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# Appeal Decision

Site visit made on 25 January 2011

**by Christopher Gethin MA MTCP MRTPI**

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

**Decision date: 16 February 2011**

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## **Appeal Ref: APP/Q1445/A/10/2140875 13-16 Vine Street, Brighton BN1 4AG**

- 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 J Oliver against the decision of Brighton and Hove City Council.
  - The application ref. BH2010/02381 dated 2 August 2010 was refused by notice dated 8 October 2010.
  - The development proposed is the conversion and extension of the existing building with office (Class B1) use on the ground floor and two floors of residential accommodation.
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### **Decision**

- 1 I dismiss the appeal.

### **Main Issue**

- 2 The principal issue is the design and massing of the proposed development and its effect on the character and appearance of the area, having regard to the location of the appeal site within the North Laine Conservation Area.

### **Reasons**

- 3 The appeal site lies in a densely built-up area adjoining the town centre. The existing single-storey building has a pitched roof and was formerly industrial premises, most recently in use as a vehicle workshop: there is a gated yard used for car parking at the northern end. Adjoining this yard is a terrace of two-storey houses. Abutting the southern end of the existing building is a two-storey flat-roofed commercial building, which appears to date from the 1950s. The site is located within the North Laine Conservation Area, characterised by narrow streets with two- and three-storey buildings and a mix of uses.
  - 4 The proposal is for the ground floor to be converted to office use, with an extension which would enclose the existing yard and abut the adjoining end-of-terrace house. A three-bedroom apartment and roof terrace would be provided on two floors to be constructed above. An existing planning permission (ref. BH2009/01379) allows for office and storage/distribution (B1 and B8) uses on the similarly extended ground floor, with one additional floor to provide a two-bedroom flat and a studio flat. The plans for the approved scheme show a
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shallow pitched roof surmounted by a continuous glazed lantern extending almost the entire width of the building.

- 5 The subject scheme shows the building at the same overall height as that of the permitted development. The top storey would be set back from the front elevation by about 0.8m, and would cover about three quarters of the width of the building, being set in from the southern end by about 1.5m and from the northern end by almost 5m, the space here being used for a roof terrace over the first floor. The building would be seen from the street as being of three storeys, with a flat roof over its front part and a pitched roof over the rear part. This would not appear unacceptably incongruous with the varied rooflines of the two- and three-storey development in the street. But I consider that the massing of the two- and three-storey elements of the proposed building would appear arbitrary and unbalanced, and that it would have a significantly less satisfactory relationship to the buildings on either side than the approved scheme. The proposed roof terrace would appear incongruous in the context of the locality, where any such features that may exist are not visible from public viewpoints.
- 6 Insofar as the proposed development would represent an improvement over the existing building, it would enhance the character and the appearance of the Conservation Area. However, I consider that the proposed massing of the elements of the building, and the incongruous provision of a roof terrace, would appear inappropriate in the context of the existing streetscape. The design would fail to take the opportunities available for improving the character and quality of the area, as demonstrated by the permitted scheme. In these ways the proposed development would be contrary to 'saved' policies QD1, QD2, QD14, and HE6 of the 2005 Brighton and Hove Local Plan. In particular, I note that policy HE6 requires that development within a Conservation Area should not merely preserve or enhance its character and appearance, but should also show a consistently high standard of design.
- 7 I acknowledge that the proposed scheme would provide a family-sized dwelling and a high standard of accommodation and residential amenity. However, these benefits are outweighed by the conflict with the design policies of the development plan.
- 8 For the above reasons, and taking all other matters into consideration, I conclude that the appeal should not succeed.

*Christopher Gethin*

INSPECTOR