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# Appeal Decision

Site visit made on 7 December 2010

by **John G Millard DipArch RIBA FCI Arb**

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

Decision date: 4 January 2011

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## **Appeal Ref: APP/Q1445/E/10/2133084**

### **48 Kensington Place, North Laine, Brighton, East Sussex BN1 4EJ**

- 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 Mrs Anne Johnson against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/00836 dated 17 March 2010 was refused by notice dated 16 June 2010.
  - The work proposed is installation of a rooflight to the rear and internal alterations to the loft, including boarding of the loft space.
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### **Decision**

1. I dismiss the appeal.

### **Preliminary Matters**

2. I saw at the site visit that the boarding out of the loft space and the installation of a loft access trap and ladder were effectively complete. I also saw that a rooflight was in place but the appellant's written submission indicates that this is a temporary unit, to be replaced with a conservation style window following the grant of listed building consent.
3. The description of proposed works given on the original application form included the provision of solar panels but this has been struck out on my copy of the form and no further details have been provided. It appears that the application was determined by the Council on the basis that the solar panels did not form part of the proposal and I shall decide the appeal on the same basis.

### **Main Issue**

4. The main issue in this appeal is whether the proposal would preserve the listed building and any features of special architectural or historic interest it possesses, and whether it would preserve or enhance the character or appearance of the Conservation Area.

### **Reasons**

5. The appeal property is one of twelve modest but elegantly proportioned two storey terrace houses, with basements, built in about 1835, now listed Grade II
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and lying within the North Laine Conservation Area. As seen from Kensington Place, the properties appear to remain largely as built but at the rear I saw a wide variety of one, two and occasionally three storey extensions. No 48 has a half width two storey extension with a flat roof used as a terrace.

6. I saw at the site visit that the works which have been carried out internally comprise the installation of a wooden loft access trap and ladder and the boarding out of the whole of the loft space. It is incumbent upon those seeking listed building consent for works which would affect the character of a listed building to provide full information so that the likely impact of the proposal can be properly assessed. Whilst the submitted plans in this case provide only the most basic details of the work to the loft, I am satisfied from what I saw on site that they have been carried out sensitively and with sufficient care that they cause no material harm to the building's special architectural or historic interest. I therefore conclude that this aspect of the work is acceptable and in accordance with Policy HE1 of the adopted Brighton and Hove Local Plan 2005, which seeks to protect listed buildings from harmful internal alterations.
7. I also saw, as noted above, that an opening had been formed in the rear roof slope and a 'Velux' roof window installed. The opening is centred on the windows in the ground and first floors below but is noticeably wider than those windows, with a clear horizontal emphasis. The window is of timber construction with a somewhat 'chunky' appearance and projects above the plane of the roof tiles to which it is weathered by means of a modern flashing system.
8. Traditional roof windows from the mid 19<sup>th</sup> century would generally have been narrower than windows in the storeys below with a distinctly vertical emphasis. They would have been manufactured from slender cast iron sections (usually painted black), top hung, set flush with the roof tiling and weathered by means of traditional lead flashings. The Council suggests that such a roof window could be acceptable in this case but that the one installed causes material harm to the building's historic integrity.
9. I agree with the Council and note that the proposal before me is for a conservation style rooflight to replace the one presently installed. It is said that the unit proposed would measure 1.3 metres by 1.0 metre (with no indication as to which is the width and which the height) and that it would be constructed of timber. Apart from a somewhat diagrammatic elevation drawing at page 9 of the Appeal Statement, this is the only information before me and, in light of my observation at paragraph 5 above regarding the need to provide the fullest information when seeking listed building consent, it is not enough.
10. Even so, and notwithstanding the scant details provided, it is clear that the proposal would not accord with the Council's adopted Supplementary Planning Guidance Note 1 – *Roof Alterations and Extensions* (SPG1) which states that rooflights in Conservation Areas should be '*of traditional proportions, design and construction*' and '*normally have slim steel or cast iron frames*'. Such advice is consistent with the Government's heritage objectives set out in Planning Policy Statement 5 – *Planning for the Historic Environment* (PPS5) and is applicable to listed buildings as well as to conservation areas.
11. As the window proposed is to be of timber construction and of non-traditional size, proportions and appearance, it is not acceptable in principle. Accordingly,

this is not a situation in which consent could be granted subject to a condition requiring further details to be clarified. I am therefore led to the conclusion that, notwithstanding the acceptability of the internal alterations, the proposal as a whole would fail to preserve the listed building and would neither preserve nor enhance the character or appearance of the Conservation Area, in conflict with SPG1 advice and with national policy as set out in PPS5.

12. The appellant correctly points out that the back of the building cannot be seen from any public viewpoints but this is not sufficient to make the proposed roof window acceptable. Buildings are listed for their intrinsic qualities, and the extent to which they can be seen from any particular viewpoint, or indeed at all, carries only limited weight when considering the effect of works to them on their special architectural or historic interest.
13. The appellant has also drawn my attention to a number of properties in the surrounding area with roof windows not unlike the one presently installed at the appeal property. I have, however, no information as to the circumstances surrounding the installation of these windows and, most particularly, whether they have been granted planning permission and/or listed building consent. Each case must be considered on its merits and the existence of other roof windows in the area does not justify the grant of listed building consent for a proposal that I have found to conflict with national and local planning policy objectives and to detract from both the special interest of the listed building and the character and appearance of the Conservation Area.
14. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR

