



Appeal Decision

Site visit made on 18 June 2009

by **J D Westbrook BSc(Hons) MSc MRTPI**

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

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Decision date:
3 July 2009

Appeal Ref: APP/Q1445/A/09/2098885

9 Hampton Place, Brighton, BN1 3DA

- 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 James Houlihan against the decision of Brighton and Hove City Council.
 - The application (Ref: BH2008/01784), dated 16 May 2008, was refused by notice dated 3 September 2008.
 - The development proposed is roof extensions at second floor level to provide additional living accommodation for an existing first floor flat.
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Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be the effect of the proposed extensions on:
 - The character and appearance of Hampton Place, including the effect on the character and appearance of the Montpellier and Clifton Place Conservation Area, and
 - The living conditions of the occupiers of No 11 Hampton Place, by way of outlook and privacy.

Reasons

3. The appeal property comprises a tea-rooms on the ground floor and two residential units on the first floor. Access to the residential units is from the side of the property, alongside of which runs an access road to a Waitrose supermarket car park located to the rear. The residential unit to the front of the first floor is apparently a studio flat. The residential unit that is the subject of this appeal is to the rear of the first floor and is described as a two-bedroom flat, though the plans of the property as existing do not indicate any living room. In my opinion, the flat would be more accurately described as having one-bedroom.
 4. The property is L-shaped, and wraps around the rear of No 11 Hampton Place. The rear portion has a single storey element, shown as a dining area for the tea-rooms on the ground floor, and a two storey element that contains the one-bedroom flat. The dining room has a sloping glazed roof. The submitted plans show this as being converted to a flat roof or terrace. The living room of the proposed extended flat would have a window overlooking this flat
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roof/terrace, though since there has not been any north-facing elevations submitted, it is not clear whether this window would be full length or somewhat smaller.

5. The development proposed would involve the construction of an additional floor above the existing one-bedroom flat to provide two bedrooms and a bathroom. This floor would be contained within a mansard roof that would have four dormer windows to both north and south elevations. The south elevation of the mansard roof would be partly set behind a raised façade that would have a rendered wall and feature panels. Although there is no north elevation supplied, from the rear elevation drawing submitted, it would appear that the north elevation of the mansard roof could be similarly set behind a raised façade. The south facing façade would be raised by somewhat over 1 metre to continue the existing line of the top of the side elevation at the front portion of the property. The height of the existing chimney in the centre of the property would be raised by a little over 0.5 metres to bring it above the level of the proposed mansard roof. Another chimney to the rear of the property would be removed.
6. No 9 Hampton Place lies outside of the Montpellier and Clifton Place Conservation Area, although the adjacent No 11 is within the conservation area and is also a listed building. Hampton Place slopes down from north to south, such that the properties are stepped down the slope towards the appeal site. This is a characteristic feature of the area. There is also a slight slope running down the side of No 9 from east to west, and the rear portion of the property is lower and appears subservient to the front portion when viewed from Hampton Place. The addition of the second floor would raise the height of the rear portion of the property to a level above that of the front portion and, in my opinion, this would alter the relationship of the two portions of the property to an extent that would be detrimental to the stepped-down character of the northern end of Hampton Place.
7. The appellant contends that the listed buildings in the vicinity of No 9, and within the conservation area, are significant only for their front façade. Nevertheless, the buildings as a whole create a consistent character to Hampson Place and, although No 9 is outside of the conservation area, I consider that its setting at the southern end of the terrace, on the western side of the road, is important to the context of the area. It would appear that most of the properties on the western side of Hampson Place have extensions at the rear, but that these are small in scale. By contrast, the proposed additions at No 9 would appear over-dominant when seen in the context of the front portion of the property, and also when seen from the rear against the rear elevations of the adjacent buildings within the conservation area.
8. The appellant also contends that the design of the mansard roof conforms to recommendations in the Council's Supplementary Planning Guide note 1: *Roof alterations and extensions*. The design may well conform to these guidelines, but this does not alter my finding that the proposed additional floor in the roofspace would create an over-dominant element within the context of the area as a whole. In this respect, I consider that the proposal would be detrimental to the character and appearance of the Montpellier and Clifton Place Conservation Area, and Hampson Place in particular. It would conflict

with saved policies QD1, QD2, QD14 and HE6 of the Brighton and Hove Local Plan (LP), and would not preserve or enhance the character or appearance of the Conservation Area.

9. With regard to the effect on the living conditions of the occupiers of No 11, I note the comments of the appellant that the mansard roof would be set back from the existing elevation. However, it would appear that in the vicinity of the rear patio and decking of No 11, this set back would be only some 0.5 metres at a maximum. Furthermore, although there has been no north elevation submitted, it would appear from the rear elevation drawing that the mansard roof could be set behind a raised wall, and that, if this were the case, then the occupiers of No 11 would have a view of a much higher blank wall with part of a mansard roof above. I consider that, with or without the raised side wall, this would be harmful to their living conditions by way of an overbearing outlook and would conflict with saved policies QD14 and QD27 of the LP.
10. Concern has been expressed that residential use of the proposed flat roof/terrace, shown on the submitted plans at the rear of the property, could also result in loss of privacy to the occupiers of No 11. Without a north elevation I am unable to determine whether or not there would be easy access to this area for the occupiers of the proposed extended flat. Such access could potentially be controlled by condition, but in the absence of the necessary information on the plans, I cannot comment further other than to state that the potential for such use of the flat roof/terrace merely adds to my concerns about the likely effects of the proposal on the living conditions of the occupiers of No 11.

J D Westbrook

INSPECTOR

