

Appeal Decision

Site visit made on 12 September 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 16 September 2016

Appeal Ref: **APP/Q1445/W/16/3150922** **8C Clarence Square, Brighton BN1 2ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Massey against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02198, dated 16 June 2015, was refused by notice dated 4 December 2015.
 - The development proposed is replace existing roof with new mansard with rear terrace. Replace rear roof with lower terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the development on the appearance of 8 Clarence Square (No 8) and whether it, would preserve or enhance the character or appearance of the Regency Square Conservation Area (the CA) and; the effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and noise.

Reasons

Character and Appearance

3. The appeal property (No 8C) is an upper floor maisonette within a mid-terrace property (No 8). No 8's main roof has a simple pitched form over the front half of the property. No 8 is one of ten properties (Nos 1 to 10) that make up two sides of Clarence Square, a street that is essentially residential in character. Clarence Square is situated at the eastern extremity of the extensive mixed use CA.
 4. The appeal development comprises two elements. The first element would involve the conversion of No 8's main roof into a full mansard roof, with a front dormer and a parapet and a terrace to the rear. The second element would involve the removal of the rear outrigger's mono-pitched roof and its replacement with a roof terrace enclosed by a parapet.
 5. Mansard roofs are not prevalent in Clarence Square and the proposed mansard would alter No 8's basic roof shape and lead, in relative terms, to a significant increase in the roof mass, a change that would be visible from various vantage points in this street, given that the new ridge line would be
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close to the top of the chimney stack shared by Nos 7 and 8 and higher than that of Nos 7 and 9. The rear mansard level parapet would be an uncharacteristic feature for the junctions between eaves and roofs in Clarence Square. I am therefore of the opinion that the formation of this parapet would also contribute to the alterations to the main roof having a bulky appearance.

6. Although various roof alterations have been undertaken to the front or rear of Nos 4 to 7, those alterations have not involved the formation of a full mansard and have limited visibility within the street scene. On the opposite side of the square some full mansard and part mansard roofs are present. There is no recent planning history for these roof alterations, which suggests that they are of some age, and they are generally exceptions to the roofscape within this street. I therefore consider that those alterations do not provide a justification for the proposed mansard roof. I find that the proposed mansard roof would be a top heavy extension of No 8 and that this addition would unacceptably interfere with the simple rhythm of the prevailing roofscape within Clarence Square.
7. While the outriggers within the vicinity of No 8, including those to the rear of the adjoining properties in Russell Square, have varied roof forms, No 8's mono-pitched roof is of a form that would be expected for a property of this age. The introduction of a flat roof, concealed by a parapet, would be an uncharacteristic outrigger roof form, which would be out of keeping with No 8's appearance and that of the immediately surrounding area.
8. I conclude on this issue that the development would detract from the appearance of No 8 and would neither preserve nor enhance the CA's appearance. There would, however, be no affect on the CA's character in land use terms because No 8C would remain in residential occupation. Given the harm to the appearance of No 8 and the CA that I have identified there would be conflict with saved Policies QD14 and HE6 of the Brighton and Hove Local Plan of 2005 (the Local Plan); and the Council's supplementary guidance 'architectural features' and 'design guide for extensions and alterations', respectively of 2009 and 2013, because the roof alterations by departing from the original roof forms and interfering with the rhythm of the roofs within the area would be harmful to the appearance of No 8 and the CA's roofscape.

Living Conditions

9. I accept that some overlooking of neighbouring properties, most particularly those in Russell Square, would be possible from the roof terraces. However, this is a high density location with a number of multi storey properties in Clarence Square and Russell Square in close proximity with one another. The compactness of this street pattern means that close quarters mutual overlooking is characteristic of this area and the eye line of users of the terraces would be more likely to be drawn to the roofs opposite rather than the external areas or windows of the neighbouring properties.
10. Given the aforementioned context for the roof terraces, I find that their use would not give rise to any unacceptable overlooking and thus loss of privacy for the occupiers of the neighbouring properties. I also consider, given the scale of the terraces and the likely level of activity associated with their use, that their presence would not generate noise levels that would be disturbing.

11. On this issue I therefore conclude that the development would not be harmful to the living conditions for the occupiers of neighbouring properties. Accordingly no conflict with Policy QD27 of the Local Plan would arise because there would be no unacceptable loss of amenity for existing residents.

Conclusion

12. While I have found that there would be no harm to the living conditions for the occupiers of the neighbouring properties, there would be unacceptable harm to the appearance of No 8 and the development would not preserve or enhance the CA's appearance. I consider that any public benefits of the development would be outweighed by the harm arising from it. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

