



# Appeal Decision

Hearing held and site visit made on  
2 December 2008

by **Terry G Phillimore MA MCD MRTPI**

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

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**Decision date:**  
**10 December 2008**

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## Appeal Ref: APP/Q1445/A/08/2070301

### Norfolk Court, Norfolk Square, Brighton BN1 2QB

- 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 Paulanto Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02515, dated 6 July 2007, was refused by notice dated 17 September 2007.
- The development proposed is gambrelled roof extension to house 1 bedroom flat.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. Plans nos A.08B, A.11, A.13 and the views provided by the appellant at appeal stage relate to a revised form of extension which was not considered by the Council as part of the application. It was agreed at the hearing that I should regard these as being for information purposes only, although the views are of assistance in evaluating the appeal scheme.

### Main issue

3. The main issue is the effect the proposal would have on the character and appearance of the Regency Square Conservation Area and the settings of nearby listed buildings.

### Reasons

4. The special interest of the Regency Square Conservation Area is described in the Council's Character Statement. It has a strong grid pattern, with streets running downhill towards the sea intersecting others following the contours. The grid is irregular, reflecting the piecemeal fashion of development and with less uniformity in the squares and terraces than at first appears. Thus there are evident differences from the development of terraces in short groups of houses, although there is a common use of bays, balconies, verandas and parapets. Norfolk Square was laid out in the 1820s, and is open to the north onto Western Road.
5. Norfolk Court in the south-west corner of the Square dates from the 1950s. The Statement refers to it and the neighbouring building of Dorchester Court as two modest blocks of flats which replaced houses lost to wartime bombing. The architecture of Norfolk Court replicates some features of the neighbouring

Regency terraces, in particular a rendered front elevation with a full height pair of segmental curved projecting bays. In contrast, however, the flank and rear elevations are finished in brick, and to the rear the building projects to a greater depth than its neighbours and does not continue their characteristic butterfly rear parapet.

6. There is an uneven front parapet level along this part of Norfolk Square, in part following the rise in gradient from the seafront. Norfolk Court does not adhere to this stepping up, and its parapet height is a little below that of the neighbouring building to the south. However, this provides for a step up to Dorchester Court which is to the north. In addition, the parapet feature with a concealed roof appeared to me to be a consistent element in this run of buildings along the west side of Norfolk Square. In my opinion it is an important factor in creating a strong townscape unity within this part of the Conservation Area despite the variations that otherwise exist. Both Norfolk Court and Dorchester Court have roof plant structures that are clearly visible in longer views. Nevertheless, these appear as separate rooftop elements rather than detracting from the effect of the parapet line in marking the principal heights of the buildings.
7. The proposed roof extension would be a mansard type addition with pitched sides and a secondary pitch to the top. It would be set back some distance from the edges of the building, with the parapet raised around this. As a result the extension would not be visible from close by at ground level, nor in some longer views in which mainly the front or side planes of the building are seen. However, there are views from other key positions in which it would be clearly apparent, in particular from the north-east part of the open garden area forming the central Square, and from Western Road to the north. In these views I consider that the extension would be perceived as an incongruous addition which is out of keeping with the prevailing parapet and concealed roof form. This would disrupt an important aspect of uniformity that distinguishes the townscape in this part of the Square. The increased height would also further emphasize the bulk of the building as seen especially in rear views.
8. The appeal site is on a corner at the junction of Norfolk Square with Norfolk Place, but there is no apparent precedent for a higher building with a distinctive roof form in this position. I therefore do not find the proposal to be justified on the basis of location. The existing mansard extension at 20 Norfolk Square is an isolated example, which does not support a roof extension on the appeal property. Embassy Court to the south is a relatively tall building, but is some distance away and similarly does not warrant an increase in height of Norfolk Court.
9. The proposal includes a number of elevational changes to the building. As acknowledged by the Council, some of these, in particular the addition of a bottle balustrade and rendering of the brick elevations, would assist in integrating the building within its context. The Council has reservations about details of the proposed ironwork screen and the design of doors on the north elevation, as well as the width of the dormer windows in the extension. Nevertheless, there is agreed to be considerable scope for improvement in the appearance of the building through the alterations. In addition, the proposal would provide for the removal of the existing rooftop plant structure. However, in my assessment these benefits of the scheme as a whole do not outweigh the

harm to the Conservation Area that would result from the proposed addition of the roof extension to the building due to its impact on the roofline.

10. Buildings to the south of the appeal site (11-15, 17, 17A Norfolk Square) are listed Grade II, as are others to the north and east (nos 1-5, 22-29). The settings of these buildings include their immediate relationship with Norfolk Court and the wider context of Norfolk Square. I consider that the erosion of the townscape as a result of the proposal would detract from their settings.
11. Policies in the Brighton & Hove Local Plan 2005 seek high design standards including having regard to positive local qualities, and to protect Conservation Areas and the settings of listed buildings. I find the proposal to conflict with these objectives, in particular as set out in policies QD1, QD2, QD4, QD14, HE3 and HE6.

### **Other matters**

12. The site lies within a controlled parking zone where there is heavy demand for residents' parking permits. At the hearing it was agreed that the Council's concern on this matter could be overcome by the imposition of a condition preventing occupation until arrangements are put in place such that future occupiers do not obtain a resident's parking permit, thereby assisting the aim of making the development car free in accordance with policy HO7.
13. Policy TR14 seeks provision in all development of facilities for cyclists, with contributions towards off-site improvements to be negotiated where the need generated cannot be met on site. Space for additional cycle parking within the building is limited. The Council explained that it was seeking a contribution towards the intended future provision of on-street cycle parking stands in the vicinity. With the agreed scope for negotiation of such a contribution to take account of the relatively small scale of the development and the sustainable nature of the location, there did not appear to be a fundamental difference between the parties on this point.
14. Policy SU3, reinforced by the Council's Supplementary Planning Document, seeks minimisation of construction industry waste. This matter was addressed in the application, but the Council stated that it did not provide details of the intended waste disposal contractor. As an extension this proposal is likely to generate limited waste. Having regard to this and the information already available, and the potential for a condition to require further details, I consider that the omission on this point would not warrant withholding permission.
15. Existing residents of the building raised concerns about ventilation. This would primarily be a matter for building regulations, with any necessary changes to the form of the proposal needing to be addressed on their own merits.

### **Conclusion**

16. My findings on other matters do not outweigh those on the main issue. For the reasons given above I conclude that the appeal should be dismissed.

*T G Phillimore*

INSPECTOR

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APPEARANCES

FOR THE APPELLANT:

|                |                                                                                                     |
|----------------|-----------------------------------------------------------------------------------------------------|
| Paul Nicholson | Alan Phillips Architects, Suite 7, Level 5, New England House, New England Street, Brighton BN1 4GH |
| Simon Bareham  | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove BN3 5SG                            |

FOR THE LOCAL PLANNING AUTHORITY:

|               |                              |
|---------------|------------------------------|
| Jason Hawkes  | Brighton & Hove City Council |
| Geoff Bennett | Brighton & Hove City Council |
| Steve Reeves  | Brighton & Hove City Council |
| Sonia Kanwar  | Brighton & Hove City Council |

INTERESTED PERSONS:

|               |                                                   |
|---------------|---------------------------------------------------|
| Michael Crane | 11 Norfolk Court, Norfolk Place, Brighton BN1 2QB |
| Alan Crowder  | 12 Norfolk Court, Norfolk Place, Brighton BN1 2QB |

DOCUMENT SUBMITTED AT THE HEARING

Secretary of State Direction on saved policies of the Brighton & Hove Local Plan 2005