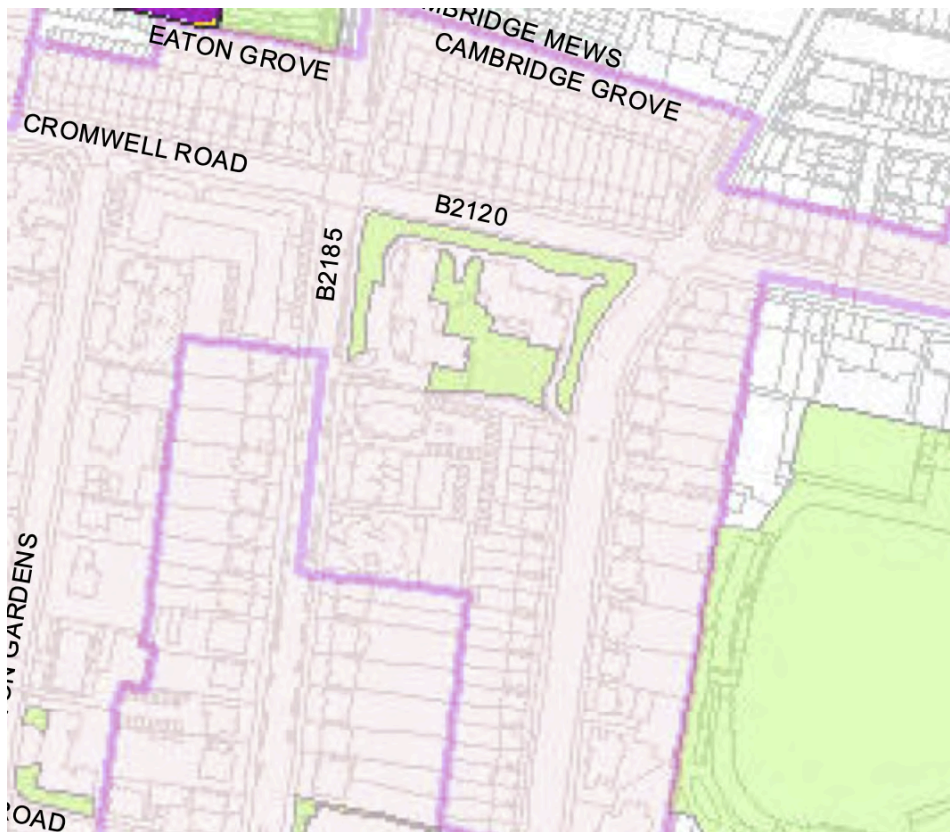


Figure 13 - Designated Public Open Space (BHCC, City Plan Part One) with the pink shaded area with purple edging representing the boundaries of the Willet Estate Conservation Area and the adjacent Conservation Areas

3 Planning Policy and Legislation

3.1 Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations require otherwise.

Section 70(2) of the Town and Country Planning Act 1990 reiterates this, setting out that in dealing with planning applications, the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The legislation relating to the historic environment is contained in the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16(2) and 66(1) of the Act is taken into account due to the presence of statutory listed buildings in Wilbury Road and The Drive (Figure 12) and the duty on the decision maker to have special regard to the desirability of preserving the special interest and setting of a listed building. Section 72 imposes a similar duty in respect of preserving or enhancing the character or appearance of a Conservation Area.

3.2 National Policy – The Framework

National policies contained within the National Planning Policy Framework (December) 2023 (NPPF) set out the Government position on sustainable development. National Planning Policy Guidance (PPG) was introduced in 2014, available via a website site which guidance capable of being amended from time to time. In the case of *Mead Realisations Limited v Secretary of State for Levelling Up, Housing and Communities* and *North Somerset Council and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities* and *Hertsmere Borough Council* [2024] EWHC 279 (Admin) handed down on 12th February 2024 ruled that the NPPF and PPG do not have the force of statute or special legal status, they have the same level of power in the planning process [62] [64]. At [70] it is stated:

‘As a matter of policy, PPG is intended to support the NPPF. Ordinarily, therefore, it is to be expected that the interpretation and application of the PPG will be compatible with the PPF .. I see no legal justification for the suggestion that the Secretary of State cannot adopt PPG which amends, or is consistent with, the NPPF.’

And at [71]:

'...Where a policy in the NPPF is expressed in very broad or open terms, more detailed guidance in the underlying PPG may be rather more focused as to the approach to be taken.'

It is recognised that when considering the 'planning balance', the Framework must be considered as a whole and given the most recent judgment cited above, the PPG which is regularly updated. There is no intention to replicate the entire Framework or the PPG within this document, however, those policies/guidance most specifically relevant are expanded upon as appropriate.

Paragraph 8: *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

Paragraph 10 emphasises that *'...sustainable development' should be 'pursued in a positive way' and 'at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'*

Paragraph 11 states that a presumption in favour of sustainable development should be applied and, in particular, when making decisions, this means:

- 'd) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*⁶, granting permission unless:*
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*⁷; or*

- ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The first footnote cited, Footnote 8, states: *This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.*

This is material to the application submitted, as the application involves the provision of housing and BHCC cannot demonstrate a five year supply of deliverable housing sites. As such, the local policies most important for determining the application are out of date, and the presumption in favour in development applies, meaning permission should be granted, unless either criteria i) or ii) are met.

In terms of criteria i) of Paragraph 11d, the policies that protect the areas or assets identified are set out in Footnote 7.

Footnote 7: The policies referred to are those in this Framework (rather than those in Development Plans) relating to: habitat sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Boards Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Of particular relevance to this application is the inclusion of the site within the Willett Estate Conservation Area, a designated heritage asset for the purpose of Footnote 7. The requirement of Paragraph 11di) results in the presumption in favour of sustainable development being disengaged if policies applicable to protecting that asset provide a clear reason for refusing development. If there is no clear reason, the presumption is re-engaged and under criteria ii) of Paragraph 11d, the impact of development is to be assessed and any adverse impact of development must significantly and demonstrably outweigh benefits, when assessed as a whole, in order to justify refusal of development.

Within the Framework as a whole, the following paragraphs are of particular relevance to this application:

- 8 a) (Overarching objectives – building a responsive and competitive economy);
- 8 b) (Overarching objectives – meeting present social needs & supporting well-being);
- 9 (Flexibility – taking account of circumstances);

- 11 d) (Presumption in favour of sustainable development where policies are 'out of date');
- Footnote 7 (Designated Heritage Assets)
- Footnote 8 (including in the absence of a 5-year land supply)
- 12 (Status of development plan)
- 38 (Decision-making – proactive support for developers)
- 47 (Determining applications – taking account of material considerations)
- 60 (Government objective to significantly boost housing supply)
- 70 (Important contribution of small & medium sites)
- 70 d) (Benefits of windfall sites within settlements)
- 123 (Making effective use of land to supply homes)
- 124 (Effective use of land for homes)
- 124 c) (Substantial weight to brownfield land in settlements)
- 124 d) (Optimising use of land where housing land supply is constrained)
- 128 (Efficient use of land – meeting identified needs for different types of housing)
- 129 (Optimal use of each site)
- 131 (Creation of high quality, beautiful and sustainable buildings)
- 135 b) (Visually attractive as a result of good architecture, layout and effective landscaping)
- 135 c) (Sympathetic to local character and history, whilst not preventing or discouraging innovation and change, including increased densities)
- 130 e) (Optimising the potential of each site)
- 130 f) (High standard of amenity for occupants)
- 136 (Contribution of trees and retention of such)
- 200 (Describing the significance heritage assets)
- 201 (Assessing heritage impact)
- 205 (Conserving assets)
- 206 (Harm to be justified)
- 208 (Less than substantial harm weighted against public benefit)

It is these tranches of national policy and guidance that need to be considered in assessing the technical matters associated with this proposal, as set out further in Section 5 of this report.

Most specifically, it must be noted that that one of the key objectives of the NPPF is to support the sustainable delivery of housing and making the most efficient use of land, thus the following paragraphs are also of paramount importance to the assessment of this application:

Paragraph 60: 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 70: *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.'*

Paragraph 123: *'planning policies and decisions should promote an effective use of land in meeting the need for homes.'*

Paragraph 124 d): *'planning policies and decisions ... should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.'*

Paragraph 128: *'that planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.'*

Paragraph 129: *'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'*

3.3 Local Policy – The Development Plan

Brighton and Hove City Plan Part 1

The following policies from the Brighton & Hove City Plan Part 1 are relevant to this application:

- SS1 Presumption in favour of sustainable development;
- SA6 Sustainable neighbourhoods;
- CP1 Housing delivery;
- CP8 Sustainable buildings;
- CP9 Sustainable transport;
- CP10 Biodiversity;
- CP12 Urban design;
- CP14 Housing density;
- CP15 Heritage;
- CP19 Housing mix.

Brighton & Hove City Plan Part 2

The Brighton & Hove City Plan Part 2 was adopted 20 October 2022, and the following policies are considered relevant:

- DM1 Housing quality, choice and mix
- DM18 High quality design and places)
- DM19 Maximising Development Potential
- DM20 Protection of Amenity
- DM22 Landscape Design and Trees
- DM26 Conservation Areas
- DM29 The Setting of Heritage Assets
- DM33 Safe, Sustainable and Active Travel
- DM36 Parking and Servicing
- DM40 Protection of the Environment & Health – Pollution and Nuisance
- DM44 Energy Efficiency and Renewables

These policies are applicable in addition to supplementary planning documents, such as SPD 17 Urban Design Framework (2021), as well as national policies contained within the National Planning Policy Framework 2021. The relevant SPDs and material documents include:

- SPD03 Construction and Demolition Waste
- SPD06 Trees and Development Sites
- SPD11 Nature Conservation and Development Standards
- SPD14 Parking Standards
- SPD17 Urban Design Framework
- Willett Estate Conservation Area Character Statement

Limited weight of LP policies

It is paramount to correctly identify the weight that should be attached to the policies within the Council's own local development plan(s). This is in view of the Council's deliverable housing land supply position – as the policies which are most relevant for determining the application are out-of-date, as per Paragraph 11d) of the NPPF (December 2023).

