
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: 29 September 2016

Appeal Ref: APP/Q1445/D/16/3154678

21 Castle Street, Brighton BN1 2HD

- 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 Marc Boase against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01473, dated 12 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is a roof extension and replacement of windows and doors.
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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 Regency Square Conservation Area (CA).

Reasons

3. The appeal building, a three-storey above ground, narrow frontage building with a delicate-looking hipped, slate roof, appears as something of an elegant, exposed, historic remnant standing as it does between the taller, muscular, brick service tower of a substantially taller 20th century commercial building to one side, and a single-storey, wide-frontage shop to the other.
 4. The rest of this section of the street contains a variety of generally white-rendered buildings serving residential and commercial uses, two to three full storeys in height, with projecting eaves or shallow-pitched roofs behind raised parapets. It has the character of the narrow, smaller scale service streets which contrast with the grander scaled developments enclosing the neighbouring, formal squares. Despite being altered over the years, the building retains much in common with many of the older buildings in this section of the street, not least its proportions, its eaves line, and its roof form.
 5. I appreciate that some less sensitive development has replaced some of the older buildings or forms, and that some roofs incorporate dormers. However, there is an overall coherence in the street of the distinctive townscape elements described above, which reflect the historic development of the CA and the distinctive, architectural character of its buildings.
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6. In this context of dual-pitched roofs, the flat-roofed form of the proposed extension would appear at odds. It would weaken the coherence of the pitched roof forms in this part of the street, and given its exposure to the west, markedly so.
7. I have taken into account the anomalous nature of the snooker hall building adjoining to the east, and its flank wall. I appreciate that this would diminish the impact of roof development at No 21 in street views from the east. However, in street views from the west which include that building's flank, the eaves of No 21 appear to align with the eaves of No 24, and like No 24 and its neighbours, the pitched roofs are a consistent and legible part of the townscape of the street. I do not ignore the effect of the snooker hall's flank wall and the bearing it has over No 21's roof, however the hall is but one building in a street of many, and a street in which No 21's roof makes an important contribution to the historic significance and architectural character of the area.
8. The appellant refers to Nos 27, 32, 33 and 34 Castle Street as having roof additions behind parapets. Whilst I have not been provided with details of these buildings, No 27 appears to retain its dual-pitched roof and projecting eaves, like No 21. Nos 33-34 appear to retain their dual-pitched roofs, albeit behind parapets. While there is no indication of when the roof at Nos 31- 32 was formed or the circumstances which led to its construction, this pair of buildings is far larger than the appeal building and of a grander architectural scale. I acknowledge the roofscapes of the corner buildings in Preston Street; however, these buildings are part of terraces which address a different street to the street of the appeal building, which has a very different and more commercial character. While I have had regard to these references, they do not change the overall balance and coherence of the roofscape of the street in which the building stands.
9. I appreciate the design amendments the appellant has made in this scheme over an earlier, refused proposal. However, this does not outweigh the harm identified from the present proposal. While it would build over a flat roof, the proposed roof would be more conspicuous than the existing one. I acknowledge that the Conservation Advisory Group recommended approval of the application. However, I also note the detailed reasoning of the Council's heritage team, recommending refusal, and the advice in paragraph 132 of the National Planning Policy Framework 2012 (the Framework) that the significance of a heritage asset can be harmed through alteration and requires that great weight should be given to the asset's conservation.
10. I note that the Council objects to the proposed window replacements of what appeared to me to be a mixture of aluminium and plastic casements, however, were I minded to allow the appeal, a planning condition could be applied to secure the details of the window designs, to make this element of the development acceptable.
11. Notwithstanding the details of the windows, the roofscape of the appeal building makes an important contribution to both the character and appearance, and therefore significance, of the whole CA. For the reasons set out above, I conclude that the proposed roof extension would harm the character and appearance of the host building and would fail to preserve the CA 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.

12. The proposal would conflict with Policy CP15 of the Brighton & Hove City Plan Part One which aims to conserve and enhance the city's historic environment in accordance with its identified significance. It would be contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan. 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 to adjoining properties.
13. 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 the main pitched roof 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. Nor would the development meet the aims of paragraph 58 of the Framework which advises that planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings.
14. In the context of paragraphs 133 and 134 of the Framework I would, in relation to the CA as a whole, define the magnitude of the harm identified as less than substantial. Nevertheless, paragraph 134 still requires that any such harm be considered against any public benefits a scheme may bring. However, no public benefit has been put forward to be weighed against this harm.

Other matters

15. Whilst I have considered the objection from the occupier of 20 Castle Street including the location of the west window at roof level, given my findings on the main issue above, these have not led me to a different overall conclusion.
16. I have had special regard to the desirability of preserving the Grade II listed buildings in Preston Street and at 33-34 Castle Street or their settings, or any features of architectural or historic interest which they possess, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the separation of the appeal site from the listed buildings, I consider that their settings would be unaffected and therefore preserved.

Conclusion

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

Patrick Whelan

INSPECTOR