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## Appeal Decision

Site visit made on 28 January 2019

**by Rebecca Thomas MRICS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2019**

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### **Appeal Ref: APP/Q1445/W/18/3209659**

### **85 St James's Street, Brighton BN2 1TP**

- 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 Warren Knight against the decision of Brighton & Hove City Council.
  - The application Ref BH2018/01147, dated 12 April 2018, was refused by notice dated 22 June 2018.
  - The development proposed is removal of existing roof and addition of new third floor inside a mansard roof as extension to the existing property.
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### **Decision**

1. The appeal is allowed and planning permission is granted for removal of existing roof and addition of new third floor inside a mansard roof as extension to the existing property at 85 St James's Street, Brighton BN2 1TP in accordance with the terms of the application BH2018/01147, dated 12 April 2018 subject to the conditions set out in the attached schedule.

### **Procedural Matters**

2. The description of development in the heading above has been taken from the planning application form, omitting the typographical errors. However, in Part E of the appeal form it is stated that the description of development has not changed, but, nevertheless, a slightly different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the above, there is some discussion between the parties about the description of the roof extension as 'mansard' or 'mansard style'. I am of the opinion that the description of the roof is not material. I have the plans and evidence before me and it is on this basis that I have made my own views, and I shall not refer to this matter again.
4. Revised plans (3671.EX.02 Rev.A and 3671.EX.03 Rev.A) were submitted as part of the appeal documents. These serve to correct the parapet height on the existing elevation and section details. This matter is not disputed between the parties and the details shown are of a confirmative nature rather than evolving the scheme in any way. No party will therefore be prejudiced by my acceptance of the plans. I have proceeded on this basis.

## **Main Issue**

5. The main issue is the effect of the development on the character and appearance of the conservation area.

## **Reasons**

6. The application site is part of a short terrace of properties in the East Cliff Conservation Area (CA) of Brighton. The CA, in its entirety, is a designated heritage asset. The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas, applies.
7. The appeal building is three storeys which includes a lower ground floor. The first and second floors are all in residential use and the ground floor is a retail unit. The building is painted render with bay windows to the front elevation. This building is a variance of a similar theme throughout the CA. The wider area is characterised by tall buildings. St James's Street is wide, with narrow and predominantly residential streets leading off it. Rooflines vary in overall height as well as their design and age.
8. The appeal building immediately fronts the street, although the actual extension is at roof height. This is a bustling area of Brighton, with many shops and services at ground level with accommodation above. St. James's Street forms an important road for all the local services and facilities. The area has a character of being a local shopping centre and community area distinct from the city centre.
9. Policy HE6 of the Brighton & Hove City Plan ('the City Plan') requires new development be of a high quality design that should respect or enhance the character or appearance of the conservation area. This includes design detailing that reflects the scale, character or appearance of the area, and the retention of original features which individually or cumulatively contribute to the character of the area. Whilst it is regrettable that the chimney stack will be lost, I note that the adjoining chimney stack will remain in place. I do not think that this would, in itself, create a significant change which demonstrates to me that there is harm to the character or appearance of the area and the CA.
10. Policy HE6 of the City Plan is broadly consistent with the National Planning Policy Framework ('the Framework'), which states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the conservation of the heritage asset. The Framework states that new development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
11. The appeal site is one of four properties fronting St James's Street, with the two corner properties being taller with an additional storey each. Bay windows remain a strong feature. The property immediately adjacent the appeal site has a set back top floor with a window aligned with the bay windows below.
12. The proposed development will incorporate an extension to the building at roof height. I note that the roof will slope away from the front elevation of the existing building and the design includes the retention of the existing parapet

- balustrading. As is the case with the adjoining property, the new window in the roof extension will be aligned with the bay windows below. The highest point of the roof will be only marginally higher than this neighbouring building, but no higher than the overall heights of the other buildings in this terrace.
13. The area is one of densely developed plots, with tall buildings. The main characteristic features of the building within the CA will be retained and the new extension will be set back from the front elevation. The roof will not be easily visible from the street due to its height. Other views of the roof will be severely limited – if any – due to the building’s location within the middle of the terrace, the dense plot around it and heights and bulk of other buildings. As glimpsed from the front elevation I consider that the step back will ensure that the inherent character of the building within the CA will not be harmed. The addition of the extension within a roof design is not unusual in the area.
  14. I have had regard to the specific wording within the Supplementary Planning Documents and the City Plan policies, in particular the treatment of roofs and their extensions. Policy QD14 of the Local Plan accepts the formation of rooms in the roof so long as extensions show compliance with four specific criteria which includes design and materials. I have considered the treatment of roofs and extensions in the local area, both to traditional properties as well as newer properties, including those discussed by the appellant and do not find that the proposals would be dramatically different to the point that the overall character and appearance of the CA will be harmed. I find that the development would have a neutral effect on the defining characteristics of the CA.
  15. With the above in mind, the characteristics of the CA would be preserved. Therefore I find that the proposal would be in accordance with the policies of the City Plan as mentioned above as well as CP12 and CP15 which both seek to ensure a high standard of design, respect of the diverse character and urban grain of the neighbourhoods and conserve or enhance local heritage assets, historic environment and their settings. .
  16. I find no conflict with the policies found in the Framework, which seek to secure developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

### **Other Matters**

17. I have had regard to all other matters raised including access to the basement flat, loss of light and loss of privacy. Some of these matters such as a private right of access remain beyond the remit of planning considerations. There are already residential uses at first, second, and in some places, third floors, and there is no change in the proximity of the appeal site to any other neighbouring residential uses. I see no particular reason why the proposed development should significantly exacerbate any existing overlooking or loss of light that may or may not currently exist.
18. Concerns have also been raised with regard to the potential harm to the café business on the ground floor during construction. There is no substantive evidence on the loss of business and I consider that any disturbance will be temporary only during construction.

## Conditions

19. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have amended and rationalised some of them for consistency and clarity. I have also limited the number of pre commencement clauses to where this is essential for the condition to achieve its purpose.
20. As well as the time limit condition, I have specified the approved plans for certainty. In the interests of the character and appearance of the CA, I have imposed a condition requiring the agreement of external facing materials. Given what is required by this condition goes to the heart of the planning permission, the details need to be agreed prior to the commencement of development.

## Conclusion

21. For the reasons set out above and subject to the conditions attached, I allow the appeal.

*Rebecca Thomas*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
3671.PL.01                      Proposed plans, sections and elevation
3. Notwithstanding the approved plans as set out in Condition 2, no development shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) details of all cladding to be used, including details of their treatment to protect against weathering;
  - c) details of the proposed window, door and balcony treatment and;
  - d) details of all other materials to be used externally.

The development shall be carried out in accordance with the approved details and shall be retained thereafter.