



Appeal Decision

Site visit made on 2 April 2013

by **David Harmston FRICS DipTP MRTPI**

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

Decision date: 8 April 2013

Appeal Ref: APP/Q1445/D/13/2193329

18B Margaret Street, Brighton, East Sussex BN2 1TS

- 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 Steve Beadle against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/03406) was refused by notice dated 20 December 2012.
 - The development proposed is described as a 'proposed amenity space at first floor level, replacement windows to front dormer and all of rear elevation, proposed rear dormer and proposed change of roof material to rear roof slope.'
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal property is a two-storey, terraced dwellinghouse with habitable accommodation in the roofspace located within a densely-developed neighbourhood of Brighton close to the City centre, the pier and the seafront. The site lies within the East Cliff Conservation Area and it is therefore necessary to consider whether the development would serve to preserve or enhance the character or appearance of the Conservation Area.
3. As well as the construction of the rear dormer and roof terrace, the proposals include a number of alterations to the property including replacement windows and a new roofing material for the rear roof slope. Some of the elements of the overall development proposals, such as the replacement fenestration in the front dormer and the rear elevation and the replacement roof covering, are considered to be acceptable by the Council. I agree with this assessment as some of these parts of the scheme would represent an improvement to the property, preserving or enhancing the character or appearance of the Area.
4. In my view it is the effects of those parts of the overall scheme involving the alterations to the property comprising the construction of the rear dormer and the formation of the small amenity area at first floor level to the rear of the building which are the main considerations in this appeal.
5. The main issues in the appeal are, therefore, whether the design, size and bulk of the proposed rear dormer would cause material harm to the character and appearance of the Conservation Area thus being unacceptable for that reason and whether the use of the terrace at the rear would cause a material

- and unacceptable loss of privacy to the adjoining dwellings and terraces by reason of any intrusive overlooking or loss of privacy.
6. Whilst the proposed rear dormer would not be visible from Margaret Street, it would be seen from the rear of several of the surrounding properties situated to the east in Wentworth Street. The Council has criticised the design of the dormer as being excessively bulky, over-elongated in size and generally visually obtrusive which, in combination, and together with its failure to be contained within the existing roof profile, render it unacceptably harmful to the character and appearance of the area.
 7. I appreciate that unrestricted views of the dormer would only be possible from the neighbouring properties and not from positions within the public domain. However, the development pattern to the area is very tightly-knit so that the dormer would be in close proximity to many nearby buildings, exacerbating its visual impact and intrusiveness.
 8. Nevertheless, and irrespective of the rearward position of the dormer, I consider that within this densely-developed Conservation Area it is important that alterations and additions to individual buildings should be carried out in a sympathetic manner in a way that respects the character of individual properties. In this instance, and for the reasons given by the Council, I consider that the development, through its visual intrusiveness, would have such a significant and adverse visual impact in the context of this location that it would fail to preserve or enhance the character and appearance of the Conservation Area. In these respects the development would be in breach of policies HE6 and QD14 of the Brighton & Hove Local Plan.
 9. The Council's Supplementary Planning Guidance – *Roof Alterations and Extensions* (SPG) seeks to ensure that new dormers are appropriate in design and detailing to the character of the host building being kept as small as possible. Providing the doorway within the dormer results in an elongation of its height and size with it not being contained within the existing roof profile. As such it would appear incongruous and visually awkward in this position and, overall, it would fail to comply with the guidance set out in the SPG.
 10. In respect of the impact on neighbouring properties in terms of overlooking and loss of privacy, the introduction of the roof terrace at second floor level in the position proposed would have the effect of forming a 'platform' from which some measure of overlooking of the adjoining and nearby properties at the rear of the terrace would be inevitable. I appreciate that the appeal building lacks any useable, outside amenity space at the present time and that other amenity areas are present between the opposing rear elevations of the buildings in Margaret Street and Wentworth Street.
 11. The terrace and its associated walls and railings would not impact unduly on the adjoining properties as regards any loss of light. However, some additional loss of privacy would be caused to the nearby properties and terraces. It is argued that the overlooking would be mutual and that the development represents a 'trade-off' between the existing and proposed terraces. Some mitigation would be created by the enclosing features of the terrace and it

would be predominantly from people standing, rather than sitting, on the terrace that some overlooking of the adjoining properties would be possible.

12. Within very closely-knit, historic, built-up locations such as this, where alterations and additions to the buildings have taken place over many years, a measure of overlooking between buildings is inevitable and has, to an extent, always been the case. The degree of privacy between properties is already heavily compromised by the juxtaposition of the residential curtilages and the amenity areas that have been provided. In this neighbourhood this feature is exacerbated by the proximity of the buildings and the shortage of conventional outside amenity areas. This has resulted in the creation of various forms of terraces used for amenity purposes¹ although the Council states that there is no planning history concerning such developments.
13. Bearing all these points in mind I consider that the formation of the terrace at the appeal site would not result in any unacceptable harm to the area on this issue. The degree of mutual overlooking that already takes place between buildings and from those terraces which have been constructed over the years would not be materially exacerbated by this proposal. I therefore conclude that the development is acceptable on this issue, in compliance with policies QD14 and QD27 of the Local Plan.
14. My overall conclusions on this matter are that the design and scale of the proposed dormer would cause material harm to the character and appearance of the Conservation Area and the development is unacceptable for that reason. I do not consider that the development would be so unneighbourly in terms of any additional loss of privacy in the context of this location that permission should be withheld for that reason. Elements of the overall proposals, such as in respect of the replacement windows, are acceptable. On balance I have decided not to issue a split decision in this instance. This is because it seems to me that the proposals are for substantial alterations to, and for the refurbishment of, a significant part of the existing building the various elements of which are not readily divisible.
15. I have considered everything that has been put forward in support of the proposals but nothing is of sufficient weight for me to alter my conclusions above and the reasons for them.

David Harmston

Inspector

¹ Examples of roof terraces exist at Nos 6, 8 and 9 Wentworth Street and are shown in the photographs within the *Design and Access Statement* submitted with the application.

