



# Appeal Decision

Hearing held on 15 July 2009

Site visit made on 15 July 2009

by **Wm C Cunningham BSc(Hons) MA**  
**MCP MRTPI**

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

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**Decision date:**  
**7 August 2009**

## Appeal Ref: **APP/Q1445/A/09/2093159** **17 - 19 Duke Street, Brighton, BN1 1AH**

- 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 David Dyan against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02993, dated 5 September 2008, was refused by notice dated 11 December 2008.
- The development proposed is the replacement of existing roof with mansard roof extension to create additional storey.

### Decision

1. I dismiss the appeal.

### Application for Costs

2. At the Hearing an application for costs was made by Mr David Dyan against Brighton & Hove City Council. This application is the subject of a separate Decision.

### Procedural Matter

3. At the Hearing a number of plans that formed part of the application as determined were submitted by the Council to supplement the two plans submitted with the appeal. These comprise Drawing No 21 - Existing Plans, Elevations; a drawing showing Sections B-B and C-C through the existing building; a drawing showing Section D-D through the existing building; and a site plan with the appeal site outlined in red. The appeal has been determined on this basis.

### Main Issue

4. The main issue in this case is the effect through the massing, elevation treatment and design of the proposed development on the host building and on the character or appearance of the Old Town Conservation Area.

### Reasoning

5. From the drawings submitted at the Hearing, the existing roof on the appeal property comprises a parapet wall about 0.8m high fronting Duke Street with a pitched roof feature about 2.4m high and 5m deep immediately to the rear. The rear pitch of that part of the roof feature above No 17 has a box dormer or similar extension. The remainder of the roof is flat and extends to about 7m deep by between about 7.5m and 10m wide. I formed the view at my site inspection that from public vantage points in the vicinity of the appeal property the form of the roof behind the parapet is not apparent. The pitched roof feature and its covering with concrete tiles that are not a

characteristic material in the locality, is however visible from the upper floor of nearby properties, particularly from those on the opposite side of Duke Street.

6. The proposed development would replace that part of the pitched roof feature and flat roof for the most part above Nos 18 and 19, with what was described at the Hearing as a 'false mansard'. This would comprise steeply pitched (approx 70<sup>0</sup>) front and rear roof slopes set back about 0.5m from 0.8m high parapet walls. These roof slopes, each of which would contain three flat topped dormer features, would rise to an extensive flat roof about 2.7m above the existing flat roof and about 0.4m above the ridge on the existing pitched roof feature. This 'false mansard' roof would not therefore extend across the full width of the appeal property. At the front it would be almost 8m wide and would retain a gap of about 1m with No 20 to the west and about 3.2m with No 16 to the east. At the rear it would be a little more than 10m wide and would retain a gap of about 1.5m with No 16.
7. The 'false mansard' roof as proposed would be partially screened in views from ground level by the presence of the existing and proposed parapet walls to the front and rear respectively and by its being set back about 0.5m from those walls. It would however be materially visible above the parapet walls, particularly when viewed obliquely from Duke Street through the gaps that would be retained between Nos 16 and 20. From these and other vantage points, particularly from the upper floors of premises facing the appeal site across Duke Street, the mass, elevation treatment and overall design of the proposed roof extension would be apparent and would be seen in the context of the host building and the street scene.
8. Whilst pitched roofs are the predominant roof form in the vicinity, I noted steeply pitched roofs and flat roofs are not uncommon features within what is a roofscape displaying a wide variety of styles. As such I consider the principle of a 'false mansard' roof on the appeal property would not look out of place particularly taking into account the relatively low key visual impact such a roof form would have in this location and also the proposed use of slates on the roof slopes in place of the current inappropriate concrete tiles.
9. The dormer windows proposed on the roof slopes, particularly those on the front elevation have been positioned to relate to three of the five distinctive sash windows on the first floor of Nos 18 and 19. From the limited information provided on the appeal drawings it is however apparent their height and width would mean they would present a much more bulky and somewhat visually heavy impact relative to the first floor windows. In particular their relatively wide frames and more modern form of glazing would not relate well in terms of scale and design to the first floor fenestration below.
10. Gaps between the proposed roof extension and the adjoining properties would mean it would not relate to the whole of the built structure that comprises the appeal property. Despite differences in first floor elevation, this group of three properties are closely related visually. As a result the proposed roof extension would have a contrived and somewhat unfinished and incongruous appearance, particularly on the front elevation.
11. In the light of the above I conclude that the height, width, overall bulky appearance, and inappropriate glazing detailing of the dormer windows, together with the incongruously unfinished nature of the front and rear elevations of the proposed roof extension would have an adverse visual impact on the host building and on the character or appearance of the Old Town Conservation Area. In these respects the appeal proposal would not comply with Policies QD14(a) and HE6(a) and (c) of the Brighton & Hove Local Plan 2005 and would be unacceptable.

*Wm C Cunningham*

Inspector

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**TO BE PLACED ON FILE - NOT TO BE INCLUDED WITH DECISION OR REPORT**

APPEARANCES

FOR THE APPELLANT:

Mr Malcolm Lewis	Architect and Planning Consultant
Mr David Dayan	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Earp	Senior Planning Officer, Brighton & Hove City Council.
Mr Geoffrey Bennett	Conservation Officer, Brighton & Hove City Council.

DOCUMENTS

- 1 Hearing notification letter and address list - submitted by Mr Earp.
- 2 Hearing attendance sheet.

APPEAL PLANS

- A Drawing No 23 - Proposed Floor Plans - submitted with appeal.
- B Drawing No 24 - Proposed Section and Elevations - submitted with appeal.
- C Drawing No 21 - Existing Plans, Elevations - submitted at the Hearing by Mr Earp.
- D Existing Sections B-B and C-C - submitted at the Hearing by Mr Earp.
- E Existing Section D-D - submitted at the Hearing by Mr Earp.
- F Site Plan - submitted at the Hearing by Mr Earp.

