

---

# Appeal Decision

Site visit made on 12 October 2021

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 November 2021**

---

**Appeal Ref: APP/Q1445/D/21/3277722**  
**32 St Helens Crescent, Hove BN3 8EP**

- 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 Lee Pierson against the decision of Brighton and Hove City Council.
  - The application Ref BH2021/00563, dated 17 February 2021, was refused by notice dated 15 April 2021.
  - The development proposed is a part single storey part two storey rear extension and associated alterations.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a part single storey part two storey rear extension and associated alterations in accordance with the terms of the application Ref BH2021/00563, dated 17 February 2021, subject to the conditions attached as an annex to this letter.

## Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the host building and the surrounding locality.

## Reasons

3. The appeal site is located along St. Helens Crescent, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the late twentieth century. The dwellings along St Helens Crescent typify buildings and construction of this era with functional two storey dwellings with hipped roof forms with the use of brown brick and hanging tiles to the first floor element. In this particular estate, there is also a characteristic cat-slide roof where dwellings to the western side of the street have a cat-slide roof over the side, whereas to the eastern side of the road where the appeal site is located the cat-slide roof element is to the front and rear of the dwelling.
4. Travelling through the estate it is clear how the topography of the land has influenced the development of these speculative dwellings. The land appears to fall from west to east, with dwellings to the west at a higher level than the dwellings on the opposite side of the road where the appeal site is located. Despite this, dwellings have a regimented layout in their positioning with similar setbacks and the use of well planted front gardens with low boundary walls which presents a leafy and open character where gaps in and around properties are part of the positive qualities of the area. These positive qualities reinforce local character and distinctiveness.

5. The appeal site displays a number of positive qualities which are experienced within the street scene, and appears to be one of the original properties of the estate, which has since been extended with a dormer window to the front of the property. Despite this, the dwelling is still able to be read as one of the original properties and with the front garden and similar design elements to the estate contributes positively alongside the other dwellings which make up the street scene.
6. In undertaking extensions and alterations to existing dwellings, the Brighton and Hove City Plan Part 1 (CPP1) Policy CP12 seeks that new development establishes a strong sense of place and raises the standard of architecture by respecting the diverse character of an area. The Brighton and Hove Local Plan (LP) Saved Policy QD14 is specific to alterations and extensions to existing dwellings and seeks that development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
7. The proposed two storey extension to the rear would be confined to the rear and have an 'honest' approach in that it introduces a modern and lightweight two storey extension to the existing catslide roof to the rear. The extension would consist of flat roof forms with the first floor stepping back from the ground floor to reduce visual bulk. Both parties agree that the extension would add visual interest and give a high quality modern appearance to the existing building; however the Council feel that the host building would be out of character and not be a coherent design as it incorporates two different architectural styles.
8. Whilst having a coherent architectural style is listed in the reasons for refusal, CPP1 Policy CP12 or Saved LP Policy QD14 do not place an emphasis on coherence or require a building to be of one architectural style. Given that many buildings have had alterations over their lifetime, the evolution of a building in terms of its design is an important consideration, where CPP1 Policy CP12 and LP Policy QD14 place an emphasis on high quality design that is appropriate to the building and its context. In this particular example, a modern lightweight construction is high quality and honest in its approach which is confined to the rear and is subservient to the host building in terms of its width, height and construction as well as being subservient when seen in its wider context against neighbouring buildings. I disagree that in this context that the preservation of the building's original character is paramount, and given the existing proportions and design of the cat slide roof, would not lend well to a single architectural style and what could be considered as a pastiche approach where there was an emphasis on retaining original elements.
9. In conclusion of this matter, the proposed scheme would present an honest architectural approach which is subservient, high quality and would be in keeping with the site and its context. Consequently, the scheme would be made in accordance with CPP1 Policy CP12 and LP Policy QD14 as described above.

### **Conclusion and Conditions**

10. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

11. I refer to the suggested conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG).
12. For the reasons given above, I conclude that the appeal is allowed subject to the conditions detailed in the annex to this letter. Suggested conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning.
13. Suggested condition 3 requires the applicant to submit details to the Council with regards to details of the materials, windows, colours, doors etc. These elements are not adequately explained on the application form or within the plans, and would be necessary to approve in order to ensure the development fits in with its surrounding context. The condition suggested by the Council is not a pre-commencement condition<sup>1</sup> given that it allow the construction up to slab level. As such agreement by the applicant of this condition is not required.
14. Suggested Condition 4 seeks that the flat roof elements of the extension are not utilised as an amenity area. This is considered necessary given that further consideration with regards to overlooking and privacy would be required.
15. Suggested Condition 5 seeks to provide bee bricks to enable a net gain in biodiversity in accordance with CPP1 Policy CP10. This condition would appropriate and necessary in order for the Council to meet its strategy to provide biodiversity improvements to the Council area.

*J Somers*  
INSPECTOR

---

<sup>1</sup> As defined by Section 100ZA(8) of the Town and Country Planning Act 1990

## **Annex: Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
  - Proposed Floor Plans, Dwg No. 2028-JNF-XX-DR-A-242 P2, Dated 17/02/2021
  - Proposed Elevations, Dwg No. 2028-JNF-XX-ZZ-DR-A-243 P2 Dated 17/02/2021
  - Location and Block Plans, Dwg No. 2028-JNF-XX-ZZ-PL-A-100 P4 Dated 17/02/2021
- 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) details of all render (including details of the colour of render/paintwork to be used);
  - b) details of all cladding to be used (including details of their treatment to protect against weathering);
  - c) details of the proposed window and door treatments; and
  - d) details of all other materials to be used externally.

Development shall be carried out in accordance with the approved details.

- 4) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
- 5) One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.