



Appeal Decision

Site visit made on 27 October 2009

by **Jennifer Vyse DipTP DipPBM MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk
**Decision date:
25 November 2009**

Appeal Ref: APP/Q1445/E/09/2106730

14 Dorset Gardens, Brighton, East Sussex BN2 1RL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Watercress Management Limited against the decision of Brighton and Hove City Council.
- The application No BH2008/03269, dated 2 October 2008, was refused by a notice dated 12 December 2008.
- The works are described on the application form as first floor rear extension (to align with ground floor), enlargement of front dormer, installation of conservation roof lights to front and rear roof slopes, replacement of casement windows to rear elevation with timber box sash units and renewal of defective units to front elevation with matching timber box sash units all with glazing bars, re-covering of front roof slope with natural slate, removal of rear doors to basement, replacing with casement windows.

Procedural Matters

1. The appeal scheme was largely the subject of a consent granted in 1999¹. Whilst works commenced however, they were not wholly in accordance with the approved details and the application the subject of this appeal sought to regularise the situation. A detailed schedule of the works is set out within the planning officer's report. Since my site visit was carried out on an unaccompanied basis, I was unable enter the property and did not have the benefit of seeing all the works in place. I am advised by the Council however, that the application is largely retrospective.

Inspector's Decision

2. For the reasons that follow I dismiss the appeal in relation to the enlargement of the front dormer. In relation to the remaining elements of the application however, I allow the appeal and grant listed building consent for a first floor rear extension (to align with ground floor), installation of conservation roof lights to front and rear roof slopes, replacement of casement windows to the rear elevation with timber box sash units and renewal of defective units to the front elevation with matching timber box sash units all with glazing bars, re-covering of front roof slope with natural slate, removal of rear doors leading to basement and replacement with casement windows, at 14 Dorset Gardens, Brighton, East Sussex in accordance with the terms of the application No BH2008/032629, dated 2 October 2008 and the plans submitted with it, subject to the following conditions:
 - 1) The proposed conservation style flush fitting roof lights with slim section metal frames, as shown on drawing No RFA 08/075/02, must be completed in accordance with the approved details within three months of the date of this decision.

¹ Application No BH1999/01700/LB, approved 21 September 1999.

- 2) This approval is limited to the works shown on the approved drawings and does not indicate approval for any associated or enabling works which may be necessary to carry out the scheme.

Main Issue

3. The appeal premises are listed grade II. The main therefore, is the effect of the works on the special architectural and historic interest of the listed building.

Reasons for the Decision

4. National guidance in Planning Policy Guidance Note 15 'Planning and the Historic Environment' refers to the duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any special architectural or historic features it possesses. Saved policies QD14 and HE1 of the Brighton and Hove Local Plan 2005, together with supplementary planning guidance entitled 'Roof Alterations and Extensions' (SPG)², reflect that advice.
5. The appeal building lies within a terrace of grade II listed properties on the eastern side of Dorset Gardens opposite to an area of grassed open space. The properties, which date from the late 18th Century, are generally of three storeys plus dormer and basement. The roofs are stepped, reflecting falling ground levels, and are separated by substantial chimney stacks and raised party walls. Each has a low parapet to the front. Notwithstanding minor variations and some unsympathetic modern alterations, the front of the terrace, including the appeal premises has, in my view, a strong and generally coherent vernacular period character and appearance, making a positive contribution to the surrounding East Cliff Conservation Area.
6. The Council takes no issue with the majority of the works applied for. Whilst no objection is raised in principle to the installation of a roof light to the rear roof slope, that is on the basis that it is of the flush-fitting conservation type as shown on the submitted plan. Although I am advised that the one installed is not such, I am satisfied that this is a matter that could be secured by condition.
7. Issue is taken with the front roof light that has been installed. The Council's SPG suggests that only one roof light, usually to a rear roof slope, will normally be permitted on a listed building. The appellant advises however, and it is not disputed, that wherever practicable, the Council also insists on bathrooms having natural light and ventilation. I understand that the front facing roof light provides natural ventilation and the only source of daylight to a bathroom within the roof space. It has been installed within the lower part of the roof slope, below the sight line created by the parapet walling when viewed from the opposite pavement at ground level. As a consequence, it is not readily visible in the street scene. Moreover, as the land to the front of the property falls away, it is unlikely to be readily viewed from any public or private viewpoint.
8. PPG15 recognises that cumulative changes can represent an aspect of a building's character, suggesting that appropriate and sensitive alteration is rarely impossible if the parties show flexibility and imagination. Given its context, together with its discreet siting and limited size, I am satisfied that in

² The SPG was formally in February 1999 following public consultation and consequential amendment.

principle, provided that it is a flush fitting conservation light, it would be an acceptable alteration to the property that would not detract from the architectural or historic character of the building as a whole, or that of the terrace within which it is located. There would be no conflict therefore, with the thrust of advice in PPG15 or with policies QD14 and HE1 of the Local Plan. I am also satisfied that here would be no harm to the character or appearance of the Conservation Area, which would be preserved.

9. The replacement dormer however, is a more significant feature on the building and is clearly seen from the street and from the open space opposite. Whilst the new window contains some acceptable elements, such as a timber sliding box sash window, it is wider than the windows below and the cheeks and roof appear thick and bulky compared to the previous installation. I recognise that the appellant felt that since he had, in the past, been encouraged to enlarge the basement window, that the same advice would apply to the dormer. In general however, the higher up a building a window is, the smaller and simpler in design it should become. The design and proportions of the dormer the subject of this appeal make it appear top heavy. In my view, it comprises an overly dominant element on the building frontage that materially detracts from its special architectural and historic interest, and from the established character and appearance of the Conservation Area. The scheme would conflict with the thrust of the relevant Local Plan policies and national guidance in this respect.
10. In support of the scheme, the appellant comments that a number of the terraced properties on Dorset Gardens have dormer windows identical to that proposed. Indeed, during my visit I saw a variety of modern installations at roof level along the terrace. I have no information however as to when they were installed, nor whether they benefit from any necessary consent/permission. In any event, they do not necessarily represent appropriate precedents to follow for the alteration the subject of this appeal. Other properties with dormer windows elsewhere in the City centre, also referred to, are distinguishable from the appeal property by their architectural composition and do not set a precedent for the appeal scheme.
11. On balance, for the reasons set out above, I conclude that the appeal should fail in relation to the replacement dormer. In relation to the remaining elements of the scheme however, I conclude that the appeal should succeed.

Conditions

12. Most of the works have been carried out as proposed and so conditions would not be appropriate. However, the two roof lights have not been installed as proposed. To ensure that the works are revised to accord with the proposed drawings and description, and to preserve the special architectural and historic interest of the listed building, I will require these works to be carried out within a reasonable period of time. In the interest of clarity and to preserve the special architectural and historic interest of the listed building, I also agree that a condition controlling any enabling works is necessary.

Jennifer A Vyse

INSPECTOR
