

## Appeal Decision

Site visit made on 6 September 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 21<sup>st</sup> September 20146**

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**Appeal Ref: APP/Q1445/D/16/3152148**  
**29 Dean Street, Brighton BN1 3EG**

- 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 Catherine Lane against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/00912, dated 14 March 2016, was refused by notice dated 11 May 2016.
  - The development proposed is roof works to provide habitable room in loft space.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the character and appearance of the host building and whether it preserves or enhances the character or appearance of the Montpelier & Clifton Hill Conservation Area (CA).

### Reasons

3. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Council objects to the loss of the historic, shallow-pitched roof, which it considers is characteristic of this part of the CA. It supposes that the proposal would dominate the scale of the house, and have an awkward relationship with the roof of 30 Dean Street, next door.
  4. Dean Street is lined on both sides by striking terraces of early nineteenth century, Regency style, white-rendered, artisan houses with Classical-style mouldings, stepping down as the land falls towards the sea. The east side has a coherent array of two storey houses with canted bays, their pitched roofs set behind extended parapets and projecting cornices, which step rhythmically and consistently down the street. The side of the street which includes the appeal site is more varied in façade modelling. Its parapet line is less consistently stepped, and broken in places by houses extended to three, full storeys above street level. However, the terrace parapet retains an overwhelming scale of two storeys, in which development significantly above the parapet line is limited.
  5. The terraces reflect the historic contrast between the grander, more elaborate houses of the neighbouring, formal squares and the smaller scale buildings in streets like this, which may once have serviced them. The characteristic,
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shallow-pitched roofs set low behind the decorative parapets are still legible, distinctive components of the townscape of the terrace and a substantial part of the architectural character of the Conservation Area. The Council refers to the Conservation Area Character Statement which describes the buildings stepping down the hill 'with roofs generally concealed behind parapets' as being of note.

6. The proposed development to form an additional storey by adding a mansard roof in place of the shallow-pitched roof would change the characteristic two-storey scale of the building. The present architectural emphasis in the street, of the parapet line between the building and the sky above it, would be diminished by this additional development, which would be prominent in its elevation. The additional mass at roof level would weaken the rhythmic stepping of mass in the terrace, and undermine the unity and continuity of the similar form and mass across the roofs of Nos 29 and 30.
7. I note the reference to roof developments in the street, however, No 27's mansard sits between two buildings with parapets substantially higher on both its flanks; hence its impact on the balance of development above the parapet line, and in views up and down the street, is diminished. The extension to No 31 appeared to me to have a dual-pitched roof with a dormer rather than a mansard, and consequentially less impact on the roofscape above parapet level. I acknowledge that because of the height of No 28, views of the proposal from the north would be limited. However, it would be prominent in views from the south. I accept that the parapet and its stepping effect, which is an important element of the townscape of the terrace, would remain in its place. However, the development above it would be visually prominent in views across the street and from the south.
8. I recognise the attention in the detail of the proposal and its adherence to the technical specifications in the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations (SPD). However, I note that the Guide caveats its preamble to the section describing the technical requirements of appropriate mansard forms. It says raising the ridge height or reshaping the roof structure is a significant change which will not be appropriate where the existing roof form is an important element of the building's character, or where it contributes positively to the local street scene. The CA Character Statement draws attention to the roofscape character in this street including roofs being concealed behind parapets as on this house, which are a part of the CA's architectural and historic significance. Notwithstanding the detail of the proposed mansard, in this context, it would not be an organic, natural addition reinforcing the original scale of the building as the appellant suggests, but an intrusion in the roofscape which would harm the significance of the CA.
9. The Council says that the Conservation Advisory Group did not object to the proposal, it giving weight to a similar development in the street. Whilst I have taken into account the roofscape of the street, including the examples of raised roofs, these are limited in number and effect, and outweighed by the contribution which the shallow-pitched roof makes to the townscape of the street and to the architectural and historic significance of the CA.
10. The appellant has suggested that the scheme would bring public benefits by retaining its viability for occupation as a dwelling, by masking the exposed, flank wall of No 28 and adding symmetry to similar houses in the street. However, there is no evidence that the use of the building as a dwelling is unviable

without this development. The roof extension might soften the flank wall of No 28, but this would not outweigh the harm identified above. While the mansard form may reflect examples in the street, these are relatively few, and their presence would not relieve the proposal of the harm it would cause to the symmetry and continuity of roof form across the roofscape of Nos 29 and 30.

11. Taking these factors into consideration, I conclude that the appeal proposal would harm the character and appearance of the host building. It would fail to preserve the Montpelier & Clifton Hill Conservation Area in accordance with the requirements of section 72 of the Act, the special attention to which, the Courts have determined, I am required to give considerable importance and weight. Although any harm to the Conservation Area would be less than substantial, it would be a noticeable and significant, adverse impact, by virtue of the positive contribution that the house and its shallow-pitched roof makes to the Conservation Area.
12. The contribution that the extension would make towards the economic and social dimensions of sustainable development through construction activity and additional living space would be modest and would not outweigh the harm that the proposal would cause to the Conservation Area. It would not be the sustainable development for which the National Planning Policy Framework 2012 (the Framework) indicates that there is a presumption in favour. I have borne in mind paragraph 132 of the Framework, that the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset. Also, at paragraph 17, that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
13. The proposal would conflict with Policy CP15 of the Brighton & Hove City Plan Part One 2016, which aims to conserve and enhance the city's historic environment in accordance with its identified significance. It would also be contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan 2005. These require proposals within a conservation area to reflect the scale and character of the area, including building lines and building forms, to show no harmful impact on the townscape and roofscape, and for alterations to buildings to be well designed in relation to the property to be extended as well as adjoining properties. It would be at odds too with the advice in the Council's Architectural Features Supplementary Planning Document 2009 which says that in conservation areas, where a roof is visible from the street, its form and shape must not be altered.

### **Other matters**

14. Whilst I have considered concerns from neighbours including in relation to the loss of sunlight and the discharge of roof water, given my findings on the main issue above, these have not led me to a different overall conclusion.

### **Conclusion**

15. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR