
Appeal Decision

Site visit made on 8 June 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/Q1445/D/20/3247155

4 College Place, Brighton BN2 1HN

- 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 Gavin Willis against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03619, dated 5 December 2019, was refused by notice dated 28 January 2020.
 - The development proposed is installation of front dormer and replacement windows to front elevation (part-retrospective).
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Decision

1. I allow the appeal and grant planning permission for installation of front dormer and replacement windows to front elevation (part-retrospective) at 4 College Place, Brighton BN2 1HN in accordance with the terms of the application, Ref BH2019/03619, dated 5 December 2019, subject to the following conditions:
 - 1) The installation of the replacement windows hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19104-P-011, 012 and 013 insofar as they relate to the replacement windows.
 - 3) The replacement windows shall not be installed until full details of profiles, finish and glass, including glazing methods, have been submitted to and approved in writing by the Local Planning Authority and the installation shall be carried out only in accordance with the approved details and methods.

Reasons

2. The site is within the East Cliff Conservation Area and the main issue is the effect of the proposal on the character and appearance of that designated heritage asset. Policy QD14 of the Brighton and Hove Local Plan sets out requirements for extensions and alterations to existing buildings to be well designed and detailed in relation to the property, adjoining properties and the surrounding area, while Policy HE6 concerns development within conservation areas and includes the requirement to use building materials and finishes which are sympathetic to the area, and to not be harmful to the roofscape in the area. Policies CP12 and CP15 of the Brighton and Hove City Plan Part One concern urban design and heritage respectively.
3. Supplementary Planning Document 12, '*Design Guide for Extensions and Alterations*' sets out at pages 16 and 17 requirements for dormer windows,

which should not be on front roof slopes where they would unbalance a building, and in all cases should be as small as possible and well away from the sides, ridge and eaves of the roof.

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The appeal premises are at the far end of a private access drive between number 3, an uncompromising modern building, and number 5 which is the start of a terrace reaching further up the hill to the north. Both these buildings have a road frontage so that they cut-off the view of the buildings that actually neighbour number 4 and reduce the presence of the appeal building on the street scene and hence public views within the conservation area. The building makes only a limited contribution to the character and appearance of the area and this is undermined by the presence of number 3.
6. There are two parts to the proposal, a retrospective application for the dormer and a proposal to replace windows. On the former, the appellant has supplied a photograph of the pre-existing situation of a small dormer with a roof continuing the line of the upper slope of the gambrel roof. That has been replaced with a pair of full height doors opening onto a railing continuing the front wall plane. The roof plane over this would be raised above the existing roof slope, meeting it at the ridge, and the opening would be slightly wider than that of the first-floor window below.
7. The appellant's photograph of the new dormer has been taken from well inside the private access drive, whereas the public view seen at the site inspection was at a greater distance and as a result more 'head-on' to the work. The effect is limited and does not appear out of place in the fleeting view alongside the historic terraces on College Place. There is a more prolonged view when approaching along Bloomsbury Street, but at a greater distance and more affected by the unattractive features of number 3 and the garage alongside number 5.
8. The overall effect is of change, but not harm, so that the character and appearance of the conservation area is preserved as required by section 72(1) of the 1990 Act. The dormer would accord with Policies CP12, CP15, QD14 and HE5 with regard to the building and the surrounding area, and the effect on the roofscape would be acceptable. Whilst not being away from the eaves of the roof and its own roof would spring from the ridgeline, the effect does not unbalance the roof due to the use of a door and railings and the form of the original roof is clearly expressed. The aims of the Supplementary Planning Document would be met as would Chapter 16 of the Framework on the historic environment.
9. Turning to the replacement windows, the appellant's view as to the option of taking advantage of permitted development rights is noted but is a separate matter. Even then, the Class A paragraph A.3.(a) requirement that the materials are to be of a similar appearance to those used in the existing dwelling could lead to a judgement being made. However, window

replacement was clearly applied-for in the wording of the application and that application and the resulting appeal falls to be determined taking account of the requirements of section 38(6) of the 1990 Planning Act.

10. Nevertheless, for similar reasons to that set out previously with regards to the dormer, the public view would be at some distance and, crucially in the case of many uPVC multi-pane proposals, would not allow an oblique view which could show non-authentic applied glazing bars. The direct head-on distant view would not reveal any discernible difference in the arrangement and members sizes of the proposed windows, although a condition would be required, as suggested by the appellant, to seek further details of profiles and finish.
11. This latter point on finish needs further clarification since the application form states '*uPVC to match existing in style and colour*' while that seen at the site inspection was coloured to blend in with a full-façade mural. In addition, it is appropriate to add the standard commencement condition and list of drawings for that part which is not retrospective.
12. With those provisions the proposal satisfies the requirements of the statutory test, as well as the local and national Policy and guidance previously referred to. For the reasons given above I conclude that the appeal should be allowed in respect of both parts.

S J Papworth

INSPECTOR