



Appeal Decision

Site visit made on 15 December 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/Q1445/D/20/3258597

3 St Marks Street, Brighton BN2 5JH

- 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 Julie Nerney against the decision of Brighton & Hove City Council.
 - The application BH2020/01229, dated 29 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is single storey rear extension above first floor. A new toilet is proposed to be built above the existing bathroom at first floor. Finishes and window style to match existing building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the East Cliff Conservation Area
 - The effect on the living conditions of neighbouring occupants, with regard to dominance, light and privacy.

Reasons

Conservation Area

3. The property lies within the East Cliff Conservation Area. This part of the Conservation Area is characterised by densely built terraced houses and small businesses fronting a grid of streets, with mews courts behind. The area results from the early growth of Brighton eastwards from its centre.
4. The rear of the property backs onto a communal courtyard used for parking. It cannot be seen in public views from St Marks Street or adjacent streets but is visible from the courtyard and therefore of some, albeit limited, visual interest in the Conservation Area.
5. The proposed development would extend the rear outrigger up another storey. I see no objection in terms of the height or bulk of this extension as it would remain subservient to the main terraced building and the other rear elevations of buildings visible from the courtyard are sufficiently varied in height so as not to make this extension appear incongruous.

6. However, it has been designed with a flat roof that would appear at odds with the simple pitched roof form of the outrigger, the outriggers to either side and the roof of the main building. I acknowledge that there are other flat roofed additions visible from the courtyard but flat roofs, particularly above ground floor level, are not characteristic of the Conservation Area where simple pitched roofs are the prevailing historic built form, sometimes concealed behind parapets on their principal elevations.
7. I also note the timber deck which has been built over an outrigger adjacent to the appeal site. I do not know whether the deck or other flat roofed additions visible from the courtyard were constructed before or after designation of the Conservation Area, but in any case I do not give them comparative significance in my assessment as to do so would perpetuate built forms that are uncharacteristic of the Conservation Area.
8. The extension would lead to less than substantial harm to the Conservation Area and therefore should be weighed against any public benefits of the proposal¹. In this case, I can see no public benefits that would outweigh the identified harm.
9. I conclude that, as a result of the design of the extension with a flat roof, the proposed development would fail to preserve or enhance the character and appearance of the East Cliff Conservation Area, and would therefore conflict with policy QD14 and HE6 of the Brighton & Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One, which collectively seek to protect heritage assets in the city. For the same reason it would conflict with the statutory test set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Living conditions

10. The proposed extension would have a relatively modest impact on the living conditions of the occupants of properties adjacent to it. While it would increase the height of the outrigger, both adjacent properties already have outriggers which screen in part windows and the small courtyards on their rear elevations. Due to its relatively small size, the extension would not appear dominant. There may be some loss of direct sunlight to the windows in the rear elevations of the adjacent buildings, but I consider they would still receive adequate daylight. The additional window introduced by the proposal would light a bathroom and could be required to be obscured glazed by condition, which would obviate any potential loss of privacy.
11. Having regard to the size and position of the proposed extension, I conclude that its impact on the living conditions of neighbouring occupants would be limited, and not to such an extent that would cause harm by reason of dominance, loss of light or loss of privacy. It would therefore comply with policy QD27 of the Brighton & Hove Local Plan, which resists development that would cause nuisance and loss of amenity to adjacent occupiers.

Conclusion

12. Although I have found no harm caused to the living conditions of neighbouring occupants, nor that the scale and position of the extension is objectionable, I

¹ National Planning Policy Framework, paragraph 196.

have concluded that its design would harm the character and appearance of the East Cliff Conservation Area.

13. For that reason, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR