



Appeal Decision

Hearing conducted on 19 May 2009

Site visit made on 19 May 2009

by **Mr D Lavender MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
28 May 2009**

Appeal Ref: APP/Q1445/A/08/2089397

14 Langdale Gardens, Hove, BN3 4HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission.
- The appeal is by Mr T Steele against the decision of Brighton & Hove City Council.
- The application Ref BH2088/02759, dated 12 August 2008, was refused by notice dated 31 October 2008.
- The development proposed is a loft conversion to form a self-contained flat.

Decision: The appeal is dismissed.

Reasons

1. There are four reasons for refusal in the Council's decisions notice. The Council concedes that two of these (relating to lifetime homes and sustainable construction) can be suitably addressed by planning condition and a third (relating to meeting travel demand) is the subject of a Unilateral Undertaking. Nonetheless, the matter that remains in dispute relates to the substance of the proposal, and this leads directly to the main issue for me to consider, namely the effect of the proposed roof alterations on the character and appearance of the area.
2. Langdale Gardens lies in a solidly residential part of Hove and extends northwards from the sea front. Apart from a cluster of detached houses about mid-way along, the road is lined on both sides with closely spaced semi-detached houses of typically suburban character dating from the early to middle part of the last century. Those at the northern end of the road are generally larger than those at the southern end but virtually all share broad similarity in their original designs, which include red brick elevations and hipped roofs clad with plain tiles surmounted by ornamental ridge tiles. At the southern end, in particular, these features are augmented with gable-fronted bays variously of angled- or square-sided shape, finials, areas of fish-tail or scalloped tile-hanging to the upper floors, and white painted timber balustrades to small first floor balconies set between the bays. These and other similar ornamentations show an attention to fine detail often lacking in modern development and create a strong architectural unity between the various groups of buildings. Together, they create an attractive residential environment especially redolent of many sea-side housing areas of the period.
3. As may be expected, some of the properties have been altered over the years, and this is a pattern that may be expected to continue as older-style properties are refurbished and adapted for modern-day needs. However, a purpose of policies in the statutory development plan is not to prevent such works taking

place at all, but to avoid the distinctive character of areas such as this being incrementally eroded by unsympathetic alterations. Policies QD1 and QD2 in the Brighton and Hove Borough Local Plan 2005, for example, promote high standards of design in all new development, including alterations to existing buildings, while the Council's supplementary planning guidance on roof extensions, in support of policy QD14, has been formulated specifically to avoid those which are of excessive proportions, poorly shaped or unattractive in appearance. For dormer windows, it suggests ways in which suitable proportions may be achieved by, among other things, maintaining adequate distance from the edges of the roof, adopting traditional shapes and avoiding large areas of cladding to either side.

4. The appeal property is one half of a semi-detached pair of houses towards the southern end of the road. It was apparently divided into two flats some years ago, leaving its exterior largely unaltered. The now proposed third flat would be formed by re-shaping the roof from a hipped-end to a gable-end and constructing a large box-like extension in the rear roof slope. The latter would be built vertically off the rear main wall of the house, be tile clad under a felted roof and be of much the same width as the main part of the existing property. Three roof lights would also be inserted in the front roof slope. Roof extensions are inherently conspicuous because of their elevated position and the alterations proposed in this case would be manifest on all elevations, variously from the street and from neighbouring properties to the rear, opposite and alongside. From each of these viewpoints, the present simple lines of the existing hipped roof and the openness that is contributed by the gap between it and the hipped roof to the south would be lost. No less significantly, the overall shape of the dwelling would be much altered in a discordant and, to my mind, unattractive way. In sum, I find the proposals for the roof to be excessive in scale, of insufficient design quality to meet the Council's policy requirements, as well as to comprehensively breach the salient advice in the Council's published guidance.
5. It is argued that the alterations would simply mirror those on the other half of the pair, to the north. That is not entirely correct inasmuch as the neighbouring property has had other alterations made to it as well. These include replacement of the original plain tiles with concrete interlocking tiles, removal of the finial from the front bay (and its uncharacteristic sideways replacement atop the ridge of the main roof), substitution of metal balcony railings for the original timber balustrade, new tile-hanging (without fish-tails or scallops) and the extensive application of white paint to the former red-brickwork. It may well be that similar alterations could be incorporated into the appeal scheme to create fresh symmetry between the pair. However, to do so would not only contribute to the loss of detail that lends the area its distinctive qualities, but would also effectively double the harmful visual impact of such alterations, and of the roof alterations themselves, in the street as a whole.
6. The Council concedes that works of the kind proposed could be carried out as householder "permitted development" under the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), as was apparently the case next door. Nonetheless, permission is required for the appeal scheme because the Article 3 provisions do not apply to

properties that have already been converted into flats. The same exclusion would, at present, attach to only a thin scattering of other properties along the street, but I nonetheless saw few roof windows of any size and nothing comparable with the appeal scheme or its neighbour. That is despite permitted development provisions having been available over many years, and is now in the face of successive tightening of the permitted development regime by Government with the specific aim of averting visually unattractive and un-neighbourly roof alterations. The risk of more widespread uncontrolled alterations thus seems small, and would, in any event, be subject to the Council's ability to bring them within control through the use of Article 4 powers. I am not therefore persuaded to any view other than that the relevant statutory development plan policies and the Council's associated guidance should be upheld in the interests of avoiding the demonstrable harm to the character and appearance of the area that the proposed development would cause.

7. I have considered all other matters raised at the Hearing and in the representations, including the planning conditions suggested by the Council to deal with its other concerns and the Unilateral Undertaking proffered by the Appellant. However, these do not alter my conclusion on the main issue that the visual impact of the proposal would be unacceptable. The appeal therefore fails.

D Lavender

APPEARANCES

FOR THE APPELLANT:

Mr M Lewis	Architect and Planning Consultant 25 St Nicholas Lodge Church Street, Brighton
Mr T Steele	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Hawkes	Planning Officer, Brighton and Hove City Council
-------------	--

DOCUMENTS

- 1 Appearance list
- 2 Council's written evidence
- 3 Council's specimen condition relating to waste minimisation
- 4 Unilateral Undertaking dated 17 February 2009

PLANS

- A Appeal Plans, as existing and as proposed, both numbered 08/111/JW and date stamped 5 September 2008

PHOTOGRAPHS

- 1 2 sheets of photographs of the appeal property and its surroundings