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# Appeal Decision

Site visit made on 6 December 2011

**by Jane Miles BA (Hons) DipTP MRTPI**

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

**Decision date: 15 December 2011**

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**Appeal Ref: APP/Q1445/D/11/2163572**  
**2A Great College Street, Brighton BN2 1HL**

- 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 Ian Turner against the decision of Brighton & Hove City Council.
  - The application ref: BH2011/02045, dated 9 August 2011, was refused by notice dated 4 October 2011.
  - The development proposed is roof terrace on existing flat roof.
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## Decision

1. The appeal is dismissed.

## Reasons

2. Creating the proposed roof terrace would involve erecting a tubular metal balustrade around three sides of the roof and also replacing an existing raised skylight with a flush 'walk-on' alternative. The **main issue** in this appeal is the effect of the balustrade on the character and appearance of the host building and of the surrounding street scenes in the East Cliff Conservation Area.
3. The appeal site, close to the junction of Great College Street and College Place, is in a part of the Conservation Area characterised mainly by long two-storey terraces, many of which have parapet features to their front elevations. No. 2A fronts onto Great College Street, but forms part of a terrace building block set at right angles to the long terraces on each side of Great College Street and fronting mainly onto College Place. Not only is there a gap between no. 2A and the neighbouring terrace to the east, but no. 2A's front wall projects forwards of that adjacent terrace. Thus the proposed balustrade would be visible from various viewpoints on both streets, even though it would be set back around 600mm from the existing parapet.
4. A high level feature such as this will not necessarily be harmful simply because it is visible. However the submitted details indicate that the proposed tubular balustrade would be of a very basic and utilitarian nature, at odds with the host building's style, materials and detailing. Due to its design and materials I find that it would be an unsympathetic addition to the host building, contrary to the intentions of Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 (LP). It would not amount to the high quality design or detailing that Policy HE6 expects in conservation areas. Therefore, although I see no objection in principle to some form of enclosure on the flat roof, I find that the particular balustrade proposed in this case would appear as an incongruous feature, to

the detriment of the surrounding street scenes' established character. Thus the proposal would neither preserve nor enhance the East Cliff Conservation Area's character or appearance.

5. I have borne in mind the examples of other means of enclosure above street level, submitted by the appellant, but I do not know the full circumstances relating to these, including whether or not they have the benefit of planning permission. In any event, none appear directly comparable with the appeal proposal and, apart perhaps from the railings at Danny Sheldon House, none appear any more appropriate in their respective street scenes than would the proposed balustrade.
6. It may be that an alternative means of enclosing the roof terrace could be found, which would accord with the criteria in LP Policies QD14 and HE6. However, as this could potentially mean a materially different proposal, requiring a fresh application, it is not a matter which could appropriately be addressed by a planning condition.
7. I have had regard to all other matters raised but have found nothing sufficient to alter or outweigh my conclusion that the proposal would have a harmful effect on the character and appearance of the host building and the surrounding street scenes in the East Cliff Conservation Area. It follows therefore that the appeal must fail.

*Jane Miles*

INSPECTOR