
Appeal Decision

Site visit made on 4 February 2019

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2019

Appeal Ref: APP/Q1445/D/18/3218411
23 Robert Street, Brighton BN1 4AH

- 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 Jared Gunn against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/02828, dated 10 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is a 'roof extension to convert existing butterfly roof to a set back mansard roof to comprise 1 no. en-suite bedroom'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the host dwelling and the North Laine Conservation Area, along with its effect on the living conditions of the occupiers of nearby properties with particular regard to privacy and noise and disturbance.

Reasons

Character and appearance

3. The appeal relates to dwelling within a row of similar traditional terraced properties. Their general uniformity and consistent unbroken roof form makes a positive contribution to the character and appearance of Robert Street, which is located within the North Laine Conservation Area (CA).
 4. The proposal seeks to effectively replace the existing traditional butterfly roof with an asymmetrical structure which would have a box like finish to the rear and a mansard style appearance to the front elevation. It would be recessed from both main elevations, allowing balconies to be introduced to the roof.
 5. Given that the proposed addition would be recessed and would sit behind the existing parapet wall to the front elevation, only glimpses of it would be achievable from Robert Street. Nevertheless, it would be a bulky structure and even accounting for the presence of chimneys and TV aerials which break up the skyline, it would completely disrupt the traditional roof form of the appeal
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dwelling and the row within which it sits. Further, the rear section would be visible from the neighbouring courtyards.

6. This design approach would be in direct conflict with the Council's adopted Supplementary Planning Document 09 titled '*Architectural Features*' (SPD) which explains that in the case of historic buildings in Conservation Areas, consideration must be given to the impact of any changes to the roof form not only on the appearance of the building itself but also on the common roofscape of the street or group of buildings of which it forms a part, and where there is a uniformity of roof form that uniformity must be retained.
7. For this reason, I consider that the proposal would amount to an unsympathetic addition which would harm the character and appearance of the host dwelling and the row within which it sits. As a result, it would harm the character and appearance of the CA. This harm would be '*less than substantial*' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As such, it conflicts with policies QD14 and HE6 of the adopted Brighton & Hove Local Plan, policy CP15 of the adopted City Plan Part One and the SPD which collectively promote high quality design that respects and responds well to heritage assets.
8. The National Planning Policy Framework explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the appellant has not suggested that the proposal would bring about any public benefits.

Living conditions

9. As explained, the proposal would have small roof terraces to the front and rear. Given the recessed nature of the proposed addition, I am satisfied that it would not appear overbearing or cast undue shadow over nearby properties. I am also satisfied that overlooking from the front roof terrace would be limited, whilst any noise and disturbance would be no greater than residents would normally expect to experience in a busy street which is close to a vibrant night time economy.
10. To the rear, I consider that the roof terrace would be more harmful. I am satisfied that if used considerately, it would not generate undue noise and disturbance. Nevertheless, the terrace would directly overlook the small rear courtyards of the other properties within the row. The effect would be unduly invasive for residents when attempting to enjoy these outside spaces. Whilst I note the appellant's reference to a second floor Juliet balcony at No. 24 Robert Street, this does not amount to an elevated space where people might spend prolonged periods of time like the rear terrace before me.
11. For these reasons, although I am satisfied that the proposal would not lead to undue noise and disturbance, it would be unduly invasive for nearby residents.

In such terms, it conflicts with policies QD14 and QD27 of the LP, which seek to safeguard appropriate living conditions for existing residents.

Other considerations

12. The appellant refers to other roof-related developments within the locality. However, I do not know the precise planning circumstances behind the examples highlighted. Further, none appear directly comparable to the scheme before me which I have considered on its individual merits and against the specific context within which it would sit in any event.
13. In reaching my decision, I appreciate that the proposal would improve thermal efficiency of the property without impacting on floor to ceiling heights, but this positive aspect of the scheme does not outweigh its failings.

Overall Conclusion

14. I conclude that the proposal would harm the character and appearance of the host dwelling, the row within which it sits and the CA, and it would also be invasive for the occupiers of nearby dwellings, contrary to the development plan policies outlined above. The arguments advanced by the appellant in favour of the scheme do not outweigh these failings and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR

