
Appeal Decision

Site visit made on 3 December 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/Q1445/D/19/3239129

7 Kingscote Way, Brighton BN1 4GJ

- 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 & Mrs Dimitri & Joanne Takas against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/03714, dated 27 November 2018, was refused by notice dated 23 July 2019.
 - The development proposed is enclosure of section of 3rd floor roof terrace.
-

Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the roofscape of the building and the character and appearance of the area.
 - The effect of the proposal on the living conditions of residential occupiers with particular regard to private useable amenity space.

Reasons

Character and Appearance

3. Policy QD14 of the Brighton and Hove Local Plan on extensions and alterations states that permission will only be granted if the proposal is well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Policy CP12 on urban design sets out requirements for new development.
4. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
5. The Council has published the Supplementary Planning Document '*SPD12 Design Guide for Extensions and Alterations*' which in a section on roof extensions refers to many streets having uniform terraces and the rhythm and the continuity of the rooflines often being a key visible element within the street-scene.

6. The Reason for Refusal refers to the disruption of the uniformity and rhythm of the roofscape causing harm to the appearance of the building and the wider area, and it is clear from ground level that there is a strong uniformity and regular rhythm of upstands and open areas. These are recent buildings and they have clearly been designed with care and thought for their contribution to the public realm, which in Kingscote Way and adjoining areas to the north is a high-quality pedestrian environment. The proposal would infill an existing roof terrace between adjoining upstands, using the same roofing form and materials, and is shown on plan to extend as far as the existing glazing at the rear and as far as the first window mullion back from the parapet at the front.
7. There is a line missing from the proposed 'section A – A' denoting the extent of new roof, but from the front elevation it is clear that this would only extend so far as to cover the enclosed space. There is no full height section supplied to include the ground level of Kingscote Way and the position of the opposite front garden areas, and hence no ready way of ascertaining whether or not the roof would be visible at eye level. Allowing for a similar overhang as is used on the existing roof and for the street width shown on the 1:500 site plan with an allowance for floor-to-floor heights, the inference is that there would be a risk of the roof infill being seen at ground eye-level. This is contrary to the appellants' assertion, but no corroboration has been provided to back that assertion; the drawings are lacking in that respect.
8. Turning to consider the availability of other viewpoints, the Council accept none existing from Cheapside and intervening buildings prevent a ready view from the high ground near the station, while to the east the nearest public views appear to be from a long way on the far side of the valley. There are numerous balconies and other properties where a close view may be had.
9. Having mind to the obvious care that has resulted in the design presently in place, the infill would cause harm to the appearance of the building through the erosion of the uniformity of the layout and the regular rhythm of the roofscape. There are sufficient private views to cause concern and sufficient doubt remains over the effect on public views to result in the conclusion that the proposal would be contrary to the requirements of Policies QD14 and CP12 and the aims of the Supplementary Planning Document.
10. The appellants refer to others in the terrace wanting to do likewise, and a petition has been presented. A concerted scheme backed by formal Planning Agreements may well overcome the Council's concerns over rhythm and uniformity, but as a single scheme the proposal would cause the harm identified and is unacceptable for that reason.

Living Conditions

11. Local Plan Policy QD27 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy HO5 concerns the provision of amenity space in residential development and requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Paragraph 127f of the Framework requires a high standard of amenity for existing and future occupiers.

12. The roof terrace as designed provides a useable size and shape of open space at the top of the house with access to light and air. The house is arranged over 4 floors in total, it has 4 bedrooms with other rooms and facilities to suit. The top floor room is shown as an indoor play area and would be a useful adjunct to the open space immediately outside and given the vertical arrangement of the house and the distribution of rooms would complement the ground floor outdoor amenity area as a sitting-out space with more direct sunlight and a greater access to daylight and fresh air.
13. The proposed infill would leave only narrow balconies front and back at this level, noted as 'terraces' which would be very limited in their usefulness due to their shallow depth, and would lack the through-flow of air. The other open space available to the occupiers would be the ground floor patio and the single aspect bedroom balconies. That provision would be lacking in size, but more importantly, would be lacking in quality and outlook compared with the original design.
14. The proposal would not accord with Policies QD27 and HO5, the requirements of the latter in particular are satisfied in the present arrangement through being appropriate to the scale and character of the development. The change proposed would not be in-line with the aims of good design and a high standard of amenity set out in the Framework, and these failings would not be overcome by any Agreements involving neighbouring owners.

Main Issues

15. The proposed infill would harm the roofscape and disrupt the attractive rhythm of upstands and void. That harm would be seen in private views and doubt exists as to whether the visual harm would also be evident in ground-level public views. In addition, the loss of the open amenity space at the top of the house would be contrary to the aims of providing a good quality and sufficient quantity of outdoor space for the occupiers. The proposal does not accord with Development Plan and national policies on good design and would cause harm that the Supplementary Planning Document seeks to avoid. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR