



Appeal Decision

Site visit made on 1 October 2013

by K Stone BSc (Hons) DipTP MRTPI

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

Decision date: 18 October 2013

Appeal Ref: APP/Q1445/D/13/2204312

42 Florence Road, Brighton, BN1 6DJ

- 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 Jon Wilson against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01504 was refused by notice dated 3 July 2013.
 - The development proposed is rear extension, new dormer to rear and rooflight to front.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension; loft conversion incorporating rear dormer and 1 no rooflight to the front roof slope and 1 no roof light to the side roof slope at 42 Florence Road, Brighton in accordance with the terms of the application, Ref BH2013/01504, dated 13 May 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1282/A.01, 1282/A.02, 1282/A.03, 1282/ A.04, 1282/D.01 rev A, 1282/D.02 and 1282/D.03 rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof, and shall be retained as such thereafter.
 - 5) The rooflight in the eastern side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained as such thereafter.
 - 6) The dormer window hereby approved shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.
 - 7) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Procedural matters

2. The description of development on the decision notice differs from that above in that it also includes reference to a side rooflight not mentioned in the original description. I find that the Council's description more accurately describes the development proposed and I have used this as the basis for my decision.
3. Since the determination of this application the Council has formally adopted supplementary planning document 12 'Design Guide for extensions and alterations' (SPD12) which has superseded supplementary planning guidance BH note 1 'Roof alterations and extensions' which is referred to in the reason for refusal. I will therefore give weight to SPD12 as a material consideration and consider the appeal on that basis. The appellant has been afforded an opportunity to comment on the SPD and has provided representations.

Main issue

4. The main issue in this appeal is whether or not the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

Character and appearance

5. The appeal site is a late 19th century semi-detached villa located in Florence Road in the Preston Park Conservation Area. The conservation area and Florence Road in particular is notable for its impressive detached and semi-detached houses. These are mainly red brick two or three storeys with gables to the street. The cohesive period housing, its form, design and detailing including string courses, window and door lintels, heavily moulded doors and mainly sash windows is of significance to the character and appearance of the conservation area.
6. The Council have not objected to the rooflights and dormer window concluding that they are appropriate in scale and design and thereby preserve the character and appearance of the conservation area. From my site visit I see no reason to differ from these conclusions.
7. The existing rear extension to the outrigger already undermines the plan form of the original building as does the mono-pitched infill extension to the side. The proposed extension with its lower profile roof and simple form will replace these elements removing the mix of materials and providing a more coherent structure. The plan of the two storey outrigger will still be discernible by virtue of its original two storey form and the addition will be read as a well designed and distinct modern addition to the original building.
8. I find that the proposed extension and the roof additions do not harm the layout, design and detailing of the house nor its contribution to the cohesive period housing defining the character and appearance of the conservation area. It would not therefore harm the significance of the designated heritage asset.
9. I conclude that the development preserves the character and appearance of the conservation area. In consequence the proposal does not conflict with policies QD14 or HE6 of the Brighton and Hove Local Plan 2005 and is consistent with the Framework in particular with regard to achieving good design and seeking to conserve and enhance the historic environment.

Conclusions and conditions

10. For the reasons given above I conclude that the appeal should be allowed.
11. The Council has suggested various conditions related to the detailing of the rooflights and the dormer window and given the location in a conservation area and the potential impact on the character and appearance of the area I am satisfied that these are necessary and reasonable. I have made some minor adjustments to the wording to ensure consistency within the conditions. For the same reasons a condition on materials is imposed. The Council have also suggested a condition in relation to the use of the flat roof area of the extension and this is necessary to protect the privacy and amenity of the adjoining neighbours. For similar reasons a condition is required to restrict the opening and require obscure glazing for the roof light in the eastern elevation. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

Kenneth Stone

INSPECTOR

