

Appeal Decision

Site visit made on 10 April 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Q1445/D/17/3169240 70 St Georges Road, Brighton BN2 1EF

- 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 Mrs Lucie Barat against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05784, dated 20 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is a rear lower ground floor single storey extension, rear roof terrace, alterations to fenestration to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a rear lower ground floor single storey extension, rear roof terrace, alterations to fenestration to front elevation at 70 St Georges Road, Brighton BN2 1EF in accordance with the terms of the application, Ref BH2016/05784, dated 20 October 2016, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Elevations Proposed D-01; Floor Plans Proposed D-01; Floor Plans Proposed D-02; Sections Proposed D-03; Elevations and sections Proposed D-04; Sections Proposed D-05; Elevations Proposed D-06A; Floor Plans Proposed D-07 and Location and Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The privacy screen along the width of the terrace's rear elevation hereby permitted shall be installed prior to first use of the terrace, shall be obscure glazed and measure 1.8 metres above the floor of the terrace to which the screen is installed, and thereafter be permanently retained as such.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the East Cliff Conservation Area.
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Reasons

3. The appeal site is located within the East Cliff Conservation Area. The area contains a number of tall substantial residential buildings particularly towards the sea front. However, St Georges Road on which the appeal site is located has a more domestic scale and a somewhat commercial character due to the number of shops and services. The prevailing built form here is terraces of two or three storeys. The design of buildings varies somewhat and includes some modern contemporary designs.
4. The appeal site is the middle of a terrace of three properties. The individual properties have been altered on the front elevation and their features are not very symmetrical. Indeed, the series of buildings is not referred to as being a uniform group within the East Cliff Conservation Area Character Statement 2002 as are other groups of buildings. The main features retained are the parapet elements and the overall proportions of the buildings.
5. I have been referred to the Council's Supplementary Planning Document Design Guide for Extensions and Alterations (SPD) 2013. This provides guidance on rear, side and infill extensions. The proposal would involve the infilling of the outdoor space at No 70. A single storey flat roof extension would be erected in its place. The existing mono-pitch roof of the outrigger would be replaced with a flat roof with a small terrace at first floor.
6. The Council refers to the loss of the matching and historic L-shape plan form of this group of buildings. However, No 71 St Georges Road has a very tall wall adjoining No 70, and there is no visible mono-pitch outrigger. It appears to have been extended including at first floor. The shape of the original plan form has already been considerably altered in this respect. Due to the layout of the rear of the properties on St Georges Road and those to the south this presents a very enclosed rear space. There may be a very small number of properties backing on to St Georges Road which may be able to see parts of the roof form but views would be limited. Furthermore, the rear elevation and outrigger is not seen from the road or other potential public vantage points. The layout presents no opportunities to appreciate or understand the plan form of the buildings.
7. The main roof pitch and other roof features cannot be seen from the street and the angles of chief views from the street generally present the roof as flat in appearance. I accept that there would be a loss of the mono pitch roof of the outrigger. This would unbalance somewhat with No 69. However, this would not be so significant having regard to the very enclosed nature of the rear elevations. The proportions of the extension would be consistent with that of the main building and the outrigger. In addition, the main roof features and shape would be retained.
8. Given that there has already been a significant loss of the original plan form of the whole group of buildings in respect of the changes to No 71, I consider the alterations to No 70 would be acceptable. Furthermore, the front and rear roof forms where they are visible vary considerably and include flat roofs. The scheme would not be out of context or harmful to the roofscape in this respect.
9. The existing rear yard is bounded on all sides by tall walls and it is not a large space. Although the area is south facing and has some open views directly above the impression is generally of a dark and enclosed space, and it is not

particularly usable. To make use of the space the existing occupants have constructed a small sun terrace just below the first floor above the yard. There is no barrier from this to the ground floor of No 68a and there are direct views into the living and outdoor space of No 68a.

10. The proposal would include a large rooflight for the single storey ground floor extension which would allow light into the room. This would be similar to the existing situation for the yard. The provision of the roof terrace would provide a useable replacement for the existing outdoor space. The position of the terrace would not result in any additional or harmful overlooking given the situation with the existing sun terrace. Indeed, it would result in an improvement in privacy for the occupiers of No 68a as there would be screening in place. Given the particular circumstances of this site, I conclude that the loss of the existing outdoor space and the infilling of the yard is justified.
11. I consider that the proposed changes to the front elevation are acceptable taking into account the differences between the three properties and the variety of designs in the immediate street scene. There is no evidence before me which would suggest that the scheme would result in additional noise and disturbance to neighbours.
12. For the reasons given above, I conclude that the proposed development would preserve the character and appearance of the East Cliff Conservation Area. It would not be in conflict with saved Policies QD14 and HE6 of the Brighton and Hove Local Plan (LP) 2005 (retained 2016) and Policy CP15 of the Brighton and Hove City Plan Part One 2016. These amongst other things seek extensions and alterations that are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and should preserve or enhance the character or appearance of the conservation area. It would not be contrary to the general thrust of the SPD. It would not be in conflict with Policy HO5 of the LP which amongst other things seeks the provision of private useable outdoor space.

Conclusion and conditions

13. I have considered the conditions in the light of the tests set out in paragraph 206 of the National Planning Policy Framework, and the Planning Practice Guidance. I have imposed a condition specifying the relevant drawings as this provides certainty. The Council have suggested a condition relating to the height, installation and retention of the roof terrace screen and I agree this would be necessary in the interests of the living conditions of the occupiers and neighbours. A condition is also needed in respect of the materials to match those of the existing building in the interest of the character and appearance of the property and the Conservation Area.
14. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out above the appeal should be allowed.

L Gibbons

INSPECTOR