The out-of-date nature of local policy reduces the weight that can be attached to these policies in the overall balance, but it also engages the default position identified in Paragraph 11d) of the Framework, as set out in Section 3.2 above.

3.4 Other Material Guidance

Account has also been taken of Historic England's Good Practice Guidance including:

- Historic England 'Making Changes to Heritage Assets Historic England Advice Note 2 (2016)
- Historic Environment Good Practice Advice (GPA 2) Managing Significance in Decision-Taking in the Historic Environment (2015)
- Historic England 'The Setting of Heritage Assets' Historic Environment Good Practice Advice (GPA3) in Planning Note 3 (2017)

Historic England 'Making Changes to Heritage Assets Historic England Advice Note 2 (2016)

Historic England sets out in this document a logical approach to making decisions, offering guidance about all aspects of the historic environment, including changes affecting significant places. It states that:

"New work or alteration to a significant place should normally be acceptable if: a. there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place; b. the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed; c. the proposals aspire to a quality of design and execution which may be valued now and in the future; d. the long-term consequences of the proposals can, from experience, be valued now and in the future; d. the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future" (page 59)."

Historic England Making Changes to Heritage Assets Advice Note 2 (February 2016)

This advice note provides information on repair, restoration, addition and alteration works to heritage assets. It does not advocate a 'no change' position but similar to previous guidance and advice that promotes positive, well-informed and collaborative conservation that reinforces the historic significance of place. At the same time, ensuring that people continue to use and enjoy them. And also reinforcing the fact that each case is assessed on its individual merits with the decision-maker placing personal preference to one side.

Historic England 'Managing Significance in Decision Taking in the Historic Environment Historic Environment Good Practice Advice (GPA 2) in Planning Note 2 (2015)

This advice note sets out clear information to assist all relevant stake holders in implementing historic environment policy in line with the National Planning Policy Framework.

These include “assessing the significance of heritage assets, using appropriate expertise; historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness” (page 1)

The guidance is clear that proposals should be investigated by a suitably qualified person/s and research carried out where necessary to provide evidence and a justification for change.

Although now updated by the revisions to the NPPF, the Conservation Principles (2008) are not so different today. It identifies four types of heritage value that an asset may hold: *aesthetic, communal, historic and evidential value* – covering archaeological and artistic interest. Understanding values accords with the approach laid down in International Charters and BS 7913:2013 Guide to the Conservation of Historic Buildings. The benefit is that one can demonstrate that certain change will not affect the overall value of a heritage asset to society.

Paragraph 26 refers to ‘successful sustainable development achieves economic, social and environmental gains jointly and simultaneously through planning decisions. Paragraph 26 follows to explain that substantial harm is a high test that does not arise in many cases. Therefore, the NPPF tests will need to consider the level of harm arising in carrying out the appropriate planning balance having regard to mitigation and public benefits.

Paragraphs 52-53 reiterate the support for sustainable development that seeks positive change to the quality of a historic environment, enhancing the significance of heritage assets and promoting local distinctiveness.

Historic England ‘The Setting of Heritage Assets’ Historic Environment Good Practice Advice (GPA3) in Planning Note 3 (2nd Edition - 2017)

This document presents guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes. Bullet point 4 on page 2 of GPA3 states that:

“ Setting in urban areas, given the potential numbers and proximity of heritage assets, is therefore intimately linked to consideration of townscape and urban design and of the character and appearance of conservation areas. The character of the conservation area, and of the surrounding area, and the cumulative impact of proposed development adjacent, would suggest how much impact on the setting should be taken into account.”

Under the heading ‘Views and setting’ we note that the contribution of setting to the significance of a heritage asset is often expressed by reference to views which can be static, dynamic, include a variety of views across or including that asset, and views of the surroundings from or through the asset. At the same time, it is noted that one does not

need to be in direct view of a heritage asset to be within its setting. It does not depend on public rights or the ability to access it.

GPA3 sets out a stepped approach to assessing setting and the role that it plays in contributing to the significance of a heritage asset/s. This process requires one to have an understanding about the significance of the asset/s in order to be able to determine if harm would arise. It is advised that the following steps are undertaken:

- Step 1 – Identify which heritage assets and their settings are affected.
- Step 2 - Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s).
- Step 3 - Assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4 - Explore the way of maximizing enhancement and avoiding or minimizing harm;
- Step 5 - Make and document the decision and monitor outcomes

Appendix B of this statement provides a historic overview of the area, demonstrating an understanding of the special interest and significance of the Willett Estate Conservation Area. It should be noted that account has been taken of the position of nationally and locally listed buildings and it has been determined that no impacts would arise to their significance or the role that their individual settings play.

It is acknowledged that Historic England guidance and advice may well be updated to address changes arising from the NPPF (December 2023); the LURA 2023 and other secondary legislation/regulations.

4 Summary of the Proposals

4.1 Introduction to the Scheme

A revised proposal has been progressed and designed in order to address comments given at pre application stage. The proposal seeks to present a more appropriate form of development to that deemed to be unsuitable, as proposed under previous application reference BH2019/01250 and at the same time, making the best use of a previously development site, brownland.

The supporting Design and Access Statement explains the design process which is not only informed by past decisions but also by the characteristics of the site and heritage significance. This informed approach has seen the exploration of various permutations including function, form, arrangement of spaces internally and externally. At the same time, this revised proposal takes account of the relationship with existing built form, scale and design, as well as sensitively considering both existing and proposed occupiers amenity.

As a matter of course, the statutory duties under Planning (Listed Buildings and Conservation Areas) Act 1990 has been taken into account. The proposals do not affect the significance of the statutory listed buildings or their respective settings due to distance and intervening buildings, streetscene which hold ones attention. The significance of this part of the Willett Estate Conservation Area has been considered and has had an influence on how the scheme has progressed through various iterations. It is also considered that tangibly or intangibly, the proposals do not harm the quintessential character or appearance of this part of the Willett Estate. It is accepted that change would occur but it would not cause 'harm'.

Planning permission is now sought for demolition of the existing garages and the erection of 3 x 2 bed dwellings, with the retention of communal stores, on land rear of 57-63 Wilbury Road. The dwellings are proposed in a more contemporary form than those previously submitted under references BH/2019/01250 and Pre Application Submission PRE2021/0021.

The dwellings are designed as two distinct elements on the site, replicating the footprint, scale and linear form of the existing garages and those on adjacent sites. It is proposed to gently extend the first floor over the ground floor footprint of the proposed dwellings to take account of the relationship of existing trees and at the same time deliver high quality internal spaces that meet the Nationally Described Technical Space Standards which are now enshrined in Local Policy.

Although linked by a connecting garden wall, Unit 1 is a detached dwelling and located to the south of the site, with Units 2 & 3 forming a semi detached pair to the north. This arrangement and positioning creates a more spacious development that takes advantage

of the key characteristics of the site, allowing for physical and visual relief, provision of individual amenity garden space, landscaping and privacy within.

During the design process, the first floor accommodation was purposefully reduced to read as diminutive, recessive elements, carefully designed with minimal openings positioned to prevent overlooking and loss of privacy to neighbouring occupiers, in particular those to the east in the now subdivided former townhouses.

Materials have been chosen to create a light softer recessive appearance. They have been purposely designed to ensure that the first floors sit well in their context. At the same taken, they read as having a subservience to the paired villas fronting the street scene in the Willett Estates Conservation Area where capable of being glimpsed between existing buildings from Wilbury Road and The Drive.

These changes have resulted in a substantially different scheme to that proposed previously, and that submitted at pre application stage. Specific subject matters and compliance with national and local planning policies applicable are as set out in Section 4 of this report.

4.2 Summary of the Proposed Development

As noted above, the proposed development is for the replacement of the existing garage block to the rear of 57 to 63 Wilbury Road with 3 no. dwellings in a refreshing, light, contemporary design. The extent of the development is dictated by the confines of the site, being to the rear of the now flatted semi-detached buildings. It also takes advantage of the fact that the site sits at a lower level when compared to Wilbury Road and is therefore 'tucked' behind those frontage buildings which retain their dominant presence in the streetscene with limited glimpsed views achievable from the immediate area.

The proposal takes the form of an intelligent response to the site and to the provision of the three dwellings, whilst at the same time, incorporating good urban design and secured-by-design principles. The existing access off Wilbury Road will only be accessible on foot and will lead into a semi-private domain where the main entrance doors will be clearly identifiable and indicated by the integral landscaping scheme.

At the same time, a private right of access enjoyed by the current flats to Nos, 57, 59, 61 and 63 Wilbury Road to stores at each end of the existing garages will be retained and clearly denoted. These stores are also retained as part of the development, for continued communal use.

It should be noted that currently vehicles are able to access the garages. This proposal takes the car out of the development and is intended to be car-free enhancing the sustainable credentials embodied within the design, play on light, use of materials, energy and water efficiency.

The scheme is summarised below:

Unit 1

Located to the South of the site:

This unit is presented as a 1 x 2 bedroom dwelling having a Gross Internal Floor Area (GIA) of 100.5sqm, reading as 2B4P dwelling, far in excess of the 84sqm required for the minimum gross internal floor area of a two storey dwelling set out in the Nationally Described Space Standards (NDSS), it is intended to accommodate 3 persons, not 4.

Space is also available for a third room adjacent to two double bedrooms, allowing provision of a study/home working space but also for flexible living should an extra single room be required being just over 7.5sqm.

If it were taken as a 3B5P dwelling it is still in excess of the overall 93sqm required for a dwelling of this size, as set out in the NDSS.

Ground Floor:

Hallway with storage, accessible WC/Shower room, 2 x Double bedrooms (each in excess of minimum 11.5sqm requirement), Study room, stairway to first floor level

As well as having a main entrance door, both double bedrooms propose access to a courtyard to the north side of the dwelling which ensures these rooms benefit from natural daylight. An external doorway is proposed into this courtyard also, enabling external access to the rear courtyard from the main living. Opening across this east elevation parallel to this enable intervisibility between the dwelling and main access, providing enhanced security and natural surveillance.

