

## Appeal Decisions

Site visit made on 4 May 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 19<sup>th</sup> May 2017

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### **Appeal A Ref: APP/Q1445/W/16/3164159** **73 High Street, Brighton BN2 1RP**

- 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 Mick Perrin of Mick Perrin Worldwide Limited against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/01369, dated 18 April 2016, was refused by notice dated 16 August 2016.
  - The development proposed is rear second floor extension, erection on new third floor, loft conversion and alterations.
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### **Appeal B Ref: APP/Q1445/W/16/3164204** **73 High Street, Brighton BN2 1RP**

- 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 Mick Perrin of Mick Perrin Worldwide Limited against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/01370, dated 18 April 2016, was refused by notice dated 16 August 2016.
  - The development proposed is rear second floor extension, loft conversion and alterations.
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### **Appeal C Ref: APP/Q1445/W/16/3164209** **73 High Street, Brighton BN2 1RP**

- 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 Mick Perrin of Mick Perrin Worldwide Limited against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/01367, dated 18 April 2016, was refused by notice dated 16 August 2016.
  - The development proposed is rear second floor extension, loft conversion and alterations.
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### **Decisions**

1. Appeals A, B and C are dismissed.

### **Procedural Matters**

2. Appeals A, B and C all relate to 73 High Street (No 73) and they concern three differently designed extensions that would variously raise the height of this property by between one and three floors, allowing for the difference in levels between the front and rear of the property. Each of the extensions would
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provide additional office accommodation that would be occupied by the appellant company.

3. Given the similarity of the issues raised by each of the extensions, I have considered the appeals concurrently, with the reasoning for the decisions I have made being set out below. For ease of reference I have referred to the additions relating to appeals A, B and C respectively as extensions A, B and C.

### **Main Issues**

4. The main issues are: in relation to appeals A and B the effect of the development on the appearance of No 73 and whether the development would preserve or enhance the character or appearance of the East Cliff Conservation (the CA); and in relation to appeals A, B and C the effect of the development on the living conditions of the occupiers of 38A St James's Street (No 38A), with particular regard to outlook and privacy.

### **Reasons**

#### *Character and Appearance – Appeals A and B*

5. No 73 is a part two storey and part three storey, with basement, semi-detached building with a gable ended pitched roof. The other half of this pair of semi-detached properties, No 72 is a full three storey property and its ridge line is above that of No 73. No 73 is situated within the extensive mixed use CA. High Street and the immediately adjoining streets, most particularly St James's Street, comprise buildings of varied ages, designs and heights and the roofscape therefore has an eclectic appearance.
6. Extension A would involve extending No 73 upwards to provide two additional floors at the front of the property and three extra floors to the rear, with the upper floor being housed within a flat roofed mansard. The design for extension A includes the insertion of mansard windows within the front and southern roof slopes. This extension would significantly raise No 73's height, with the result that the extended building would project respectively 1.6 metres and 3.2 metres above Nos 72 and 38A<sup>1</sup>.
7. Extension A would increase the vertical emphasis of No 73 to the extent that it would become top heavy and out of proportion with the original building, with the width of this building being unable to carry the intended additional height. I consider that the absence of eaves level parapets to the front and side and the flat roof form of the addition would serve to accentuate the resulting building's top heavy appearance. Mansard extensions are not prevalent in the area and those that are present have a discrete presence and are therefore not comparable with extension A. I therefore consider that extension A would be an incongruous addition which would be harmful to the appearance of both No 73 and the CA.
8. Extension B would involve providing one additional floor at the front of No 73 and two extra floors to the rear. The design of extension B would include the provision of two wall type dormers, ie dormers springing off an elevation and cutting through the eaves line. There would also be two rooflights in the front roof plane positioned above the dormers. The rear half of extension B's roof

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<sup>1</sup> Dimensions taken from the appellant's statement of case

would be of a flat roof form and when viewed from the street this addition would appear as having a ridge line corresponding with No 72's. While extension B's proportions would relate better to No 73 than would be the case for extension A, I consider that the incorporation of wall dormers would nevertheless detract from the appearance of No 73's front elevation. That is because the dormers would not relate well with the first and second floor level oriel windows, while the front rooflights would appear out of place. Although the glazed areas of the dormers would align with the glazing of the windows below, the dormers' overall width would not exhibit the narrowing normally associated with attic accommodation being of a lesser scale.

9. I consider that extension B would leave No 73 with a front elevation devoid of a coherent appearance. The use of wall dormers would also be out of keeping with the CA's appearance, with this dormer type not being readily apparent elsewhere in the CA. I therefore consider that extension B would not preserve the CA's appearance.
10. While the existing roof is clad in concrete tiles that roof covering is not readily apparent within the streetscene. I therefore consider that the use of artificial slates as the roof covering for extensions A or B would not address the harmful appearance of these additions. While High Street is less of a thoroughfare than St James's Street I consider that difference does not justify permitting extensions that would not be in keeping with the appearance of No 73 or the CA.
11. I conclude that extensions A and B would detract from No 73's appearance and would neither preserve nor enhance the CA's appearance. There would, however, be no effect on the CA's character in land use terms because No 73's use would be unaltered. Given the harm to the appearance of No 73 and the CA that I have identified extensions A and B would conflict with saved Policies QD14 and HE6 of the Brighton and Hove Local Plan of 2005 (the Local Plan); Policy CP15 of the Brighton and Hove City Plan Part One of 2016 and the Council's supplementary design document SPD12 'design guide for extensions and alterations' of 2013. That is because extensions A and B would not be well designed in relation to No 73 and would not preserve the appearance of the CA as a designated heritage asset. Given I have found that the design of extensions A and B would be unacceptable I also consider that paragraph 58 of the National Planning Policy Framework (the Framework) provides no support for these additions.
12. Although the harm to the significance of the CA would be less than substantial when considered within the context of paragraphs 133 and 134 of the Framework, I consider that there would be no public benefits that would outweigh the harm to the CA that would arise from extensions A or B.

#### *Living Conditions*

13. No 38A is a first and second floor maisonette orientated at right angles to No 73. No 38A has a small, well maintained, first floor level courtyard garden (garden) bedecked with numerous potted plants. The garden lies between No 38A's front door and the flank wall of No 73 and is a highly confined space, being almost completely enclosed by the elevations of Nos 38A and 73 and the significantly taller flank wall of 39 St James's Street.

14. Extensions A, B and C would increase the height of the rearmost section of No 73's flank wall by the equivalent of either two or three floors. I consider that raising No 73's flank wall by that extent would have the effect of significantly enclosing No 38A's garden, with the result that the existing limited outlook from this space would be unacceptably reduced.
15. Each of the extensions would variously have between one and three windows facing towards No 38A's garden. It is intended that those windows would be installed with obscured glazing, which would ensure that direct overlooking would not be possible. However, I consider the presence of those windows would give rise to the perception that the garden was being overlooked, given the position of the windows relative to No 38A's garden. That perception of being overlooked could give rise to a reduction in the use of the garden, which would be harmful to the living conditions of No 38A's occupiers.
16. The roof of No 38A has the potential to be used as an outdoor space, however, accessing this area requires the use of a loft ladder and given those access arrangements I am of the opinion that it has very limited utility as an outdoor space. I therefore consider that No 38A's roof would not provide an adequate alternative external space.
17. For the reasons given above I conclude that extensions A, B and C would all give rise to unacceptable harm to the living conditions of No 38A's occupiers due to the reduced outlook and a perceived loss of privacy. Extensions A, B and C would therefore conflict with Policies QD14 and QD27 of the Local Plan because they would give rise to the loss of amenity (harm to living conditions) for existing occupiers.

### **Other Matters**

18. I recognise that the appellant company wishes to expand and this would create employment for up to ten additional employees as well as generating other economic benefits in the area. I also acknowledge that in terms of access to public transport facilities and other public services this is a suitable location for an expanded employment use. There would therefore be economic and social benefits associated with all three of the extensions. However, I consider those benefits to be outweighed by the harmful aspects of the extensions that I have identified.

### **Conclusions**

19. For the reasons given above appeals A, B and C are dismissed.

*Grahame Gould*

INSPECTOR