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## Appeal Decisions

Site visit made on 6 April 2016

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

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

**Decision date: 08 April 2016**

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### **Appeal A Ref: APP/Q1445/W/15/3135017**

#### **4 Tudor Close, Dean Court Road, Rottingdean, East Sussex BN2 7DF**

- 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 Trevor Hopper against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00258, dated 21 January 2015, was refused by notice dated 4 June 2015.
  - The development proposed is insertion of a light shaft from the north-east pitch of the roof to the ground floor.
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### **Appeal B Ref: APP/Q1445/Y/15/3133373**

#### **4 Tudor Close, Dean Court Road, Rottingdean, East Sussex BN2 7DF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Trevor Hopper against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00259, dated 21 January 2015, was refused by notice dated 4 June 2015.
  - The works proposed are insertion of a light shaft from the north-east pitch of the roof to the ground floor.
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## **Decisions**

### *Appeal A*

1. The appeal is dismissed.

### *Appeal B*

2. The appeal is dismissed.

## **Background and Main Issue**

3. This decision letter deals with two appeals, labelled A and B. The former relates to an application for planning permission, whilst the latter seeks listed building consent. The works sought for both schemes would involve the insertion of a rooflight adjacent to an existing dormer in order to provide for a light tunnel to illuminate to an internal ground floor room within a Grade II listed building.
4. The main issue, therefore, for both appeals is whether the proposed works would preserve the special architectural or historical features of the Grade II listed building.

## Reasons

5. The appeal building forms part of a larger residential complex dating from around the late 1920s and is located within the Rottingdean Conservation Area. The building has a distinct 'Tudorbethan' style, with features such as gable ends with ornamental barge boards, mock timber framing, and clay roof tiles all contributing to its character. In particular, the roofscape is complex, with a mixture of chimneys, catslides, dormers and gables making further contributions to the aesthetic charm of the buildings. It is the combination of these factors which contribute to the significance of the Grade II listed building and the Rottingdean Conservation Area as designated heritage assets.
6. The appeal scheme would see the insertion of a rooflight in the roof slope at No 4 Tudor Close, directly adjacent to an existing gabled dormer. Rooflights in particular are few and far between on the roof of nearby buildings, and not present on the appeal roof. The proposed rooflight would consist of a 400mm by 400mm opening with flashing surrounds. With an absence of rooflights on the roof slope, the proposal would introduce an incongruent feature at odds with the character of the roofs facing into the courtyard and add visually intrusive clutter to the roof slope.
7. The appellant points to the lack of prominence of the rooflight within the roof slope. I saw that it would, in the main, be hidden from view from ground level owing to its location low down on the roof and also by a lantern serving the ground floor. Whilst views would be possible from some nearby windows, these are roughly 35 metres away, and would be glances rather than constant views of the rooflight. Nevertheless, absent or limited visibility does not constitute grounds for the acceptability of works to a listed building, where that work may result in harm to the listed building.
8. Internally, the works would involve the removal of some fabric of the building; however it is unclear as to whether this is 'original' fabric or later additions to the building. Moreover, I saw that most of the internal work involved would be relatively minor, reversible and unlikely to result in permanent damage to the historic fabric of the building. I do not find that the internal works would result in harm to the significance of the designated heritage asset.
9. Nevertheless, the introduction of an incongruent rooflight would have a negative impact on the listed building and therefore fail to preserve its special interest. In accordance with Paragraph 134 of the National Planning Policy Framework (the Framework) and given the possible reversibility of the works, I consider that they would result in less than substantial harm to the significance of the designated heritage asset. Such harm should be weighed against the public benefits of the proposal. In this case, the benefits identified are private, being limited to the illumination of an internal area of the property.
10. Having special regard to the statutory duty to preserve the special architectural and historical features of listed buildings, as required under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, I find that the works in this instance would fail to achieve these aims. For similar reasons, the proposal would fail to preserve the character or appearance of the Rottingdean Conservation Area as required under S 72(1) of the same Act.

11. I therefore conclude that the proposed development and work would fail to preserve the special architectural or historical features of the Grade II listed building. Accordingly, the proposals would be contrary to Policies QD14, HE1 and HE6 of the *Brighton and Hove Local Plan 2005*, which amongst other aims seek to ensure that proposals involving the alteration of a listed building will only be permitted if the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building. The appeal scheme would also be contrary to the Policies of the Framework, which include conserving heritage assets in a manner appropriate to their significance.

**Conclusion**

12. For the reasons given above, I conclude that both appeals; A and B, should be dismissed.

*Cullum J A Parker*

INSPECTOR

