



Appeal Decision

Site visit made on 3 March 2015

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 9 March 2015

Appeal Ref: APP/Q1445/D/14/2221897

31 West Drive, Brighton BN2 0QU

- 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 Nick Davey, against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01153, dated 10 April 2014, was refused by notice dated 9 June 2014.
 - The development proposed is the installation of a frameless glass balustrade on the roof of the existing house to form a roof terrace.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and wider area, including whether it would preserve or enhance that of the Conservation Area within which it is situated.

Reasons

3. The appeal property is a two-storey, end of terrace house of a contemporary style at the junction of West Drive and Tower Road within the Queen's Park Conservation Area. The park itself lies immediately opposite to the south. The 1970s terrace to which it is attached has a stepped roofline which follows the upward slope of Tower Road away from the park. The two pairs of semi-detached houses to the north of the terrace also have progressively higher ridgelines and the road terminates in a distinctive decorative tower, known as the "Pepperpot". The relationship of the buildings to the topography of the area is important.
4. The appeal property has a flat roof and large windows and it is finished in white render. Its modern appearance differs markedly from that of the more conventional pitched roof terrace adjacent to it. Nevertheless, its present proportions reflect those of the adjoining buildings, as well as their height relative to the lie of the land. The roof of the appeal property sits slightly below the eaves of the neighbouring house and its ground and first floor windows are also lower accordingly. It is the lowest building in the terrace and, being at the lowest point on the slope, it establishes the scale and pattern of development in the road.

5. The property already has a glass balustrade forming a balcony at first floor level and it is proposed to install another on the roof to create a terrace for "sitting out". The neighbouring terraced house, which has been renovated, has a similar balcony at first floor level and, although they are of a different style, many of the older, more traditional houses in the Conservation Area also have balconies, including those on West Drive. Whilst the proposed roof terrace would be an unusual feature, this would not be fundamentally problematic given that the appeal property is of a different style to its neighbours.
6. However, notwithstanding that it would be transparent and set back from the main elevations of the house, the new balustrade would be clearly visible in Tower Road and looking east on West Drive towards the rear of the terrace. It would project beyond the roofslope of the adjoining house and thereby increase the overall height of the building relative to its neighbour and in the street scene generally. Whilst this might not be particularly conspicuous if the terrace were empty, the effect would be enhanced significantly if garden furniture and other associated equipment were to be placed on the roof. This would draw undue attention to the appeal property and detract from its presently complementary relationship with the wider terrace. The disruption to the scale and proportions of the latter would be harmful in the street scene.
7. In reaching my decision, I have taken account of the structure providing access for plant maintenance which is already present on the roof. However, this is relatively small, it is contained within the roofslope of the neighbouring property and, while it is made of glass, it is unlikely that it could provide significant storage. I have also had regard to the appellant's statement that the roof of the building is already used for sitting out without the benefit of a balustrade, but it seems to me that domestic items are less likely to be left outside when they could fall off or blow away. In respect of the suggestion that a condition could be imposed to require the terrace to be kept clear when not in use, I am not satisfied that this would be either reasonable or enforceable.
8. Therefore, I conclude that the proposed development would be detrimental to the character and appearance of the host building and wider area and that it would fail to preserve that of the Conservation Area. It would thus conflict with Policies QD14 and HE6 of Brighton & Hove Local Plan, which seek to protect the character and appearance of the area. Whilst the harm to the Conservation Area would be less than substantial, this would not be outweighed by any public benefits of the development.

Conclusion

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

Louise Phillips

INSPECTOR