Upper Floor:

Stairway leading to open plan Kitchen/Living/Dining space

The internal layout is arranged such that limited windows are placed to the east elevation at this level, with only three narrow apertures proposed, providing secondary windows to the main openings on the north and west elevations improving internal light levels and living conditions. The inner openings provide access to a terrace area, enclosed by raised part perforated brick walls to give privacy and screening to and from this amenity space.

The dwelling unit would be finished with buff brick to the walling, ground floor elevations and terrace walling, standing seam zinc sheeting to the elevations of the upper floor and to the roofs. This is the smaller of the two blocks of built forms, with a narrow upper floor, designed to reduce bulk and provide visual interest.

A single storey flat roof building is proposed to the north within this plot accommodates a garden/cycle store, and houses an Air Source Heat Pump equipment. This arrangement is mirrored for the unit adjacent.

A green roof to the area that is not intended to be actively used softens this building and provides a break in built form.

Units 2 & 3

Located to the North of the site, forming a semi detached pair:

These units are presented as 2 x 2 bedroom dwellings, each consisting of 84 sqm of internal floor space, being a 2B3P dwelling, well in excess of the 70sqm required for the minimum gross internal floor area set out in NDSS.

Ground Floor:

Hallway with storage, accessible WC/Shower room, 1 x Double bedroom (in excess of minimum 11.5sqm minimum space standard), 1 x Single bedroom (well in excess of the 7.5sqm minimum space standard), stairway to first floor level

As well as having a main entrance door, Bedroom 1 to Unit 2 at the southern side of the pair has access to a courtyard on the south side of the dwelling. An external doorway is proposed into this courtyard also, enabling external access to the rear courtyard. Openings across this east elevation of both units enable intervisibility between the dwellings and main access, providing enhanced security and natural surveillance.

Upper Floor:

Stairway leading to open plan Kitchen/Living/Dining space

The internal layout is arranged such that limited windows are placed to the east elevation at first floor level, with only two narrow apertures proposed per unit sitting between the seams of the zinc metal sheeting, and provide secondary windows to the main openings on the north and south elevations respectively which also provide access to a terraced area, enclosed by raised part perforated brick walls, to give privacy and screening to and from this amenity space.

The dwelling units would be finished with buff brick to part of the elevations with standing seam zinc sheeting to the elevations of the upper floor and to the roofs. The first floor accommodation extends only above part of the ground floor, to reduce bulk and massing, with a sloping roof to further reduce their form.

A single storey flat roof building is proposed to the south of Plot 2, creating a garden/cycle store, and housing the Air Source Heat Pump equipment proposed, mirrored for the unit adjacent. A green roof softens this building and provides a break in built form. This storage space is encompassed in the northern section of the dwelling proposed at Plot 3. Overall the development improves the aesthetic of the area from a largely redundant site with a block of garages to a more appealing addition to the Conservation Area and improved security for those who back onto it.



East Elevation



*West Elevation
Below – South (1) and North Elevation (3)*



Figure 14 - Images of Proposed Development.

5 Planning Appraisal

In this instance, the main planning considerations are:

- Principle of development
- Design and visual impact
- Heritage impact
- Amenity Impact
- Daylight / Sunlight
- Sustainable transport
- Sustainability
- Trees

5.1 Principle of Development

Policy SS1 of the CPP1 and the NPPF set out a 'presumption in favour of sustainable development' and state that planning applications should be approved without delay, where they accord with the relevant development plan. NPPF paragraph 11(d) directs decision-makers to apply a presumption in favour of sustainable development if the most important policies for determining the application are found to be out-of-date because the LPA cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, applications involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Housing Land Supply position

It is necessary to consider the housing land supply position of the LPA to ascertain the degree of conformity with the NPPF, and weight to be afforded to local development plan policies.

At present there is a significant housing shortfall within BHCC.

As set out in the in paragraph 5.7 of the SHLAA Update 2022, comparison of the projected 5 year housing supply (4,511 units) with the 5 year housing requirement (12,222 units) indicates an overall 5 year housing shortfall of 7,711 residential units; equivalent to only 1.8 years housing supply. This is a significant shortfall, rendering policies in the plan out of date for applications involving the provision of housing.

This has been confirmed in recent BHCC reports which state that:

Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).

As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

(Extract from officer report associated with application BH2022/03894 (Land To The Rear Of 28-34 Longhill Road Brighton BN2 7BE), Agenda Item 6H at Planning Committee 7th June 2023 – Approved subject to a S106 Agreement).

The shortfall in Housing Land Supply has not changed post the issue of the updated Framework (December 2023) as exemplified by the content of the Officer report to the January 2024 Planning Committee for application reference BH2022/03189 which proposed the erection of new dwelling (outline). The report confirms at paragraphs 9.4 and 9.5 that the Council is currently unable to demonstrate a five-year housing land supply which allows increased weight to be given to housing delivery when considering the planning balance in the determination of application, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). This position is repeated in respect of application reference BH2023/02955 determined under Officer's Delegated Powers.

The 'Tilted Balance'

Paragraph 11(d) specifically states that in this instance, decision taking means granting permission unless (i) policies which protect assets of particular importance provide a clear reason for refusing development, or (ii) any adverse impacts of approving significantly and demonstrably outweigh the benefits.

As the site falls within a designated Conservation Area, this 'presumption', aka the 'titled balance', is not automatically engaged. An assessment is required to ascertain if harm would arise to the special interest of this designated area. As the Framework is aligned with the statutory duty and in cases such as this, where no harm arises, the presumption is re-engaged.

Having considered the special interest of this Conservation Area (see Appendix B), it is considered that the proposal would not cause harm to its significance. Policies which protect the Conservation Area assets do not justify refusal, as set in paragraphs below. The 'tilted balance' must therefore be applied to take account of the public benefits of a scheme, such as housing provision.

In this case, there is a recognised housing land supply shortfall, which carries substantial weight in the planning balance. The development makes a contribution of three units, which is modest, but adds to housing supply in the City. This is of greater importance in the context of high demand in the City, where limited options exist to address such a significant shortfall in the short or medium term, in a planned way.

It is therefore considered that the redevelopment of the site with three new dwellings is acceptable in principle, represents sustainable development and should be approved without delay. The proposals are in accordance with Policies CP1 and CP3 of City Plan Part One and the objectives of the Framework.

Delivery of small to medium scale sites

The key areas of relevant Framework policy relate to the presumption in favour of sustainable development, particularly in the absence of a demonstrated 5-year housing land supply, and the 'great weight' that decision makers should apply to support and encourage new development on small and medium sites.

Albeit 'windfall', the provision of small to medium sites must be given great weight offering a net gain of three dwellings. This 'great' weight is not an optional choice for the decision maker – rather, it is prescribed within Paragraph 70:

'70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should

(d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;

Paragraph 60 states that: *'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'*

At present there is an identified housing need which needs to be met. It is accepted that limited opportunities exist to rectify the situation. This proposal represents an opportunity to help in meeting part of the demand and represents a realistic 'windfall' situation.

This position has been reinforced by the acceptance of rear sites with the respective approvals such as the example below.

BH2017/01625 – Demolition of existing structures (garages) and erection of 3 no. single dwellings. Land to rear of 218-234 Portland Road, Hove



Figure 15 - Images of Approved Portland Rd Scheme, now built and occupied.

The applicant is aware of other examples in the City and would be more than willing to present these.

Whilst acknowledging the approach to small, backland sites, including those containing redundant garaging, it is accepted that each case is determined on its individual merits.

Density

Paragraph 129 states that: 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'

It is therefore clear that both the basic principle of the provision of much needed additional housing, and making best use of land to achieve this, is acceptable in policy terms. The LPA's support for this proposal is established from the outset and accords with the NPPF in terms of housing provision and decision making.

Housing type

Noting there is an acknowledged bias towards 1-bedroom flats or studios, it is considered that the site is more suited to the provision of family units – also much needed in the City. This site is in an existing residential environment which leans heavily toward the provision of flats. There are less family units available and as this is a sustainable area, provision for families would improve the demographic of the area.

As noted, the proposed dwellings offer flexibility for changing family needs. The standard of the accommodation offer has already been explained in the preceding section.

Garages vs Housing

The application seeks to demolish garages to facilitate redevelopment. Taking account of the primarily storage use of these garages, the pre application advice set out that the *'loss of garages... is unlikely to be to a significant or objectionable extent.'*

Their replacement by dwellings in a sustainable location makes better use of land. Paragraph 129 sets out that development should optimise the potential of a site to accommodate and sustain an appropriate amount of development, and that decisions should not prevent or discourage appropriate change (such as increased densities).

The proposed residential development is a compatible land use to this surrounding development. The activity, and associated effects of development, would not be out of character with surroundings.

In principle, residential redevelopment is therefore acceptable on this site, and in the balance, the provision of housing must be given great weight.

5.2 Design & Visual Impact

Demolition of Garaging in a Conservation Area

Development proposes the demolition of a row of garages. It is noted that there are similar garages blocks in the immediate locality, with further garage blocks to the west and south of the site. The garages are not considered to be representative of nor contribute to the significance of the character of the area, the street scene or wider Willett Estate Conservation Area, thus their retention is not deemed necessary from a heritage viewpoint.

Policy CP15 of CPP1 seeks to conserve and enhance the city's historic environment in accordance with its identified significance, giving greatest weight to designated heritage assets and their setting. Policies DM26 and DM27 of CPP2 expand upon the objectives of CP15 with regards to conservation areas and listed buildings respectively.

Policy DM29 of CPP2 allows development within the setting of heritage assets where the impact would not harm the contribution that setting makes to the asset's significance. DM29 proceeds to state that opportunities should be taken to enhance the setting of a heritage asset through new development.

Appendix B provides an overview of the Willet Estate Conservation Area demonstrating that not harm would arise from the redevelopment of this site. Despite its location, sitting behind the main frontage semi-detached villas, a sensitive approach was adopted to the design of the replacement build, having regard to the relationships aforementioned.

Siting and Location of development

It is noted that the location of the site is to the rear of properties fronting Wilbury Road, thus making the site backland by its very nature. However, this backland characteristic is not in itself considered harmful if development is carefully designed.

Permissions have been granted around the City for backland development of this type, in order to optimise use of land. Permission BH2020/01959 was granted for a dwelling to the rear of 10 Wilbury Road further south of this site, and on the opposite side of the road. Applications as recent as those reported to Planning Committee in June 2023 have recommended approval of backland development, to help address the shortfall in housing in the area.

Policy CP14 of the City Plan Part 1 allows for development of increased density, provided proposals '*would be a high standard of design and would help to maintain or create a coherent townscape..... and would include a mix of dwelling types... and sizes that reflect identified local needs.*'

In this regard, the proposal is designed in distinct 'blocks' to assimilate with the block type, layout and formation seen in other backland development in the area. It also replicates the site coverage, footprint and orientation of surrounding development, as well as making best use of the north south orientation of the plot itself.

By proposing development in a linked arrangement, the built form is broken to provide visual relief, space around the buildings, and where achievable, through views - a feature seen in built form in the wider setting, including that within the Conservation Area.

In accordance with Policy DM19 of the City Plan Part 2, the development achieves ‘an efficient use of the site in terms of building layouts and design, and makes efficient use of land to provide for effective amenity space.’

Scale

The scale of development has been designed to ensure compliance with minimum internal space standards, as required by the Nationally Described Space Standards and sought by Policy DM1 of the City Plan Part Two.

Each dwelling is provided with external private amenity space, either in the form of a courtyard space at ground floor and/or raised terrace at first floor. These spaces are either internally located within the wider site to enhance privacy, or screened by brick built walls that extend from ground floor, to become an integral part of the dwelling design, but practical in providing privacy both to and from these terrace spaces. The central amenity space provides landscaping in the design to soften space inside within, and to compliment landscaping around it.

As set out in the Design and Access Statement, the scale of development has been proposed to reduce first floor accommodation significantly, for a number of reasons.

From a design context, this is proposed to create a development that is subservient in scale and nature, reflective of an outbuilding, when seen in context of original buildings in the Wilbury Road street scene and Conservation Area.

Development is therefore appropriate in context, sympathetic to local character and history, in accordance with Paragraph 131 of the NPPF and policies such as CP15 (Heritage) of the City Plan Part 1.

Design and Appearance

The design also derives from this outbuilding typology.

Mono pitched roof forms are used at first floor level with sufficient space between the two raised sections thus reducing mass and allowing views through which ensures that the form is not read as a solid barrier but allows the sylvan setting to prevail.

Materials provide a strong base and ‘ground’ the development but with a lighter weight material to clad the upper floor and roofs. The palette is considered appropriate for this backland setting, where boundary treatments and garden walls are seen in immediate context.

Fenestration is minimal, especially at first floor level, which has the dual benefit of reducing the domestic appearance of development and reducing overlooking.

The buildings ultimately are of appropriate proportions, including height, width, shape and pitch, to suit the local context and marry a contemporary design into an existing backland location.

5.3 Internal Daylight Assessment

Taking account of the characteristics of the site, an Internal Daylight Assessment was commissioned to ensure that the proposed dwellings are capable of achieving good daylight standards for occupied spaces having regard to BRE Guidance document "Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2022". This document provides recommendations for achieving good daylight amenity within properties and refers to the British Standard "Daylight in Buildings' EN 17037:2018". Further to these targets, BS EN 17037:2018 includes National Annex NA "Further recommendations and data for daylight provision in the UK and Channel Islands", NA.2 of which provides guidance on minimum daylight provision within UK dwellings. The guidance is intended for use within 'hard to light' habitable spaces, such as basement rooms or rooms with external obstructions such as dense tree cover.

In addition, account is taken of the provisions of the NPPF, PPG, City Plan Part One and Two in the delivery of quality accommodation, residential amenity and outlook.

Based on the assessments undertaken by Impact Sustainability, the results at Table 4.1 demonstrate that that all of the occupied rooms meet the minimum guidance criteria of BS EN 17037 and that all rooms meet the minimum requirements of National Annex NA.2 – see below.

Room	Side-lit / Top-lit	BS EN 17037 illuminance				National Annex NA.2	
		E _t =300 lux for 50% hrs (Target)		E _t =100 lux for 50% hrs (Minimum Target)		Target E _t for 50% area (lux)	Area compliant
		Area required	Area Achieved	Area required	Area Achieved		
Unit 1 - Bedroom 1	Side-lit	50%	100%	95%	100%	100	100%
Unit 1 - Bedroom 2	Side-lit	50%	100%	95%	100%	100	100%
Unit 1 - K/L/D	Side-lit	50%	100%	95%	100%	200	100%
Unit 1 - Study	Side-lit	50%	100%	95%	100%	150	100%
Unit 2 - Bedroom 1	Top-lit	95%	100%	-	-	100	100%
Unit 2 - Bedroom 2 / Study	Side-lit	50%	100%	95%	100%	150	100%
Unit 2 - K/L/D	Top-lit	95%	100%	-	-	200	100%
Unit 3 - Bedroom 1	Top-lit	95%	100%	-	-	100	100%
Unit 3 - Bedroom 2 / Study	Side-lit	50%	100%	95%	100%	150	100%
Unit 3 - K/L/D	Top-lit	95%	100%	-	-	200	100%

Figure 16 - Table 4.1 taken from the Daylight Report

5.4 Energy Strategy

In terms of wider sustainability and energy efficiency measures of development, an Energy Strategy has been designed in accordance with the hierarchy set out in City Plan Parts 1 and 2.

An Energy Strategy has been prepared to accompany this application to demonstrate that the requirements of City Plan Part 1 Policy CP8 'Sustainable Buildings' are met. This Policy requires development to demonstrate that site wide CO₂ emissions are 19% below Part L requirements and that energy use has been minimised through the consideration of passive design measures, energy efficient design and Low or Zero Carbon (LZC) technologies. The report provides a summary of the energy assessment undertaken and the proposed energy strategy in accordance with local policy requirements with the energy strategy prepared having regard to the following energy hierarchy:

Be lean: use less energy

Be clean: supply energy efficiently

Be green: use renewable energy

Consideration has also been given to City Plan Part 2 Policy DM44 – Energy Efficiency and Renewables. Under this policy, the 19% reduction against Part L 2013 emissions should be calculated using SAP 10.1 emissions factors (or subsequent updates). In particular, these emissions factors take into consideration the current energy mix of grid supplied electricity, with a lower emissions factor achieved through a greater contribution from renewable technologies.

The proposal adopts a fabric first approach and considers the improvement of the building's energy demand through the specification of thermally efficient building fabric and services. The building fabric construction details have been based upon design information provided by ABIR Architects and similar project experience. The report demonstrates that the energy efficiencies can be achieved and would deliver a policy compliant scheme.

The building services strategy fully considers the opportunities for low regulated energy use within the building. An Air Source Heat Pump is proposed to deliver both space heating and hot water, which has a high efficiency (known as Coefficient Of Performance, or COP) compared to traditional gas-fired systems. This system will also utilise grid electricity, which has lower CO₂ emissions per kWh than mains gas.

The ventilation strategy adopted will be whole house mechanical ventilation with heat recovery (MVHR). This system supplies fresh air throughout the dwelling, whilst simultaneously extracting stale air from wet rooms. Both flows pass through a heat exchanger, where up to 90% of the thermal energy from the extract air is recovered and

used to pre-heat the supply air. This heat recovery ensures ventilation heat loads are minimised, whilst also providing a continuous supply of fresh air. The fan energy used is very low when compared to the amount of thermal energy recovered. Lighting throughout the houses will be low energy LED.

Consideration has been given other potential LZC technologies including their appropriateness for the proposed building having regard to its location. Section 6.1 of the Energy Statement sets out the technologies, out of which Air Source Heat Pumps are considered to be the most viable.

Measures such as use of high performance thermal insulation in construction; provision of an Air Source Heat Pump for each dwelling; use of whole house MVHR system; and provision of low energy use services all combine to use less energy, and or supply it efficiently with the use of renewables as feasible.

The results of the energy hierarchy analysis followed within this energy strategy are shown in table 7.1 and figure 7.1 below. These demonstrate that a reduction of 62.6% below the Part L 2021 baseline is achieved. Policy CP8 asks for a 19% reduction below the Part L 2013 baseline, and since Part L 2021 improves on the 2013 baseline by 31%, the results indicate that the improvement against the Part L 2013 baseline would in fact be 74.2%.

As set out in the submitted Energy Strategy (Impact Sustainability) this results in a development that far exceeds the reduction below Part L of Building Regulations, as required by Policy CP8 of the City Plan Part 1.

5.5 Heritage Impact

The site is located to the rear of 57 – 63 Wilbury Road, at a similar level to the rear gardens to the basement floors to the frontage buildings. Appendix B sets out the background and consideration of the significance of the Willett Estate Conservation Area. Having regard to the statutory duty contained in s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the special interest arises from:

- A planned estate
- Surviving simple grid pattern of roads
- Wide and deep plots formation
- Tree lined avenue
- Deflection at northern end formed to address the now demolished Melrose Hall

- Predominant unified Victorian architectural style and appearance of a large percentage of residential properties survives creating a visual homogeneity, despite later styles and diversity of building styles and periods.
- rising over 4 floors including basements and attics
- Surviving paired Victorian villa properties add positively to the composition of the road with Nos. 57 – 63 being part of that streetscene

Whilst setting is not a designation in its own rights, the overriding designation as a statutory Conservation Area elevates the considered and 'implied' role of setting. Noting the advice contained in GPA3, it is accepted that one does not need to see a building to be within its setting; it can vary diurnally, nocturnally and seasonally and is not defined by drawing a line on a map. The consideration of setting and significance also applies to Conservation Areas.

It is noted that in urban areas such as this, there are other assets, buildings and views of interest that can draw attention away from the subject matter. Other visual attractors tend to weigh heavily in this area including the elevated nature of the road and the long views that one can achieve along the tree lined avenues toward the sea and the anticipation that comes with progressing along the street.

A walkover of the area in which the subject site is 'experienced' indicates that there very few opportunities to view the site from the public domain. There are of course private views where the new buildings would be noted from. Consideration has been given to private residences and the fact that just because something can be seen and amounts to change, this does not automatically constitute harm.

Some glimpses can be achieved toward the rear of Nos. 57-59 Wilbury Road from The Drive but these are not obvious in the sense that one would not be readily aware of the ability to see those rear elevations between Baltimore Court and no.72 The Drive. When within the rear grounds of 72 The Drive, whilst being aware of the rear of villas fronting Wilbury Road, the focus of one's attention is not drawn to the subject garages over the wall but the garaging within its own grounds. However, when within the rear area of No.72, this is a private domain. It is considered that the proposed dwellings with first floor arrangement as shown, would not attract attention but would sit unassumingly when glimpsed from the public domain. The overhanging trees and foliage would also add a foil and filter to those mere fleeting glimpses.

A pedestrian route through running through the grounds of Philip and Elizabeth Courts to the north of the site, running east - west which provides a link between The Drive and Wilbury Road. This is not a Public Right of Way or Permissive Path. It appears that the public tend to avail of its presence and use as a cut-through, saving time walking northwards and along Cromwell Road. From this 'path', some glimpses can be achieved on the approach to the exit onto Wilbury Road and to varying degrees, less so when vegetation is

in full leaf. It is not anticipated that this perception would change due to the position of the new build elements.

A contained view can be achieved looking down the existing access with the current store and part of the end garage visible. Part of the northern unit would be seen but only the walling to the ground floor as the first floor is set further south, out of view. Glimpses between the frontage paired semi-detached buildings do not reveal the site to the extent that is anticipated when one evaluates the current OS mapping. The spaces between do not add to the perception of garaging being present and with that, the proposed buildings.

The assessment of significance indicates that the garaging is of no historic consequence or interest. It was added between 1951 and 1964. Although it is not in public view, once aware of their presence, the only lasting impression is negative. Their removal therefore, presents an opportunity for redevelopment with a more meaningful scheme that sits more comfortably to the rear of the street facing buildings, in terms of form, design and activity. A new sensitive residential development would automatically remove those negative public perceptions and create a safe residential environment where natural surveillance can be provided and space designations – public, semi-public, semi-private and private. It also offers the opportunity to enhance direct ‘private’ views without affecting the primacy of the frontage buildings and their role within this part of the Conservation Area.

The Framework does not seek to prevent change within Conservation Areas or within the setting of designated or non-designated heritage assets. As with the statutory duty, it seeks to prevent harm. Not all change equates to harm.

Where designated heritage assets are concerned, the consideration relates to whether substantial or less than substantial harm would arise. In this case it is considered that no harm would arise and therefore the statutory duty is met in respect of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as BHCC’s adopted Local Plan Policies.

The address of non-designated heritage assets is elevated due to the Conservation Area designation. In their own right and if not within a statutorily designated area, the requirement to protect such assets rests in national and local policy. Again, policy does not seek to prevent change but that proposals, directly or indirectly affecting identified non-designated heritage assets, requires a balanced having regard to the scale of any harm or loss and significance as per paragraph 209 of the NPPF.

It is acknowledged that the site and proposed dwellings fall within the setting of Nos. 57 – 63 Wilbury Road which are recognised as non-designated heritage assets (NDHA) within the Conservation Area. Their interest lies in their contribution to the streetscene and the coherency with adjacent buildings of the same period – the evolution of the area is set out in Appendix B. NDHAs are not afforded the same level of protection as statutory listed

buildings but are a material policy consideration at national and local level. It has already been explained that the garage site does not contribute to the significance of this part of the Conservation Area nor to the NHDAs referred to.

The proposed development comprising 3 no. dwellings is supported by the NPPF 2023. It accords with the principles of sustainable development as set out in paragraph 8 and would add to the variety of sites and unit types as per paragraphs 60, 205 and 209. Noting the lack of special architectural or interest arising from the garaging and the fact that they provide no meaningful contribution to this part of the Conservation Area, it is considered that on both counts, the loss of the garaging should be welcomed.

The current proposal effectively removes a mid 20th century insertion which is no longer of beneficial use and injects new life into it and providing it with purpose and meaning. By removing the car, this returns the rear of the frontage NDHAs to a more appropriate domestic tranquillity with foot traffic only.

Where glimpses may be achievable, the 3 no. dwellings would create visual interest and a positive interplay between the rear of Nos. 57 – 63, the adjacent sites and the filtering effect of foliage from the retained trees. As with other buildings of this period, it is not usual for garden land to be repurposed to accommodate outbuildings, annexes, and at this point in time, see the removal of non-descript rows of garages and replacement with more meaningful residential development.

As the explained in the DAS, the design approach has been influenced by a number of factors including seeking to prevent harm for this location has been specifically crafted to cause no detrimental effect on the historic part of the street. The proposal recognises the opportunity for creating a balance against the heritage elements of the neighbourhood. As it will be more visible than present, the detailing of the elevation has been designed so that it enhances any key heritage viewpoints that may be perceived along the road.

The external appearance has been carefully considered and designed to provide high-quality buildings in a car-free development with attractive space within and around the dwellings. The three dwellings will provide a positive enhancement to the surrounding area, particularly when considering the existing use of the site.

Despite being partially over two floors, the breakdown of the forms with the inclusion of angled roofs has the effect of creating a visual recessiveness and a design order. The dwellings would be distinct and being on a lower level would read as modern interpretations of the presence of historic coach houses / stable which are not untypical of many properties of this era. Although historically there may not have been buildings that performed that function associated with the frontage buildings, they do provide a historic 'cue'.

The introduction of the proposed built form would not detract from the non-designated heritage assets and would sit comfortably within their respective settings. At the same time, the limited public views of the site and the proposed development would not detract from those limited views.

In conclusion, the development will improve the visual quality of this back-land site and therefore enhance this stretch of the street, enhancing the quality of the buildings in its proximity and bolstering its relationship to the neighbourhood. This will have a knock-on effect on the Conservation Area bringing greater coherence and interest.

The approach adopted and the positive benefits for the Willett Estate Conservation Area accord with the NPPF. The proposed development, both in terms of use and built form, will represent an enhancement to the setting of the designated heritage asset. The proposed development therefore accords with Policy CP15 of the City Plan Part One and Policies DM26, DM27 and DM29 of the City Plan Part Two.

5.6 Amenity Impact

Policy DM20 of the City Plan Part 2 states that planning permission will be granted *'where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers....'*

Emphasis in the Pre Application submission was given to considering the amenity of proposed occupiers and adjacent residents, through matters such as overlooking, loss or privacy, and outlook.

Overlooking and Privacy

Properties to the east of the application site, namely 57- 63 Wilbury Road, are those located closest to the proposed dwellings, thus have been given greatest consideration in terms of impact of development. It is noted however that in such suburban locations, mutual overlooking can and does exist.

The proposed dwellings have been designed with private bedroom accommodation primarily at ground floor level, to reduce overlooking from this space at first floor level into first floor private spaces of adjacent units. In order to reduce direct overlooking further, openings on both side elevations are minimal.

Openings to the ground floor west elevation have been omitted entirely, and to the east, these are designed to overlook access and enhance natural surveillance, with a canopy over, to reduce intervisibility between these and adjacent units. This, combined with boundary treatments and proposed ground levels, results in windows largely being obscured at

ground floor level. Any intervisibility that would exist would not be dissimilar to that usually seen in urban environments.

At first floor, the proposal incorporates minimal openings to this east elevation, with only secondary openings providing a narrow aperture to break built form. The main first floor windows look into the centre of the site or over neighbouring garage forecourts, to prevent any overlooking into neighbouring dwellings or private amenity spaces, reducing impact on private neighbouring amenities. First floor terrace space is enclosed by privacy walls that extend from ground floor, to provide a screened and private area, with reduced looking form and to these areas. There remains a suitable privacy distance between these elevations of the North and South dwellings themselves, to protect future occupiers amenity. In light of the above, the proposed development would not have any significant detrimental impacts on the residential amenity of neighbouring properties and therefore accords with Policy DM20 of CPP2.

Outlook

The first floor of dwellings has been broken into blocks, to break up the mass of any structure, reduce height where possible, and provide variety.

Pitched roof forms are incorporated to slope away and soften development, with materials that appear lighter at first floor level.

The effect is a built form that is sensitive to the outlook of neighbouring occupiers, and does not dominate or enclose any dwelling, thus protecting outlook and according with Policy DM20 of CPP2.

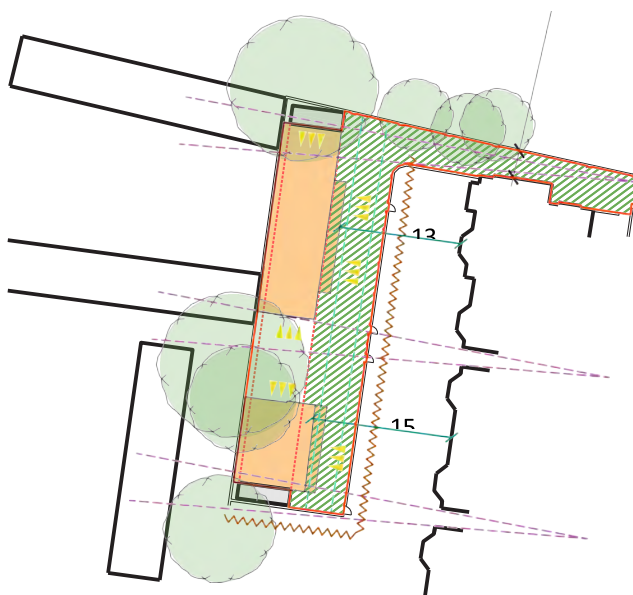


Figure 17 - Block Plan of Distance between.

Amenity Space

Policy HO5 “Provision of private amenity space in residential development’ requires the provision of private amenity space, where appropriate to the scale and character of the development.

In this instance, amenity space is provided for proposed dwellings with the creation of a central courtyard separated into two garden spaces for one for Units 1 & 2, and which each dwelling also proposing a raised terrace, to ensure all three units have external amenity provision. This provides an important function and comfort for future occupiers.

The internal location of the courtyard, enclosed by boundary walls and obscured by the location of neighbouring garages, gives a sense of enclosure and privacy, to ensure future occupiers of development are not overlooked by surroundings. Raised brick walls enclose the first floor terrace areas to ensure that when future residents are sitting enjoying this external space they are sheltered from overlooking, but also fail to overlook neighbouring garden spaces.

In terms of internal amenity, all dwellings meet minimum space standards set by the NDSS. Dwellings provide suitable internal space for occupation proposed, as well as suitable quality of that space, in size of individual rooms and facilities within those, such as storage and service space.

Refuse and Recycling

The site lies within an area with communal refuse and recycling bins are provided on-street. Residents are not entitled to individual wheelie bins. The development does not therefore include a separate area for the storage of refuse as this is not required. However, provision is shown within each respective garden area.

5.7 Sustainable Transport

The application seeks to demolish garages to facilitate redevelopment, raising potential concern at loss of parking provision in the locality, and subsequent impact on on-street parking nearby.

However, these garages are not constructed to modern standards or size requirements, rendering them largely unsuitable for vehicular parking. Instead, the garages are primarily used for residential storage.

In addition, very few of garages are let. The stores that are used by the frontage buildings are retained being for the use of the occupants of the flats within the former townhouses.

Overall, the loss of the garages has limited impact on the immediate area or parking provision in that area.

Taking account of the above, the pre application advice set out that the *'loss of garages... is unlikely to be to a significant or objectionable extent.'* This is the approach followed with other similar development approved in the area, such as at land rear of 10 Wilbury Road (Permission BH2020/01959).

In addition, the site lies in a sustainable location within reach of all local facilities and public transport as previously stated. There are many options to travel by means other than private car and therefore, is not a car-dependent development.

Approximately 160 metres north of the site at Cromwell Road, is the closest bus stop, giving varying bus routes to travel to and from the site, and around the City. Within 800m to the north west, occupiers can access Hove Train Station on foot, to connect to a multitude of local, and regional train services.

Less than 500m south, within a 6 minute walk, is the local retail and service area of Church Road, offering daily facilities and services, as well as local employment opportunities.

The development includes cycle parking to encourage travel by sustainable transport modes, should occupiers wish.

Space exists within the confines of each plot to accommodate refuse, cycle storage and equipment for the proposed Air Source Heat Pump. Further details of this cycle storage can be provided by condition detail if necessary.

Having regard to this highly sustainable location, the development is proposed as car free, with no on-site parking provision.

Part 6 of Policy CP9 of the City Plan Part 1 sets out the priority on minimising off street car parking in accessible locations and considering car free development. In this case, the site lies in an accessible location, close to services and amenities, as well main city bus routes that serve them. Whilst parking standards therefore suggest parking provision, this policy seeks to encourage reduction in that parking where feasible. It is contented that this is such a site where parking restrictions controlled under separate legislation should be sufficient and a planning condition is not required as a result.

This approach was followed in development recently permitted nearby, at land to the rear of 10 Wilbury Road. The officer report associated with that permission notes that traffic generation of development is minimal. Given the modest scale of the proposed development and the fact that that the site is within a sustainable and accessible location., the need for private car parking is minimal.

There is however, no need for conditions restricting access to permits for Controlled Parking Zones not be issued to future occupiers. This is regulated under a separate system whereby there are controls regarding the number of permits issued by BHCC Parking Management. There have been a succession of Appeal Decisions that have rendered the imposition of such a condition as being unnecessary with those Appeals being Allowed.

Existing rights of access to retained storage units used by owner/occupiers of the converted flats in the frontage buildings will be retained. Should issues be raised by neighbours on this particular issue, this is a civil matter for the Applicant and the respective persons to address. Nevertheless, this position should not be seen as an impediment to this proposal.

5.8 Arboricultural Impact

An Arboricultural Assessment and Method Statement have been submitted in pursuance of the application.

This is due to the three trees located to the west of the site, but off site. One of these is a Category A tree, which is a prominent visual feature and provides some screening/filtering of views between the rear of each respective site.

The submitted assessment shows that no trees are proposed for removal as a result of the works, nor will their long term retention be adversely affected as a result of development. A large precautionary protection area for works is to be located across three quarters of the site, as set out in Appendix 2 of the document, during which works will be supervised by the Project Arborist.

Adoption of these methods, alongside the careful layout and design of proposals, ensures long term retention of tree cover, and no detriment to the character of the area or wider treescape. Development therefore accords with Policy DM22 of the City Plan Part 2.

6 Conclusion

Overall, the site is located in a residential area and proposes a residential redevelopment that is compatible with this surrounding use. It overcomes past concerns regarding the scale and quantum of development.

The site is within a sustainable location, in the built up fabric of the City, where housing need is well below the five year housing land supply required by the NPPF. The weight

attached to provision of three new homes, in this location, therefore attracts significant weight and makes a contribution towards a woefully low housing provision of just 1.8 years, where every unit of housing is needed.

In accordance with Paragraph 11d of the NPPF, the tilted balance therefore engages where no harm arises to heritage assets of particular importance. As set out, the development has been carefully considered within the Willett Estates Conservation Area and within the setting of NDHAs.

The design approach has evolved and progressed to ensure that no harm arises. The proposal accords with the statutory duty, the NPPF and adopted City Plan 1 and 2 policies. The tilted balance therefore requires that planning permission be granted, unless the adverse impact of doing so is significant and demonstrable.

No adverse impacts of development have been identified.

The proposal has been sensitively designed to prevent any adverse impact. It represents an imaginative and appropriate architectural response to the site's present appearance, its position within the Willett Estate Conservation Area and to the rear of the NDHAs. The result is a scheme that makes an optimum viable use of the site and a positive heritage, social and public benefit to the area.

The form, scale and detailed design of development prevents any overlooking or loss of privacy to neighbouring occupiers. The contemporary form prevents it from having a dominant outlook. It tucks in to the rear of frontage buildings and would be noted in mere glimpses. The provision of an inward facing courtyard development and enclosed terraces conserves both the outlook and privacy of future occupiers, providing adequate amenity space and also retains tree cover to ensure the dwellings integrate with their surroundings.

The contemporary construction, with efficient energy sources leads to a sustainable development. This is further enhanced by the provision of a car-free development that encourages the use of sustainable transport modes that are available in the area including on foot, by bicycle, bus and train.

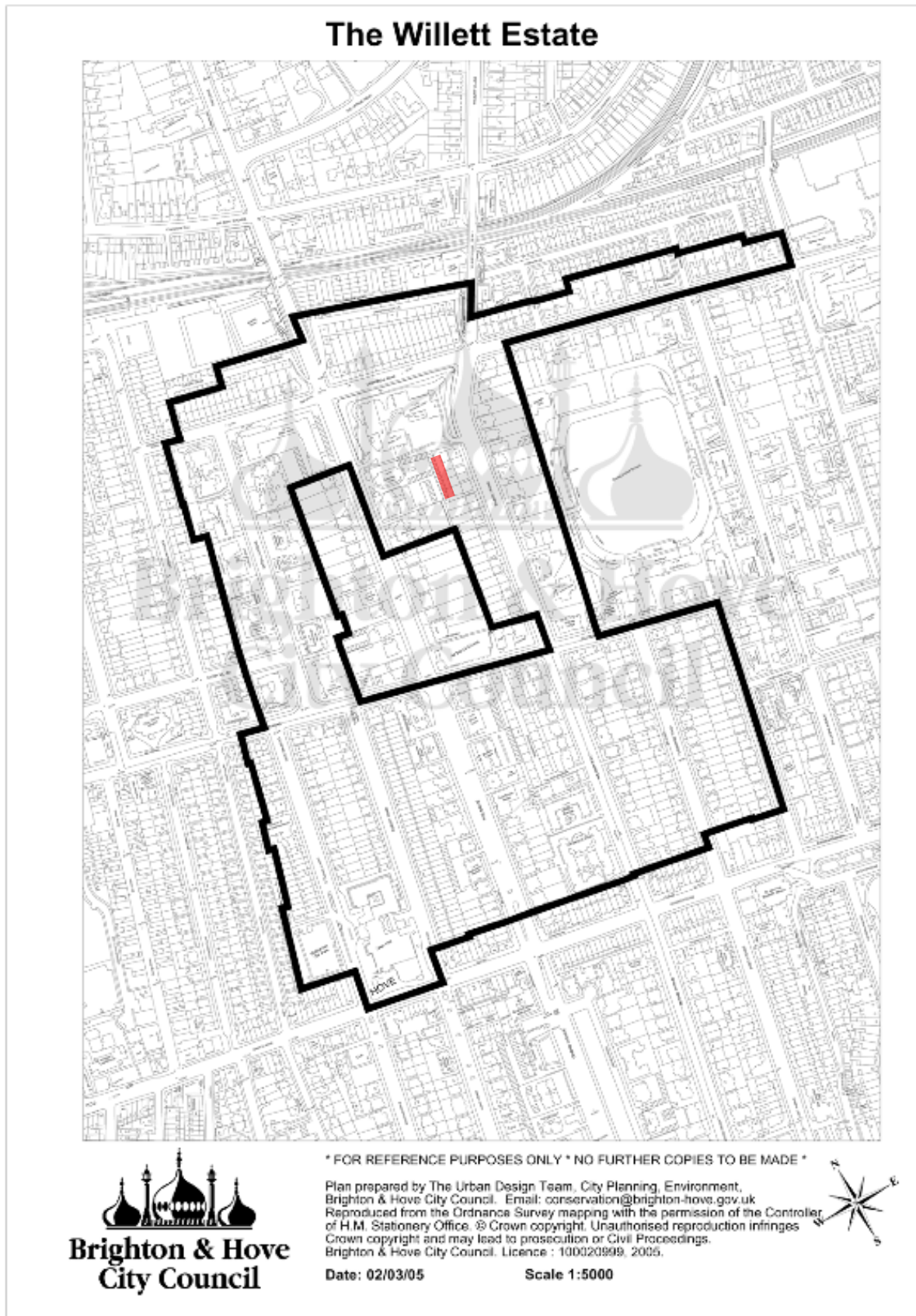
Whilst it may be perceived that the removal of the garaging will have a negative impact on the area, it would actually represent an improvement to the residential quality of those properties whose gardens back onto the site. This replacement of car parking, with car - free development incentivise residents to become less car reliant. The effect of not providing car parking is not of a level to significantly or demonstrably outweigh the benefits of development as set out.

