
Appeal Decision

Site visit made on 10 February 2014

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 12 February 2014

Appeal Ref: APP/Q1445/A/13/2207682
41a & 41b Bond Street, Brighton, BN1 1RD

- 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 George Georgio against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03874, dated 12 December 2012, was refused by notice dated 25 April 2013.
 - The development proposed is mansard roof extension to form 3rd and 4th floors; conversion of first, second & third floors to form hostel and fourth floor to form managers flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council considered the planning application against the guidance provided within the Supplementary Planning Guidance: SPGBH note 1 Roof Alterations & Extensions. However, since this time the document has been replaced by the Supplementary Planning Document: design guide for extensions and alterations (2013) (the SPD). Therefore, I have had regard to the guidance provided within the SPD.
3. The appellant has made reference to Planning Policy Statement 3: Housing (PPS3). However, PPS3 has now been replaced by the National Planning Policy Framework (the Framework), to which I have had regard.

Main Issue

4. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the North Laine Conservation Area.

Reasons

5. The appeal site is located within Bond Street, which is situated within the North Laine Conservation Area. The character of Bond Street is described by the North Laine Study (1995) as having a variety of building types and styles. The study also sets out that '*The traditional building heights vary between 2-3 storeys and are much lower than those generally found elsewhere*'. I observed on my site visit that the three storey Victorian host building has a modest appearance, flanked by two taller buildings.

6. The SPD sets out that '*Flat topped roofs or those with very shallow upper slopes mimicking mansards are not acceptable*'. The proposal is for a non traditional roof form and has been designed to mimic a mansard roof and would also have a central flat section to the roof. As a result, it is clear that the proposed development would be discordant with this guidance. The SPD also identifies that '*Traditional 18th and 19th century mansard roofs are normally subdued and subsidiary elements of the building*'. The appellant has provided drawings to show the outline and size of the proposed roof and also that of the previously approved mansard roof design. Whilst I note that the ridge height would only be increased by approximately 500mm, the roof design would result in additional bulk, which I observed would be visible within the street scene, despite the narrow nature of the street. I concur with the Council that the increased height, depth and roof form results in an overall bulky appearance from that previously permitted. I consider that the proposal would be overly dominant against the relatively modest host building.
7. The proposal would have two dormer windows and two rooflights on the front elevation. I accept that the rooflights are of a conservation style, sitting flush with the pitched roof, however it was evident that rooflights were not common features in the area. Whilst I consider that the dormer windows are of an acceptable design, in my view the combination of the rooflights, dormer windows and smoke vents that would also be visible, would result in the roof appearing cluttered to the detriment of the character and appearance of the street scene.
8. In conclusion, whilst I accept that the roof would be of traditionally detailing and would maintain the variation in roof-lines and façade heights in the area, the proposal by virtue of its non traditional form, bulk and design would be harmful to the character and appearance of the host building and the street scene. As a result, I consider that the proposal would not preserve or enhance the character or appearance of the North Laine Conservation Area. I conclude that the proposed development is contrary to Policies QD1 Design – quality of development and design statements, QD2 Design – key principles for neighbourhoods and HE6 Development within or affecting the setting of conservation areas of the Brighton & Hove Local Plan (2005) and the guidance provided by the SPD.
9. I consider the harm to the significance of the North Laine Conservation Area as a whole to be less than substantial, given the relatively minor nature of the proposed development. Therefore, the public benefits of the scheme need to be weighed against the identified harm. The proposal would provide a hostel, however, in the absence of any more immediate public benefits, I do not consider that this outweighs the identified harm.

Other matters

10. The appellant has set out that: the proposed development is a result of an essential need for accommodation for the manager or member of staff of the hostel; the flat would provide for a need for smaller households; and would make effective and efficient use of previously developed land. However, there is limited evidence before me in relation to the requirement for accommodation or that such an arrangement would be the only feasible way of operating the hostel. Whilst I accept that the proposal would deliver one small dwelling, it would however, make only a very modest contribution to such a need. I note

that the Framework encourages the effective use of land by re-using previously developed land, however, I do not consider that the addition to an existing building constitutes previously developed land in the context that it is set out within the Framework. As a result, I have given these matters only limited weight.

11. Interested parties have raised concern that the proposed hostel would lead to noise, disturbance and increased crime. Whilst I accept that the proposal may lead to increased noise, I concur with the Council that suitable sound proofing could be secured via a planning condition to address this matter. In addition, there is no evidence before me to suggest that the proposed hostel would lead to increased crime in the area. I am also mindful that there is an extant planning permission for a hostel on the site and that the appellant has confirmed that there would be 24 hour security on the premises.
12. The occupants of a neighbouring building have raised concern that the proposal would lead to a loss of natural light to their office. However, I observed on my site visit that a significant loss of daylight is unlikely to occur given the orientation of the proposal and the windows of the neighbouring property. Nonetheless, I consider that the reason for the development, its modest contribution to housing or its acceptability in relation to the above matters does not individually or in combination outweigh the identified harm.

Conclusion

13. For the reasons set out above and considering all other matters raised, I conclude that there is nothing to outweigh the development plan conflict and the appeal should be dismissed.

Jonathan Manning

INSPECTOR