



Appeal Decision

Site visit made on 14 December 2018

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/Q1445/W/18/3203295

Beau House, 30 Bath Street, Brighton, BN1 3TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Homejoin Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/04154, dated 14 December 2017, was refused by notice dated 21 March 2018.
 - The development proposed is the development of existing flat roof to provide 1no. 2 bedroom flat with front balcony amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for development of existing flat roof to provide 1no. 2 bedroom flat with front balcony amenity space at Beau House, 30 Bath Street, Brighton BN1 3TA in accordance with the terms of the application, Ref BH2017/04154, dated 14 December 2017, and the plans submitted with it and as subsequently revised, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The appeal was accompanied by floorplan 1261.7 Rev A which is different to that on which the Council determined the application. While the appeal process is not for revising a scheme, the only change relates to the internal layout of the flat with the introduction of a door to the living space from the landing. The amendment has been undertaken to address concerns raised by the Private Sector Housing consultee response and I note that the case officer's report refers to such requirements. I am therefore of the view that there would be no prejudice caused to interested parties by substituting the floor plan, particularly as it makes no changes to the scheme in relation to the planning considerations.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area having regard to the location of the site within the West Hill Conservation Area.

Reasons

4. The existing property comprises a three-storey flat roofed building. It has a central entrance, and the windows and bands of render on the front elevation give it a horizontal emphasis. To the right side of the building is the access drive leading to the rear of the property, before a modern development of retail units with accommodation above. Adjoining the other side is the red brick terrace of Buckingham Close which runs to the end of the road and around the corner where it extends to five storeys.
5. The site is located within West Hill Conservation Area which is primarily a residential area comprising a mixture of house types, including large villas converted to flats and terraced properties. Most of the properties are rendered and painted white or pastel colours, although adjoining the site is a large red brick property. The Council consider that the existing building contributes negatively to the Conservation Area due to its non-traditional architectural style, poor state of repair, stark façade and mixed fenestration to the front elevation. I would agree that currently the building does not positively contribute to the Conservation Area, however the section of Bath Street in which it is located is very mixed and includes open car parking and the backs of properties. As such the street does not exhibit the same qualities as others in the Conservation Area and the development of the site needs to be considered in this context.
6. The proposals would introduce an additional floor which is designed to be set back from the edge of the building but with a balcony running along the edge. The front façade would be mainly glazing with a fibre cement central feature. While the materials do not match the existing building, I agree with the appellant that penthouses are often designed to be different to the building below and that does not necessarily make it unsympathetic. The design maintains the horizontal emphasis and, contrary to the Council's view, I consider that the use of glazing would provide a lightweight structure which would not result in a top-heavy appearance to the building. The central element with the circular window with a re-constituted stone frame is not a typical feature, however I do not find this element so objectionable to render the design unacceptable.
7. The view along Bath Street from Buckingham Place is dominated by the red brick Buckingham Close building which makes a significant contribution to the street scene. It has several vertical projections which in views along Bath Street from Buckingham Place would partially screen the proposed roof structure. While the resultant building would be higher than its immediate neighbours, the structure is set back, and it would not be taller than the corner element of Buckingham Close. In addition, the modern buildings to the right are set further forward and would limit views of the upper floor of Beau House from that direction. The proposal would not therefore appear prominent within the street scene nor diminish the prevailing character.
8. To the north is a terrace of stucco properties which are Grade II listed (5-19 (odds) Buckingham Place), however the relationship is such that any views of the development would be oblique, across the road and behind Buckingham Close. As such it is considered that there would be no harm to their setting.
9. The roof addition due to its design and siting would, in my view, not draw attention, but may help to enhance the building. I therefore conclude that the

proposed additional storey would not be harmful to the street scene and would satisfy the test of preserving the character and appearance of the Conservation Area. As such I find no conflict with the part of Policy CP12 of the Brighton and Hove City Plan Part One (Local Plan) which requires new development to conserve or enhance the built heritage, or with Policy C15 of Local Plan and saved Policy HE6 of the Brighton and Hove Local Plan which similarly seek to ensure that the city's historic environment is conserved and enhanced.

Other Matters

10. The Council in considering the application found no material harm to the amenities of the neighbouring properties with regards to outlook, loss of light, overshadowing, and noise and disturbance. Given the existing relationships and that the proposal would not be any closer to the neighbouring properties I concur with that assessment.
11. The property is located close to facilities and is designed to be car free. To facilitate travel by non-car modes, and in line with the Council's standards, cycle storage should be provided. Bath Street is part of a one-way system and is double yellow lined; as such there are already restrictions in place to control parking.
12. In relation to the disruption to existing occupiers of the building during construction, and the impact of construction traffic on the area this would be an unavoidable but temporary impact and is not a reason to withhold planning permission.

Conditions

13. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development [1] and certainty [2]. Given the materials are different to the existing property and in the interests of visual amenity details and samples of the external materials should be approved before work commences. As of 1 October 2018, any planning permission granted on or after that day with pre-commencement conditions imposed must have written agreement of the applicant/appellant to the wording of those conditions. The appellant has confirmed their agreement to the proposed pre-commencement condition [3].
14. A condition is also necessary to ensure appropriate provision for cycle storage to help facilitate sustainable modes of transport [4]. Conditions [5 and 6] are necessary to secure energy efficiency and water efficiency within the development.
15. The Council suggest a condition that would prevent future occupants from applying for resident's parking permits. However, it has not provided any supporting evidence that any additional parking demand arising from the development would lead to material harm to highway safety or would otherwise conflict with other development plan policies. On the evidence before me, such a condition would not meet the tests of reasonableness and necessity.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1261.7A, 1261.8, 1261.9, 1261.10 and 1261.11
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development, including the windows and balcony details, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The development hereby permitted shall not be occupied until details of cycle parking facilities have been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
- 5) The residential unit shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over building regulation requirements Part L 2013.
- 6) The residential unit shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 100 litres per person per day maximum indoor water consumption.