



Appeal Decision

Site visit made on 12 May 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th June 2021

Appeal Ref: APP/Q1445/W/20/3264501

19 Bristol Road, Brighton, BN2 1AP

- 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 Alexander Wester Teasdale against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00989, dated 31 March 2020, was refused by notice dated 19 August 2020.
 - The development proposed is the erection of an additional storey with roof extension above and conversion of first and second floors to create 2no one bedroom flats & 1no three bedroom flat (C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the locality;
 - the provision of family accommodation in the City; and
 - living conditions for future residents.

Reasons

Character and appearance

3. The appeal property is a three storey rendered terraced building with a run of higher terraced buildings to its west on the same back edge of footway and a lower less grand dwelling (No 18) attached to the east with a set back off the highway edge. The appeal property's return wall to this has some prominence in the street from the east, albeit in part that is due to colour; in the main the scene is a visually very comfortable and pleasing one and residential character prevails. The area has an attractive and high-quality mix of buildings of different scales, styles and dates. There is an air of distinction locally with some grand buildings whilst the varied heights, materials, architectural detailing and siting of the buildings relative to the
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road adds considerable interest and variety to the streetscape. The proposal is as described above and would have a hipped roof set behind a parapet.

4. The site lies within the East Cliff Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy HE6 of the Brighton and Hove Local Plan (LP) which also includes a range of relevant design criteria for proposals within Conservation Areas. Similarly, the thrust of S72(1) is, amongst other matters, included in Policy CP15 of the City Plan Part One (CP).
5. To my mind it is the scene from east which is key in this case. The slope upwards and curve of the road creates considerable prominence to the appeal property and its adjoining buildings and roof levels. There is presently a gentle stepping up which is aesthetically pleasing on the eye and seemingly logical along the street. My assessment is that with the appeal scheme the abutting of Nos 18 and 19 would lose any subtlety and in contrast gain an aggressive stance which would be jarring on the eye. There would be a disproportionate degree of featureless flank walling on display and however one assesses the architectural merits of No 18 it would appear as though it were visually over-whelmed.
6. Even allowing for potentially positive work such as russification and new chimneys and the revised approach to the roof style in my assessment the overall effect of the planned works would be a retrograde step in terms of the character and appearance of the locality. I do not accept the argument that this building should rise to match its neighbours to the west when variety is an attribute in this Conservation Area and importantly the appeal property serves as a pleasing transition in scale between those and the others in the lower scene to the east.
7. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and with LP Saved Policy HE6 as well as CP Policy CP15. It would also conflict with LP Policy QD14 and CP Policy CP12 which, taken together and amongst other matters, seek well designed development that should protect the character and visual quality of an area along with local distinctiveness and generally have architectural merit.
8. I would add that I agree with the Appellant's analysis that the site does not lie within the setting of the grade II listed St Joseph's Convent and Chapel of St Joseph's Convent or the grade II* listed building the Church of St John the Baptist or other listed buildings; I say this for reasons of relative disposition, urban form and distancing. It follows that I conclude there would be no conflict with the aims of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or with parallel development plan policy LP HE3.

Family accommodation

9. The Council cites Policy HO9 of the Brighton and Hove Local Plan (LP) in relation to this issue. The policy seeks, amongst other matters, to ensure that in new development at least one home is suitable for families and has a minimum of two bedrooms. Whilst the policy does not go into any detail in terms of relevant criteria the Council's concerns are primarily that the larger unit, acknowledged as being 'family' sized, would not be suitable for such use given internal level changes and lack of external amenity space.
10. From my perspective I would adduce that neither of these issues would or should rule out family occupation. Level changes are a phenomenon found successfully in many family homes. The lack of outside amenity space is certainly not ideal but given the existing situation, the need to work within a heritage context, the aim to encourage families into the central area, and the proximity of seafront and other open spaces I would not in this instance see such an omission as a determining factor. On this issue I conclude that there would not be conflict with LP Policy HO9.

Living conditions

11. On this matter the Council refers to LP Policy QD27, a policy which seeks protection of amenity for residents in any new development. Its concerns on this issue relate to whether there is sufficient floor area and volume with the 3 bed unit and whether the fenestration arrangement provides for adequate outlook.
12. I am conscious that through emerging development plan work the Council would be aiming to adopt the Government's Nationally Described Space Standards (NDSS). In any event the NDSS can to my mind be a useful guidance tool even when not adopted local policy but it does, particularly in these heritage circumstances, justify being considered with a degree of flexibility.
13. The debate here is whether the larger flat is a five or a four person home. In the former event then the floor area calculations are somewhat below the NDSS figure whilst with four persons the NDSS quantum would be exceeded. To my mind neither margins are great, the use of one of the bedrooms given its configuration could be argued either way, the home would be a sizeable one, and I am not minded to make non development plan standards the determining factor in this case. I am satisfied on the floor area of this flat. I am also satisfied on ceiling heights; I have no dispute with the setting out and explaining of this detail by the Appellant. Finally, I simply do not agree with the Council on the question of outlook available from this planned home; to my mind the windows are more than adequate in terms of quantum and sizing, their positioning is not unreasonable, and cill levels and roof insertions would not lead to would-be occupants feeling a sense of having an oppressive living environment.
14. On this issue I conclude that the scheme would not run contrary to LP Policy QD27.

Other matters

15. I have considered the neighbour objections but would agree with the principal parties that residential amenity in all its guises would be suitably protected by the appeal scheme.
16. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.
17. I say this having regard within the planning balance to the Appellant's points about the provision of new homes in a City which requires additional dwellings to assist with the recognised shortfall. I have carefully considered this and all other points raised by the Appellant but these matters do not significantly and demonstrably outweigh the concerns which I have in relation to one of the main issues identified above.

Overall conclusion

18. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects in terms of the provision of family accommodation or living conditions for future residents. However, the scheme would give rise to unacceptable impacts upon the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR