The Planning Inspectorate

Appeal Decision

Site visit made on 15 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2021

Appeal Ref: APP/Q1445/D/20/3258037
3 St Georges Terrace, Brighton BH2 1JH

- 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 Leigh Woolf against the decision of Brighton & Hove City Council.
- The application Ref BH2020/01324, dated 15 May 2020, was refused by notice dated 10 July 2020.
- The development is described as "construction of an extension to the rear (north) of the existing building to create an enclosure for a small, external decking area on the first floor which will be open to the south with access via an external spiral staircase".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The building works relating to the external decking area have started at the site. As such, I am determining this appeal on a part-retrospective basis.

Main Issues

3. The main issues are:

   - whether the development would preserve or enhance the character or appearance of the East Cliff Conservation Area; and
   - the effect of the development upon the living conditions of the occupiers of the adjoining residential properties in respect of noise and disturbance.

Reasons

East Cliff Conservation Area

4. The appeal property is a two-storey dwelling with a rear outrigger located on St Georges Terrace, which falls within the East Cliff Conservation Area (the 'CA'). Immediately to the rear of the property is Montague Street, which provides access to the rear of the appeal site.

5. It is proposed to erect a first-floor extension with a mono-pitched glazed roof at the rear of the site, which would front on to Montague Street. The extension would partially enclose the external decking area, which would be served by a proposed spiral staircase.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. The National Planning Policy Framework (the 'Framework') advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the 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, and, the more important the asset, the greater the weight should be.

8. Paragraph 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9. The CA covers an extensive area and includes part of Brighton's seafront and the surrounding townscape. St Georges Terrace is predominately characterised by two and three storey terraced residential properties, which date from a variety of architectural periods.

10. The appeal property is located on the northern side of St Georges Terrace. The main parties explain that the appeal property was constructed in the late Victorian period, which postdates the adjoining three storey terraced dwellings to the east, which date from the early C19.

11. Whilst this is the case, the appeal property is of a high-quality design, which has been informed by the design and appearance of the earlier terraced buildings to the east of the site. When viewed from St Georges Terrace, it is clear the appeal property was designed to replicate the architectural features of the neighbouring three-storey terraced building through the inclusion of a two-storey bay window and a similar porch design.

12. Consequently, despite the difference in building heights, owing to the consistent use of materials and similar architectural features, the appeal property and the earlier terraced buildings to the east of the site appear as a unified terrace when viewed from the street.

13. When viewed from Montague Street, the rear boundaries of the terraced properties typically consist of single storey walls, which feature a variety of inset openings such as timber gates and garage doors. Behind the boundary rear walls facing Montague Street are the rear facing elevations of the terraced properties. The elevations are typically of a simple design, when compared to the elegant street frontages facing St Georges Terrace, and most properties feature two storey outriggers. Therefore, I share the Council's position that Montague Street has a historic service road appearance.

14. An exception to the typical layout of the terraced properties is No 22 Montague Street, which is known as 'Copper Dollar Studios'. No 22 is a two-storey building located immediately to the side of the appeal property. The main parties explain that the building was historically a carriage house/stable block which was later converted into habitable accommodation.

15. The appellant explains that the design and appearance of the proposal has been informed by No 22, and, thus it would replicate the scale, mono-pitch roof form and fenestration design of the neighbouring property.

16. Whilst this is the case, the existing building at No 22 is a standalone two-storey development, the form of which relates to its historic use as a carriage house/stable block, which has a distinctively different design and appearance when compared to the rear elevations of the adjoining terraced buildings. Consequently, I do not share the appellant's view that replicating the built form of No 22 is an appropriate design solution at the appeal site.

17. On the contrary, when viewed in the context of the simple rear elevations of the existing terraced buildings and the rear facing boundary walls, the proposed development would have a stark and jarring appearance and it would be a discordant and prominent form of development on Montague Street.

18. Moreover, owing to the extent of previous extensions to the appeal property, the proposed extension would result in continuous built form from the front to the rear of the appeal site. The cumulative bulk, scale and mass of the proposed and existing extensions would be significant and excessive when viewed in the context of the proportions of the existing dwelling.

19. The Council argue that the proposed glazed roof form would be out of keeping with the surrounding context. Even if I were to accept the appellant's position that the glazed roof form would be an appropriate design response, which would not be readily visible from the street, this would be a matter of neutral consequence which would not overcome or outweigh the harm I have identified above.

20. Overall, the proposed development would be an unsympathetic addition to the existing dwelling, which would dominate the host building and cause harm to the significance of the CA. Therefore, the proposal would neither preserve or enhance the character or appearance of the CA, and, thus, it would be harmful to the significance of the designated heritage asset.

21. Given my findings above, I consider that the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.

22. The Planning Practice Guidance (the 'PPG') explains that public benefits should flow from the proposed development and that they should be of a nature or scale to be of benefit to the public at large and not just be a private benefit[1]. In this instance, the proposal would improve the living conditions for the occupiers of the appeal property and provide additional private outdoor space. However, these are private benefits, which would not be of benefit to the public at large.

23. In terms of public benefits, the appellant argues that the proposal would enhance the character and appearance of the CA. For the reasons set out above, I have found that this would not be the case. Consequently, this would not be a public benefit which would flow from the proposed development.

24. In conclusion, the proposal would be an unsympathetic addition to the existing dwelling, which would dominate the host building. Therefore, the development fails to preserve or enhance the significance of the CA. As such, the proposal would not accord with Policy CP15 of the Brighton and Hove City Plan Part One and Policy HE6 of the Brighton and Hove Local Plan (the 'LP') which requires development proposals to conserve and, where appropriate, enhance the significance of Brighton's heritage assets.

[1] PPG Paragraph: 020 – Reference ID: 18a-020-20190723 – Revision date: 23 07 2019

25. In addition, the proposal would not accord with Policy QD14 of the LP which requires extensions or alterations to existing buildings to be well designed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living conditions of neighbouring occupiers

26. The Council contend that the partially enclosed design of the external decking area would result in noise being funnelled towards the rear facing elevations of the neighbouring properties, which would give rise to potential noise disturbance.

27. Whilst I recognise that the use of the external decking area by the occupiers of the host building would generate external noise at first floor level, the extent of any noise from the use of the external decking area would likely be limited given the domestic nature of the appeal property. Moreover, such noise generating uses are not uncommon within the immediate area with No 5 St Georges Terrace featuring a first floor external roof terrace.

28. In addition to the above, the appeal site is located within a busy urban environment, where there is a high degree of audible background noise. On my site visit, I observed that there were frequent vehicle movements along Montague Street, which is a thru road between Upper Bedford Street and Montague Place.

29. Moreover, Montague Street provides a high number of on-street parking spaces and access to a large car park, which serves a substantial flatted development known as Essex Place. Therefore, the use of the external decking area would be unlikely to result in disturbance, over and above that generated by the existing road traffic and the comings and goings of residents of Essex Place. Whilst my visit is a snapshot in time, there is no substantive evidence before me to indicate what I experienced was untypical.

30. For these reasons, I conclude that the proposal would not cause unacceptable levels of noise and disturbance for the occupiers of the adjoining properties. As such, the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers. Therefore, the development would accord with Criterion (b) of Policy QD14 and Policy QD27 of the LP which requires development to protect the amenity of neighbouring residents.

Conclusion

31. I have found that the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers. However, the proposal would fail to preserve or enhance the significance of the CA. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR