
Appeal Decisions

Site visit made on 17 February 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2020

Appeal Ref: APP/Q1445/W/19/3240482

5 Dean Court Road, Rottingdean, Brighton BN2 7DE

- 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 N Austin against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/02283, dated 22 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is described as roof alterations incorporating raising of ridge height to east and west elevations, insertion of rooflights to rear with associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development included in the Council's decision notice as it more accurately describes the proposed works.
3. Following the Council's decision, the appellant has submitted a revised plan¹ as part of the appeal which is intended to more accurately reflect the height and position of the chimney stack on the east elevation of the building.
4. The substance of the proposal remains the same from that for which the application was made as far as that both plans show the loss of the lower gable and part of the tall external chimney stack. I am satisfied that it does not change the nature of the development to such a degree that by accepting the revised plan would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined this appeal having regard to it.

Main Issue

5. The main issue is the effect of the proposal on the heritage assets, in particular the Rottingdean Conservation Area (CA) and the host building as a non-designated heritage asset.

Reasons

6. The CA is divided into four character areas that, together, comprise the surviving historic village of Rottingdean. The appeal site is located within 'The Farms' area which is characterised by numerous buildings relating to the

¹ Drawing no. 156.19.02, dated Oct 19

village's historically agricultural economy. These buildings are of a varied scale and form but share an abundance of traditional features and materials.

7. The significance of the CA lies in this pleasing informality and the variety of buildings, in terms of their form and date, but unified through the use of traditional materials, such as flint elevations with steep pitched clay tile roofs and chimney stacks which provide interest to the skyline. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The host building, No. 1 to 5 Dean Court Road also known as Tudor Cottages, is a non-designated heritage asset within the CA which, in Brighton and Hove, is referred to as a locally listed building. It displays a significant number of the features that contribute to the significance of the CA, namely tall decorative chimney stacks, mock timber framing, flint walls and brick dressings, carved timber bargeboards and leaded windows. The site is set on a prominent corner location and is part of a relatively small cluster of buildings which, collectively make a very positive contribution to the CA.
9. Part of the existing character of the building, and consequently the CA, is the juxtaposition of different levels and planes which bring, as a whole, interest to the side elevations of the building. In order to accommodate the increased first floor floorspace, the proposal would raise the ridge height of both the east and west elevations of the building. This would lead to the loss of the lower gable and part of the tall external chimney stack, creating a single pane on the eastern elevation and resulting in a much simpler and plainer elevation.
10. The visual impact of the proposed changes would be particularly noticeable on the eastern elevation of the building. Due to the site's location and the ground's topography, the eastern elevation of the building is very prominent and dominant in the landscape, particularly when approached from the Northfield Rise end of Dean Court Road. As such, the development proposal would lead to a direct and harmful effect to the significance of the host building as a non-designated heritage asset as well as the CA.
11. The development proposal would bring some enhancements to the appeal site, namely to the back elevation of the building, by replacing the existing first floor extension with a more sympathetic design that would sit better with the original building. Nevertheless, as this enhancement would be on an elevation that is less dominant than the eastern elevation, I find it is not sufficient to outweigh the impacts identified. Consequently the proposal, as a whole, would cause harm to the character and appearance of the host building and the surrounding area.
12. When considered alongside the character of the area and the modest scale of the development, I characterise the magnitude of this harm as less than substantial. The Framework requires that, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. No specific public benefits have been brought to my attention in relation to the proposed development, albeit I recognise there would be some public benefit in terms of improving housing stock and that the investment would be of some benefit to the local economy. However, as any such public benefits would be

very modest given the small scale of the development, these would be substantially outweighed by the relatively significant harm arising, bearing in mind the importance and protection given to designated heritage assets by statute and national and local planning policy.

14. The support of the Rottingdean Preservation Society is noted and I have taken it into consideration as part of my decision making process. Nevertheless, the support for the proposal, does not, in itself, outweigh the harm I have identified.
15. The appeal proposal would not, therefore, preserve or enhance the character or appearance of the CA or of the non-designated heritage asset. Consequently, it would conflict with Saved Policies HE6 and HE10 of the Brighton and Hove Local Plan (2005) and Policy CP15 Brighton and Hove City Plan Part One (2016). These policies seek, amongst other things, preserve or enhance the character or appearance of conservation areas, retain and ensure the good maintenance and continued use of building designated as of local interest and ensure that the city's historic environment will be conserved and enhanced in accordance with its identified significance.

Conclusion

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

Andre Pinto

INSPECTOR