



Appeal Decision

Site visit made on 9 December 2104

by Mr Kim Bennett BSc Dip TP MRTPI

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

Decision date: 17 December 2014

Appeal Ref: APP/Q1445/D/14/2227620
19 Sudeley Street, Brighton, East Sussex BN2 1HE

- 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 Paul Tempest against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01754, dated 28 May 2014, was refused by notice dated 29 August 2014.
 - The development proposed is the removal of pitch roof to rear outrigger to create roof terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of a pitch roof to rear outrigger to create a roof terrace and alteration to rear window at 19 Sudeley Street, Brighton, East Sussex BN2 1HE in accordance with the terms of the application, Ref BH2014/01754, dated 28 May 2014, 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: EO2 and PO2.
 - 3) The roof terrace hereby permitted shall not be used until the privacy screening on either side of the terrace as shown on drawing No PO2 has first been erected. The screening shall thereafter be maintained in that form.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property.

Reasons

3. The appeal property is an end of terrace house located on the south side of Sudeley Street. At the rear there is a two storey outrigger with a mono pitch roof. Originally, the adjoining property to the east, No 18, would have had a similar outrigger but at some stage it was altered to provide a roof terrace similar to what is currently proposed. Beyond No 18, No 17 also has a roof
-

terrace but this is positioned on top of a three storey outrigger. To the south of the property is an enclosed courtyard forming part of Cavendish Court, a four storey block of modern flats on the corner of St. Georges Road and Paston Place. The site is included within East Cliff Conservation Area.

4. The Council considers that the property is part of a group of properties with rear outriggers and that the removal of the pitched roof would have an adverse impact upon the host property. However, as referred to above, that is already the case with the adjoining two properties to the east. Additionally, the rear of the property is not prominent, being largely enclosed by Cavendish Court and there are only glimpsed views from St. Georges Road. Although I note that there is no record of permissions for the roof terraces of either No 17 or 18, the proposal needs to be judged in the context of whether there would be any additional harm arising having regard to the existing character of the area. In my view that would not be the case here for the reasons given.
5. Reference is made to the proposal being contrary to advice within the Council's SPD 12 – Design Guide for Extensions and Alterations 2013 (SPD) which says that consent will not be granted to remove a pitched roof to form a roof terrace. In relation to Conservation Areas there is also a presumption against alteration of the main roof. However, whilst I do not consider the rear outrigger to be part of the main roof, the SPD also allows for some flexibility to the above approach where alterations have already been carried out and a proposal would recreate some sense of unity and coherence or where the alteration would not harm group value. I consider that would be the case in this instance given the adjoining roof terraces and in particular that of No 18 which also has a two storey outrigger. In that context the proposal would therefore provide some coherence in appearance between the two properties.
6. The Council is additionally concerned that the replacement of the rear window with doors would result in a loss of a traditional opening and an incongruous appearance. I noted from my site visit that the existing window is PVCu as opposed to timber, and therefore there has already been some loss of traditional character. In that respect a replacement timber framed opening would be preferable. I also note that the width of the opening would remain as existing and that the full length nature of the doors would not be readily apparent unless being viewed from higher level vantage points. On balance, I do not regard the proposed alteration as being harmful to the overall character of the host property, particularly in view of the fact that all the original windows to the rear of the property have at some stage been changed to PVCu.
7. Although I have been referred to other examples of roof terraces having been refused in Sudeley Street, I have no details before me and am therefore unable to determine how similar or not they might be. In any event such proposals normally turn on site specific issues of the particular case and they have not therefore been decisive in reaching my findings above. I also note reference to a previous refusal for a roof terrace on the appeal property in 2005. Again I have no evidence as to how comparable that was, although I note at that time the Council did not raise an objection to the removal of the mono pitched roof in terms of its impact on the host property, but was primarily concerned about loss of privacy.

8. Because of the Conservation Area designation I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In that respect, the Council has not expressed any concerns with regard to impact on the Conservation Area itself is concerned. I have reached a similar finding and in view of the alterations to other nearby properties in respect of roof terraces, I am satisfied that the proposal would preserve the character of this part of the Conservation Area.
9. Given the proposed screening to either side of the roof terrace, the Council raises no objections in respect of loss of amenity or privacy to occupiers of adjoining properties and I see no reason to take a different view.
10. In the light of the above, the proposed roof terrace and alterations to the rear window would not harm the character or appearance of the host property. It would therefore be consistent with Policy QD14 of the Brighton & Hove Local Plan 2005 in that it would be well designed in relation to the property to be extended, adjoining properties, and to the surrounding area, and would not result in loss of privacy or amenity to neighbouring properties. There would also be no conflict with the SPD in view of alterations and other roof terraces nearby.
11. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of good planning. A condition preventing use of the terrace until the proposed screening measures are in place, is also necessary in order to protect adjoining residential amenity.
12. Accordingly, subject to the above conditions, the appeal should be allowed and planning permission granted.

Kim Bennett

INSPECTOR