The proposal is therefore deemed to be in accordance with policies contained within the development plan, and encapsulated within national policies, directing a presumption in

favour of sustainable development, contained within the National Planning Policy Framework 2023.

The benefits of development, and absence of any adverse effect, should allow the LPA to approve the application and grant permission for development sought, without delay.

Appendix A – Conservation Area Map



Appendix B – Heritage Overview

Origins

The original village of Hove was in the west of the area and it was originally a small fishing village along with farming and smuggling. Roman remains indicate that it was a centre of population for centuries. Unlike Brighton and the eastward progression of Kemptown and then westward of the Old Town, the growth of Hove was slower but gathered pace and even during the middle 19th Century. This area was generally still farmed with crop fields, grazing and market gardens being prevalent.

The dawn of the seaside resort began before the Regency period with pioneering visitors beginning to venture to the English Coast in search of health, leisure and pleasure. One of the first adventurers claimed to be the Reverend William Clarke and his wife in the summer of 1736 when they stayed for a month in 'Brighthelmstone', and referred to the place as a small declining town. It has been said that Clarke fashioned the seaside holiday as an experience for the elite and aristocratic groups initially, spreading over time to larger sections of the population, gaining mass appeal. Within three decades, the long established fishing village of Brighton was transformed into the nation's most fashionable resort.

The new found popularity led to an innovative and revolutionary architecture designed to facilitate the consumption of the seaside, therapeutic and natural health benefits. At first growth and change was slow but gathered pace in the 19th century, during the last phase of the Georgian period which was indelibly associated with Prince Regent and gave rise to an architectural lightness and frivolity as well as playful eclecticism on the surface. Regency architecture was prolific in the Brighton and spread into the lands of Hove.

The Regency period is undoubtedly the time when Brighton saw a rise in speculative development to accommodate the elite and higher classes who wanted a home by the sea, or a room in many of the lodging houses. The wave of change that arose also saw set-piece architecture predominantly in the form of townhouses arranged as terraces, squares and crescents.

Development was speculative, often bought off-plan with the front elevation being architect designed. The interiors of the shell were often finished to the specifications of future occupiers, perhaps overseen by an architect. Sicklemore's map of 1829 and Marchant's map are some of the earlier maps that shows development moving west of the Battery toward Bedford Place and Bedford Mews. The boundary between the parishes of Brighton and Hove is demarcated but development was sparse and the demand for seaside homes had yet to reach Hove.

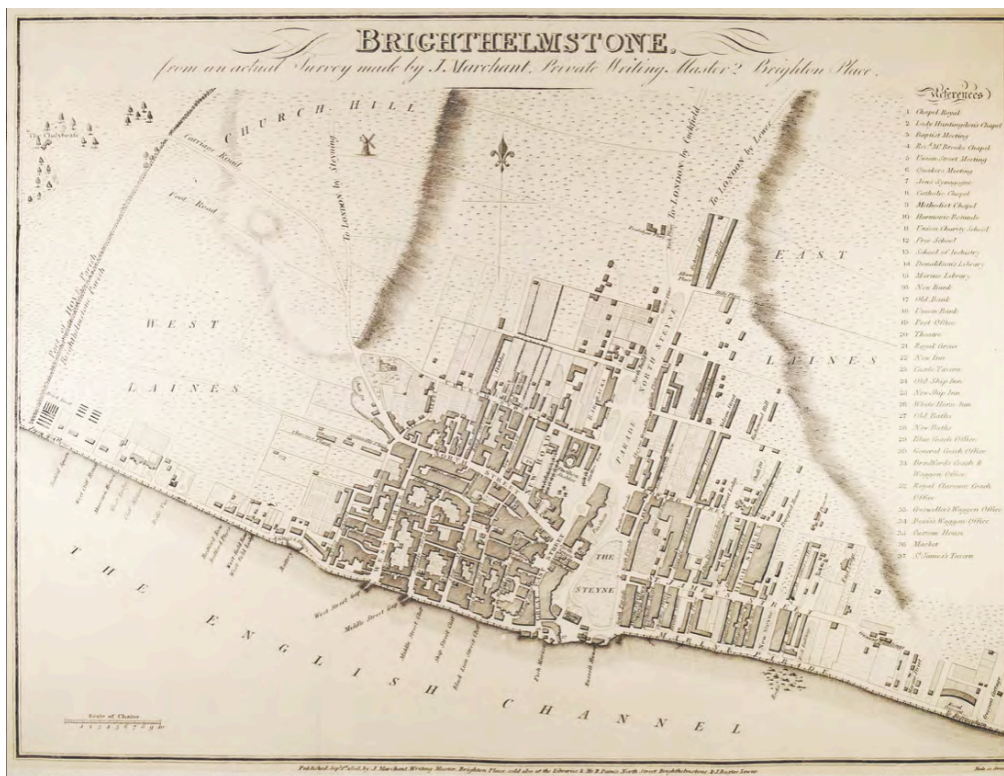


Figure 18 - Marchant, 1829 (NLS)

By the early 19th century the large area of The Drive, Wilbury Road and the Avenues was still farm land and open countryside and the home of farmer W. Rigden. An image sourced from the Regency Society titled 'SouthView of the Chalybeate Spring, Brighton' is noted as presenting a view looking southwest toward the sea, over land where York Road, Brunswick Road and Cambridge Road were later build. The large house in the distance is Long Barn House, the home of Mr W Ridgen and that is Long Barn, home of the famous cricketing family, Lillywhite.

In J.G Bishop's 'A Peep into the Past: Brighton in the Olden Time' (2nd Ed, 1892) he writes that all the building was on the side of Brighton and here (Hove), the 'straw did not begin to move until about 1850.' With development arising in York Road and Cambridge Road/ Western Road including a church, Bishop noted that the Littlywhite's cottage is where Wilbury Road now stands.

Speculative housing development saw Brunswick Terrace and Brunswick Square, which borders Central Hove to the East emerge with much of Hove remaining as farmland. Mapping evidence from c.1844 shows the town starting to take shape with Hove Street, Adelaide Crescent and Holland Road identifiable. The land above what is now Church Road remained almost entirely agricultural.

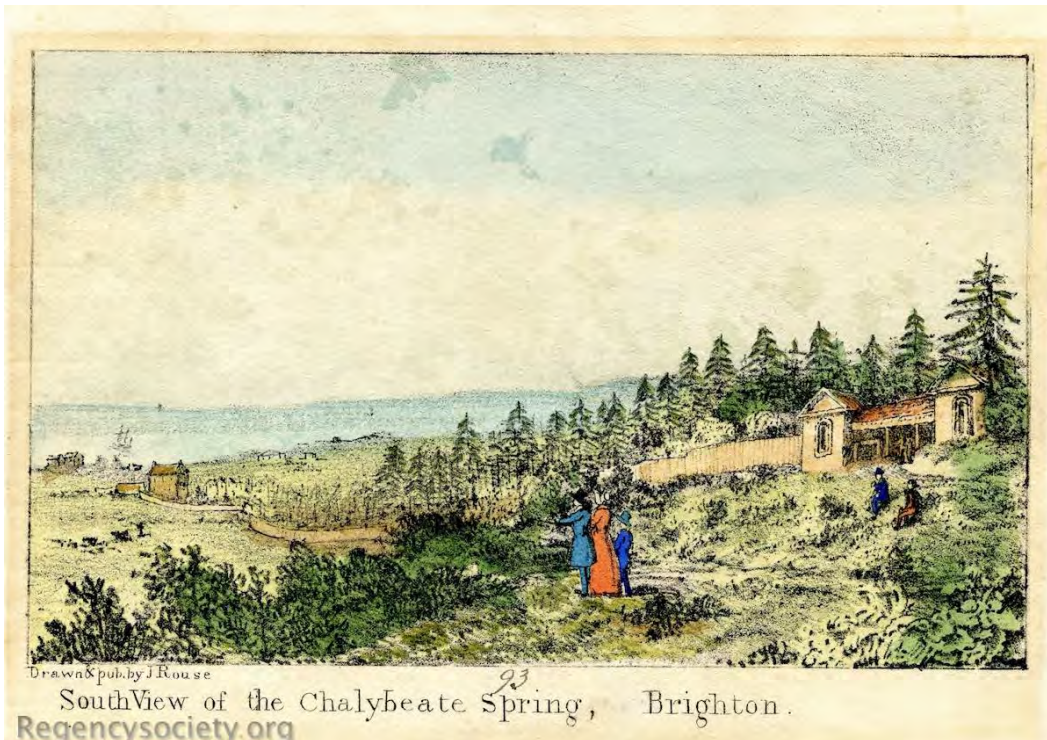


Figure 19 - Drawn and lithographed by J Rouse. From *The Beauties and Antiquities of Sussex*, 1825
(Source: Regency Society)

The next major housing development was in the Cliftonville area in the middle of the 19th Century and during this period the current day street plan (incorporating streets such as Osbourne Villas and Medina Villas) was further developed. Cliftonville was also developed on a piecemeal basis. As a result we see a wide range of styles and architectural features. More modest housing was built around George Street and further north towards Hove Station. Many of the houses, including those in Denmark Villas represent an attractive example of the suburban Victorian Italianate Villas that is grew in popularity.

By the late 19th century, the Stanford estate was developed in the heart of Central Hove adjacent to the seafront and once comprised elegant family residences of Grand Avenue and the adjacent Avenues. This town plan gave Hove much of its identity and paved the way for further development to occur, continuing the grid layout of roads.

The Conservation Area

The Conservation Area sits between Wilbury Road and Denmark Villas on the west side. Many roads interject and cross over the Conservation Area boundary. There are no archaeological designations in place within or adjacent to the conservation area and seven of the buildings are statutorily listed and tree are locally listed.

Although the Conservation Area takes its name from William Willett, a builder and stonemason of national repute who was responsible for many of the fine houses in the Conservation Area and town centre during the last quarter of the 19th century. A philanthropist, he had strong links with the British Museum. He was a devoted collector of an eclectic mix of pottery and was a founding father of the Brighton Museum. He moved to Brighton in 1841 where he ran the West Street

Brewery (another family business) and bought property throughout Sussex. From the mid 1870s he started development of the West Brighton estate in Hove.

