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# Appeal Decision

Site visit made on 14 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

**Decision date: 11 June 2014**

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**Appeal Ref: APP/Q1445/A/13/2210638**

**Top Floor Flat, 5 Buckingham Road, Brighton, East Sussex, BN1 3RA**

- 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 Ms Tracey Fish against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02254, dated 4 July 2013, was refused by notice dated 23 September 2013.
  - The development proposed is extension within roof void to form 2 bedrooms and bathroom.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effects of the proposed development on the character and appearance of the host building, street scene, and West Cliff Conservation Area.

## Reasons

### *Character and appearance*

3. The appeal building is a semi-detached building which is subdivided into a number of flats. The street scene is characterised by buildings mostly dating from the same mid-to-late Victorian period. This results in the street scene having a relatively uniform character owing to designs, materials and detailing. At roof level the host building has a double pitched roof with central valley (also known as a 'butterfly' style roof). This roof form is replicated by the directly adjacent building Nos 3 and 4 Buckingham Road, with other examples within the street scene.
4. The proposed development consists of three main components; rooflights serving the flat roof infill, the flat roof infill itself and a conservation style rooflight in the rear roof slope.
5. The plans shown give limited details on the rooflights that would be used in the flat roof element. The appellants Grounds of Appeal indicate that conservation rooflights would be used. This is documented on the drawings for the rooflight to the rear, but not those serving the flat roof. Furthermore, there is no indication as to the visual appearance the rooflights would have, and therefore

- it is uncertain as to what level of impact they would have on the character and appearance of the host building.
6. The appellant points to the fact that a condition could be used to secure specific detailing of these rooflights. I have had regard to Paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance which was issued on 6 March 2014 which refer to the use of conditions. Given that the appeal site is located within a Conservation Area, and that windows and openings can dramatically alter the form and appearance of roofs, I do not consider that the use of a condition is reasonable in this case.
  7. In terms of the flat roof element, this would be visible from Buckingham Road, especially when viewed from the end of the road near to No 100 and the conservation style rooflight would be visible from Leopold Road to the rear. I accept the appellant's view that the impact of the development would be limited by the location of the development between two pitched roofs. Nevertheless, the proposed development would be visible from street level and nearby dwellings.
  8. Moreover, it would alter the external appearance of the host building by introducing a flat roof element that would be at odds with the prevailing character of roof developments within the West Cliff Conservation Area. The proposal would also result in the loss of the butterfly roof form, which is a key characteristic of both the host building and this part of the Conservation Area. As such, the proposal would fail to respect the character and appearance of the street scene and host building. Moreover, due to its design and loss of the butterfly roof form, the proposed development would fail to preserve the character and appearance of the Conservation Area.
  9. I have found that the proposal would result in changes to the external appearance of the building which would be visible from street level on nearby roads, and also from nearby dwellings. The appellant points to case law relating to vantage points, but I do not find that this provides compelling justification in this instance for overcoming the harm I have identified.
  10. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the West Cliff Conservation Area, the street scene or host building. The proposed development is therefore contrary to Policies HE6 and QD14 of the Brighton and Hove Local Plan 2005 which seek that proposals within conservation areas should show no harmful impact on the townscape and roofscape of the Conservation Area.
  11. The proposal is also contrary to the advice contained within the Council's adopted Supplementary Planning Document 09 – Architectural Features 2009 (SPD09) which supplements Policy HE6. The SPD09, whilst not adopted policy, provides a clear indication of what the Council considers as acceptable in that the main pitched roofs of a building must not be removed to create a flat roof and that where a roof is visible from the street, its form and shape must not be altered.
  12. Whilst the harm to the significance of the Conservation Area is less than substantial, the benefits arising from the scheme suggested by the appellant, in terms of allowing a one bedroom flat to become a two bedroom flat to meet the needs of the appellant family, are not sufficient to outweigh the harm. Accordingly, the proposal fails to take account of the desirability of new

development to make a positive contribution to local character in accordance with Paragraph 131 of the National Planning Policy Framework (the Framework). I note the support for the proposal from local residents, who consider that the 'Conservation Area' designation should not be used to prevent families from gaining extra space. However, I have considered these factors in my reasoning, and find that they do not outweigh the harm I have identified.

13. I have paid special attention to the representations about sustainability. However, to be sustainable development, the Framework identifies that there are three dimensions which are mutually dependent. The development would not fulfil the environmental role of planning due to the proposed development failing to protect or enhance the built and historic environment. It therefore follows that the proposed development is not sustainable development.
14. The Council's adopted Supplementary Planning Document 12 – Design guide for extensions and alterations (SPD12) has been cited in the Council's reasons for refusal, but it is unclear how it specifically relates to the proposal. In any case, it does not alter my findings on the main issues or overall conclusion.

**Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR