



Appeal Decision

Site visit made on 8 July 2013

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 18 July 2013

Appeal Ref: APP/Q1445/A/13/2193370

Flat 37, The Van Alen Building, 24-30 Marine Parade, Brighton BN2 1WP

- 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 Simpson against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03157, dated 28 September 2012, was refused by notice dated 19 December 2012.
 - The development proposed is the erection of a single storey side extension over the existing flat's terrace to increase the living room accommodation and flexibility and use of the top floor flat (Flat 37) at the Van Alen Building.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed extension would preserve or enhance the character or appearance of the East Cliff Conservation Area and the host property (the Van Alen building).

Reasons

3. The Van Alen building is a large, modern building in a prominent position on Brighton seafront within the East Cliff Conservation Area. It is five storeys in height and contains 38 flats and six two-storey houses. The building's design has sought to accommodate the alignment of the road along Marine Parade and the height of the buildings to either side. The front elevation is staggered and divided into three sections divided by distinctive round bay windows. An additional section at the western end provides the link between the Van Alen Building and Nos 19-23, which have a traditional frontage with bay windows on four floors.
4. The top level, which creates a sixth storey, appears to comprise five residential units whose principal elevations are set back from the main elevations of the rest of the building. The set back of these top floor flats not only reduces the bulk of the building but has also permitted the provision of external amenity areas on three sides. No 37 is the flat on the western side of the top floor and has amenity areas on its southern and western sides. The proposal seeks permission for a single storey side extension over part of the existing side terrace to enable an enlargement of the flat's internal living space.

5. The terrace at No 37 appears to be the same height as the parapet wall on the top of the front elevation of Nos 19-23. It is an important feature that marks the transition between the heights of the adjoining properties. It therefore ensures that the Van Alen Building does not dominate the older structure and helps to create an effective integration between the old and new buildings. The proposed extension would be towards the rear of the existing terrace but it would occupy its full width and would increase the height of the building immediately adjacent to Nos 19-23. In my view the loss of part of the terrace would be detrimental to the relationship between the two buildings.
6. From the evidence presented it would appear that great care was taken with the original design to ensure that the upper storey did not dominate the new building. On the contrary, it appears somewhat understated as a consequence of the set backs on the western, southern and eastern elevations. In this context the proposal would introduce additional bulk and mass to the upper storey of the building, which would disrupt the existing design to the detriment of the appearance of the building as a whole as well as its relationship with Nos 19-23. Whilst the proposal would match the existing shape, finishes and materials of the host property this would not diminish the harm arising from the loss of part of the terrace.
7. When viewed from Marine Parade in close proximity to the Van Alen Building the extension would not be visible. However, from a little further afield and particularly to the south west of the site, it would be seen. Furthermore, it would be especially noticeable when facing the site from Madeira Drive and when viewed from further west along the seafront, particularly on the section approaching the pier. In my view this would be harmful to strategic views along this prominent and important section of the Brighton seafront within the East Cliff Conservation area. I consider this to be the case notwithstanding the variety of roofscapes, building styles and materials used in the Conservation area.
8. I therefore conclude that the proposed extension would neither preserve nor enhance the character or appearance of the East Cliff Conservation Area and would be harmful to the character and appearance of the Van Alen Building. It would fail to comply with saved Policies QD1, QD2, QD4 and QD14 of the Brighton and Hove Local Plan. These policies require high quality design that positively contributes to the visual quality of the environment, taking account of the impact on the skyline and strategic views along the seafront. It would also conflict with saved Policy HE6 of the Local Plan, which seeks to protect the roofscape of conservation areas.
9. In reaching my conclusion I have taken into account other relevant matters raised, including the views of local residents who have expressed both support for the proposal and expressed objections to it. However, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden

INSPECTOR