In around 1875 William Willett started his building operations at Hove with two houses in Second Avenue, in one of which he resided for some time. Afterwards he turned his attention to building on land belonging to the Stanford Estate. He constructed many residences in Wilbury Road, Eaton Road, Cromwell Road, The Drive, and Eaton Gardens. In 1879 Willett lived at 9 Wilbury Road, in 1881 he lived at 1 Eaton Gardens but by 1883 he was located at 64 The Drive where he remained until his death. He favoured the Arts & Crafts idiom for his housing and among the Willetts' in-house architects were H B Measures and J B Tansley. He was also involved in the development of Eaton Gardens

The 2015 Character Appraisal for the Willett Estate indicates that its character and appearance is derived in the main from large bay fronted, detached, semi-detached and terraced houses, set in spacious tree lined streets, behind walls with railings. Evidence exists of the area being established as a settlement for well-to-do late Victorians and early Edwardians is given by the houses having a large footprint and scale, typically set back behind generous front gardens and driveways. Whilst the majority of houses date from the Victorian age there are many Edwardian houses on Wilbury Road.

The street pattern around Wilbury Road is of a simple grid nature and has not been altered since Victorian times. The historic system of field patterns and tracks across open country are still defined in the layout. The area remains high density in character with many properties still in use as single houses but many subdivided into flats.

The area is characterised by the medium to large scale of buildings and the general variety of architecture. There are a good number of historic buildings whose significance is established by their frequency and survival. Architectural styles range from Gothic, Classical and Jacobean to the Arts and Craft, Victorian and Italian. They include houses, villas , terraces, and church.

Individual streets are noted as having features of interest with Wilbury Road noted as having a wide but impressive variety of styles and materials. Of note are the lead entrance canopies with timber fretwork, and ornate Willett properties with grand swept entrance steps.

The predominant building materials are yellow/ cream gault brick and slate, however a significant number are rendered, and there is a peppering of red brick. The brick elevations are relieved by a variety of details, and the extensive use of decorative and moulded bricks with a floral motif is a particular feature in the finest Willett houses. Some have impressive porches, and tiled entrance paths and tiled or stone steps are common.

Wilbury Road

In the 1860s there was just a rough farm track where Wilbury Road is today; it led up to the chalk pond, and beyond it over the hill to Preston village. The Ridgen family's farm holding and lands were the subject of various sales and included the sale of land to the Standfords who built the Stanford Estate. Wilbury Road is the 'spine' of the conservation area, running in a north south direction where it forms an intersection with Cromwell Road at the north end and Church Road to the south. It is parallel to Eaton Gardens and the Drive on its west side and Eaton Road drives across all three roads to the south. The Sussex County Cricket Ground is a major green feature on the east side of Wilbury Road.

According to Sir Charles Thomas-Stanford the name Wilbury was chosen because one of the first purchasers of a plot of land on the Stanford Estate was Sir Henry Malet of Wilbury, Wiltshire. Sir Henry then proceeded to have a house built for himself that he called 'Wilbury' and so it seemed logical to adopt the same name for adjoining roads.

House building in Wilbury Road had already begun by 1876 three houses on the north east side of Wilbury Road. By 1878 there were 12 houses in Wilbury Road with 6 houses having been approved by the Hove Commissioners in 1877. In November 1880 the south part of Wilbury Road up to Eaton Road was declared a public highway. Then work started on the next stretch of road leading to Cromwell Road, which in those days was known as Vernon Road. In April 1894 Hove Commissioners approved plans submitted by A. C. Udey on behalf of Mrs Ellen Bennett-Stanford for the extension of the road over the railway, although this part was later named Wilbury Villas.

By 1898 the current road system is laid out and the buildings on both sides of Wilbury Road have been built, including the layout of several pairs of buildings to the immediate south of Tennis Court – some of the earliest provided in Hove at this time. William Willett At this time the blocks of building were broadly the same size apart from the final one that formed an edge to the access road and overlooked the tennis courts. thought it would enhance the amenities in an area where he was busily engaged in house-building.

Nash's Stranger's Guide (1885) stated: 'Mr Willett has laid down in a central position on the estate some three acres as The Drive Lawn Tennis Club and Recreation Grounds. These gardens with their rustic summer houses and banks well stocked with evergreens and trees, which form a screen from the surrounding roads, add to the charm of the place.' It was later known as the Wilbury Lawn Tennis Club before being developed.



Figure 20 - 1873 OS Extract – Wilbury Rd is a track



Figure 21 - 1896 with dwellings to both sides.

Wilbury Road was complete by this time and development spread down from the Tennis court to the Vicarage and Church at the junction with Eaton Road. These buildings at the time had modest sized gardens in comparison with the buildings on their west side on the Drive which had elongated plots.



Figure 22 - 1909 OS Extract showing the housing.

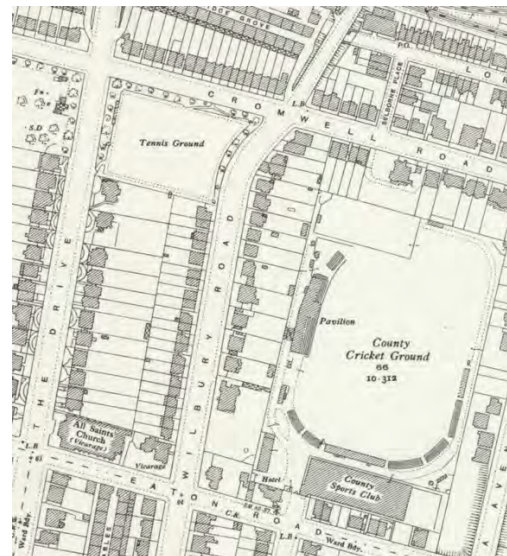


Figure 23 - 1929 OS Extract shows little change.

The next significant development was to happen in the mid 1950's when between 1951 and 1964 the mansion blocks (i.e. Baltimore Court) in the land between Wilbury Road and The Drive were built. Outline planning permission had been granted in 1957 for the redevelopment of the tennis courts with flats. As the mapping and image below show, the tennis courts survived. Notably, the gardens to the subject properties had been shortened by 1964. According to the image from the Royal Pavilion & Museum, the flats and garaging were constructed in the early 1960s.



Figure 24 - 1964 US Map extract showing flatted development to The Drive and garaging including to the rear of the subject buildings.



Figure 25 – The access can be seen turning to the rear behind the semi-detached pairs south of the tennis courts.

Many people wanted the tennis courts to be retained and to remain as an open space, but endeavours to resist development were thwarted and by 1978 the land was developed to provide flats for elderly people called Elizabeth House and Philip House.

Wilbury Road was planned with a generous width and today it accommodates parking on each side of the road and in the middle and remains recognizable as a street of distinction. Today, Wilbury Road retains good examples of the use of gault brick and slate combined with terracotta and stone. The Victorian buildings display an eclectic mixture of building materials, characteristic

of the wider architectural trends taking root in the Victorian era. The built character is typified by homogeneity and good proportions aligned with the variety of cut and moulded brick, the occasional use of terracotta, coupled with details of joinery and ironwork. Some buildings also have impressive porches, and tiled entrance paths and tiled or stone steps are common.

The wide and deep plot formation of the buildings along the street creates a hierarchy in terms of importance, social standing and character with those on the uphill slopes having a greater sense of prestige over those to the flatter lands. Overall, large houses, consisting of semi-detached and terraced houses, provide spatial and architectural cohesion to different parts of the conservation area.

Wilbury Road is one of those famous Hove streets with such a generous width that it can accommodate a double line of parked cars in the centre, as well as parked cars on either side. This makes it difficult to appreciate the proportions of the area as seen in Victorian times. One aspect that does not change is the elegance and spaciousness of the original houses that still remain.

Views and Vistas

From north to south the curvilinear arrangement leads into a long wide road where distant views are afforded of the sea. Despite the presence of parked cars, the wide street section ensures that the experience encapsulates the presence of street trees, and the buildings lining each side of the road. Visual interest is not only created by the homogeneity of the built form but also the strong vertical emphasis, rich architectural detailing, bay windows and roofscape / skyline interest. Although the east side of Wilbury Road is a much more diverse in terms of built form, this is not readily apparent in long views and vistas.

The Site

The garaging to No 57-63 effectively sits at the north western end of Wilbury Road and is mainly screened from the ground by the buildings addressing the road, the flatted development to the north. The site is accessed from the driveway between Nos 63 Wilbury Road and that flatted development. The garages do not make a positive contribution to the character of the conservation area and so their demolition is warranted. Although only the access route is currently visible from the public realm on Wilbury Road, due attention is paid to the possibility of a large-scale property on the site being glimpsed from the rear of the site, between the buildings from The Drive.

To the rear of the site, large mature trees are a characteristic of the immediate terrain giving scale and form to the garages in the foreground. There is a faint outline of the tall modern court buildings on the other side of the trees, but still the character is very different from the built edge on the east side of the subject site.

The garage site is less visible and therefore overshadowed by the majority of houses on Wilbury Road. Due to the site being set back and its alignment within the plot, the adjacency of boundary walls means that little appreciation of elevations is afforded. Although the small glimpse that can be seen of the site that when viewed from the road makes little contribution to the street-scene, its evidence in the public realm means that future design needs to be appropriate.

The garage site appears as a part-empty and functional slab of land set behind a low boundary wall and security fence stretching along the rear boundary of Nos. 57 - 63. Its massing is of a low and horizontal type that detracts from the rear views of Nos. 57-63. The underused/ vacant character of this empty space contrasts with the active buildings in the surroundings. As a building the garage possesses no charm or historical significance. Elements of architectural importance are non-existent, and it gives a below average example of quality architectural design, decoration and craftsmanship.

The frontage facing onto Wilbury Road forms the main part of the site visible from the public realm. The garage and car parking are not considered to positively contribute to the special interest of this part of the conservation area.

This part of Hove and Wilbury Road has seen change over time – from the subtlety of individual buildings being upgraded to new dwellings to the rear and more radically, the development associated with Sussex County Cricket Ground.

It is evident that the area can accommodate change without harm arising. As no harm would arise to the character or appearance of this part of the Conservation Area, this is a factor that should be given great weight in the planning balance.

