



Appeal Decision

Site visit made on 11 March 2014

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 25 March 2014

Appeal Ref: APP/Q1445/A/13/2206533
24 St. James's Street, Brighton, BN2 1RF.

- 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 Stuart Chalk against the decision of Brighton and Hove City Council.
 - The application Ref: BH2012/03367 dated 19 October 2012, was refused by notice dated 4 April 2013.
 - The development proposed is creation of a 4th floor to provide 2 bedroom flat.
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Preliminary matters

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the design and heritage statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.
2. The submitted drawings state that the proposed sash windows would have timber frames, whereas the application form states that they would be powder coated to match the existing. As this is a matter that can be dealt with by condition, it has not affected my ability to determine this Appeal.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issue is the effect of the scheme on the character and appearance of the host building, nearby listed terrace at 107-111 St James's Street and the East Cliff Conservation Area (ECCA).

Reasons

Character and appearance

5. The Appeal site is located in a mixed and accessible urban area where, in principle, new residential development is acceptable. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Consistent with this, policy HO4 of the
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- Brighton and Hove Local Plan seeks to make full and effective use of land and allows for residential developments at higher densities than those typically found in the area.
6. At the same time the Appeal site is located within the widely drawn ECCA and directly opposite a grade II "listed" terrace. Both the ECCA and the listed terrace are designated heritage assets and the NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the conservation of the heritage asset. Any harm should require clear and convincing justification and where a proposal would lead to less than substantial harm, such harm should be weighed against the public benefits of the proposal.
 7. In relation to design the NPPF states that good design is a key aspect of sustainable development. New development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
 8. Policy HE6 of the Local Plan is broadly consistent with the NPPF. It seeks to ensure that new development is to a high quality design and respects or enhances the character or appearance of the conservation area. Design detailing should reflect the scale, character or appearance of the area and materials and finishes should be sympathetic to the conservation area. Policy QD14 of the Local Plan requires new development to be well designed and that the materials to be used should be sympathetic to the host building.
 9. The ECCA is characterised by long straight terraces which predominantly have a north south orientation and rise up steeply from the seafront. These terraces and their setting reflect Brighton's development as a Regency and Victorian seaside resort. St James's Street runs from west to east and forms the principal shopping street in the area. It is both narrow and punctuated by frequent junctions which serve the narrow streets which run north to south. These junctions provide wider views of the conservation area in general and in particular provide views down to the seafront.
 10. The Appeal site occupies a prominent position alongside the junction of St James's Street and Dorset Gardens and directly opposite the junction with Madeira Place. As a consequence the Appeal building is particularly prominent within the street scene in views from Madeira Place, Dorset Gardens and a short distance to the east in St James's Street. The Appeal building is also opposite Nos.107 – 111 St James's Street, which comprises a "listed" early C19th terrace, which is four storeys in height, including an attic storey above a projecting cornice.
 11. The existing Appeal building is characterised by strong vertical and horizontal lines and large areas of glazing, within a plain rendered frame. It is both contemporary and uncluttered in its character and appearance and blends in appropriately with the attached terrace to the west. In particular, the parapet roof of the Appeal building sits between the parapet roof and ridge height of No.23 and the overall roofscape of the terrace is well balanced and follows the contours of the street.
 12. With the proposal the parapet wall would be raised and would result in a large bland rendered panel above the third floor windows. It would accentuate the

- width of the building, dominate the upper part of the building and appear disproportionate and out of keeping with the narrow, low parapet and cornice detailing at No.23. The proposed sloping mansard walls would appear out of context with the strong vertical and horizontal lines of the host property and the projecting sash windows would similarly fail to respect the smooth and uncluttered lines of the host building. The proposed sash windows and south facing doors would also fail to respect the style, proportions and alignment of the existing fenestration.
13. As a result of these factors the proposed additional floor would appear incongruous and totally out of keeping with the host building. The scheme would dominate and seriously detract from the appearance of the building and the roofscape when viewed from Madeira Place, Dorset Gardens and in some views within St James's Street. Overall, the scheme would materially detract from the setting of the adjacent "listed" terrace and the character and appearance of the ECCA. It would fail to satisfactorily address the previous Inspectors concerns in relation to scale and impact on the visual amenities of this part of the ECCA.
 14. The existing flank wall of the Appeal building projects forward of the front building line and is considerably taller than the building at 30 Dorset Gardens (No.30). Together with the Dorset Gardens Methodist Chapel it dominates the setting of No.30. With the Appeal scheme the situation would be exacerbated and No.30 would appear squat and visually overwhelmed by the two buildings alongside it.
 15. At present the top of the chapel can be seen above the existing Appeal building, when viewed from Madeira Place and a small section of St James's Street. The proposed development would obscure these views and would potentially result in some additional overshadowing within the chapel itself. Whilst these factors would not amount to a reason for dismissing this Appeal, they add to the concerns regarding the impact of the development on the character and appearance of the ECCA.
 16. It is acknowledged that the scheme would make a very modest, yet valuable contribution to the supply of homes both within a highly accessible mixed area and within Brighton and Hove as a whole. Whilst these factors weigh strongly in favour of the scheme they would be clearly outweighed by the harm the scheme would cause to the appearance of the host building and the significance of the ECCA and adjacent "listed" terrace.
 17. As pointed out by the Appellant the adjacent site to the east is currently being redeveloped. Planning permission has been granted for a large modern four storey retail and residential building, with an additional storey and associated roof terrace at fifth floor level. However that building respects the eaves and ridge height of the adjoining building to the east and is stepped down to the rear to respect the height of the adjacent properties in Dorset Gardens. The fifth floor is set back from the main elevations of the proposed building by a greater distance than with the Appeal scheme and the proposed fenestration above ground floor level is consistent in design and alignment. Overall, the approved fifth floor respects the design of the host building and the proportions and height of the adjacent buildings. As such it is not comparable to the

Appeal scheme and highlights the importance of assessing each proposal on its individual merits.

18. Finally, it is noted that mansard roofs and projecting sash windows within slate roofs slopes are relatively commonplace within the ECCA. However, they are typically associated with traditional Regency and Victorian buildings and respect their overall proportions and appearance. As such they do not set a precedent for the Appeal scheme.
19. I conclude on the main issue that the scheme would materially detract from the character and appearance of the host building, the street scene and the ECCA. It would fail to preserve or enhance the character or appearance of the ECCA and would materially detract from the setting of Nos.107 -111, causing harm to the significance of both heritage assets. Accordingly the scheme would conflict with the NPPF and policies HE6 & QD14 of the Local Plan.

Elizabeth Lawrence

INSPECTOR