



Appeal Decision

Site visit made on 14 May 2013

by R Barrett BSc(Hons) MSc, Dip HistCons, Dip UD, MRTPI, IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2013

Appeal Ref: APP/Q1445/D/13/2195658
8 Chesham Road, Brighton BN2 1NB

- 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 James Eyre against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03360, dated 22 October 2012, was refused by notice dated 25 February 2013.
 - The development proposed is internal renovations and conversion of existing rear pitched roof to a mansard.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the East Cliff Conservation Area and whether it would result in satisfactory living conditions for the occupiers of 24 and 25 St Mary's Square, with regard to overlooking.

Reasons

3. The appeal site includes a two storey terraced house with accommodation at basement and roof level. It forms part of a small group of four similar properties. The character and appearance of the locality is generally comprised of Victorian terraced properties which front the street in terraces of similar buildings. Although there is some variety in design detail, there is largely cohesion in terms of their general design. Prominent slate roofs, some with neat, traditionally detailed dormers, upright chimney stacks and fire walls reinforce the vertical emphasis of individual houses within the terraces and are important elements of the individual buildings' character. The appeal site, its traditional, simple pitched roof form and vertical emphasis contributes to this character and appearance.

Character and Appearance

4. The proposed rear roof extension would considerably alter the simple traditionally pitched roof profile of the appeal property. It would introduce a steeply sloping rear face and a flat roofed section with a shape and profile which would be alien to the host property. The overall effect would significantly detract from the character and appearance of the appeal property. It would unbalance the existing roof and dominate the rear of the host dwelling

at roof level. Even though it would not be visible from Chesham Road, as the rear of the property is open to public view from St Mary's Square, even though this is a privately gated street, it would still have a significantly detrimental impact on the character and appearance of the locality. This would be the case, even though its shape may be similar to some roof alterations in the same terrace and it may result in less harm than a traditionally detailed mansard roof.

5. Moreover, the rear face of the roof extension would accommodate a number of large modern rooflights. These would be modern in appearance and would contribute to the unacceptable relationship of the proposed extension to the host dwelling, even though there are large areas of glazing on the adjacent property, No 7.
6. In addition, I am aware that other properties in this small group of similar terraced properties and in the vicinity have large roof extensions. Even though the proposal has been designed to match these altered roofscapes, I am not aware of the circumstances that led to them and they do not provide justification for further unacceptable development. Whether the insertion of rooflights of this size and number into the existing roof slope would be possible under Permitted Development Rights or not does not alter my conclusion in this respect.
7. The proposed front dormer would be appropriately sized and positioned on the roof slope and subject to its detailing, which could be secured by the a suitably worded planning condition, it could relate satisfactorily to the roof, the host property and the terrace. Even though it may be larger than that on the adjacent property, No 7, with a greater projection from the roof plane, as it would relate appropriately to the host dwelling and would be in scale with the roof slope, I consider that it would be acceptable in this case.
8. However, notwithstanding my last finding, I have found that the proposed roof alterations would fail to preserve and enhance the character and appearance of the East Cliff Conservation Area. The proposal would therefore generally fail to accord with the terms of Brighton and Hove Local Plan (2005) (LP), Policy QD14, which requires proposed development to be well designed. It would also fail to comply with LP Policy HE6, which requires proposals within a conservation area to preserve or enhance its character or appearance. Moreover, it would be contrary to advice set out in Supplementary Planning Guidance SPG Note 1: *Roof Alterations and Extensions*, which advises that reshaping the roof structure is a significant change which will be resisted where the existing roof form is an important element of the building's character. Whilst the unacceptable harm identified to the character and appearance of the Conservation Area would be less than substantial, no other public benefits have been identified to outweigh this.

Living Conditions

9. There are five large rooflights proposed in the rear elevation of the roof extension. Given that these would serve a large habitable room, even though they would be centre hung, they would provide high level relatively uninterrupted views of the rear of the properties behind, particularly those nearest at 24 and 25 St Mary's Square. Whilst these properties are a sufficient distance away to ensure that undue overlooking into the first and second floor rear windows would not result, the rear gardens would be nearer and imposing

views would be afforded from the proposed rear roof lights. The fact that those rear gardens are relatively small and the only private garden available to the occupiers of the properties increases my concern. The trees on the shared boundary, whilst they may reduce the level of overlooking when in leaf, due to the height of the rear roof extension would not overcome the harm identified.

10. I acknowledge that there is already some overlooking from rear roof extensions of properties in Chesham Road, and I accept that in a dense urban area such as this, some level of mutual overlooking between properties may be expected. However, this proposal would significantly increase both the actual and perceived overlooking to the rear gardens of 24 and 25 St Mary's Square, even though the appeal site sits directly opposite a communal hardsurfaced area. The fact that the proposed rooflights would provide cross ventilation and allow light into the room that they would serve does not outweigh my concerns.
11. I conclude that the proposed rear roof extension would result in unsatisfactory living conditions for the occupiers of 24 and 25 St Mary's Square, with regard to overlooking into the rear gardens. In this respect, the proposal would fail to accord with LP Policy QD14 and QD27, which aim to protect the living conditions of neighbouring occupiers. I find the policies referred to in my decision generally consistent with The National Planning Policy Framework.

Other Matters

12. The proposal would include photovoltaic cells on the roof, which would increase the energy efficiency of the host dwelling. Whilst the appellant suggests that the proposal would include the decoration of the flank wall to No 9, this is not before me.

Conclusion

13. I conclude, for the above reasons, and having taken all other matters raised into consideration, that the appeal should be dismissed.

R Barrett

INSPECTOR

