
Appeal Decision

Site visit made on 26 October 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/Q1445/W/21/3272104

First Floor Flat, 64 Warleigh Road, Brighton BN1 4NS

- 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 Carr Bros (Holdings) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03736, dated 16 December 2020, was refused by notice dated 11 February 2021.
 - The development is terrace used for maintenance and repair only including painted mild steel balustrade.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the planning application was submitted retrospectively, and on my site visit, I observed that the appeal scheme has been implemented. I have dealt with the appeal accordingly.
3. Since the refusal of the planning application and the submission of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. The main parties were given the opportunity to address this matter, and I have taken this into account where relevant to my decision.

Main Issue

4. The main issue is the effect of the appeal scheme on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal property is located on the east side of Warleigh Road, within an established residential area to the north of the City Centre. It comprises part of a two-storey over basement, rendered-walled and tiled pitched roofed, terrace of period residential properties. In common with many other properties within the terrace, the appeal building contains a second floor of living accommodation within the roof. The property is sub-divided, and the appeal relates to a maisonette which occupies the first and second floors.
6. There is a flat-roofed two-storey extension to the rear of the property, which aligns with a similar extension to the adjacent property at No.62. The appeal scheme relates to the installation of railings around the part of the flat roof to

the rear of No.64 only, forming an enclosed open area at second floor level, which is accessed via a rear elevation landing window.

7. I saw, on my site visit, that bamboo-type screening has been attached to the painted steel balustrade, and artificial grass-style matting has been laid to the flat roof. Whilst the information before me is that the roof balcony has previously been used as an external amenity area, the appeal scheme relates solely to the installation of steel balustrading in connection with the use of the flat roof for maintenance and repair works to the property. I have dealt with the appeal accordingly, notwithstanding the embellishments in place at the time of my visit.
8. The appeal structure is about 1.1m high. However, it nonetheless appears as an unduly visually dominant and incongruous addition to the building, having regard to its position in relation to the eaves height of the main building, the rear landing window and the lower of the rear elevation chimneys. It is perceived as infilling most of the legible space between the flat roof and the main roof eaves and obscuring most of the rear landing window. This results in a discernibly top-heavy addition to the existing flat-roofed extension, and the combined structure of both is unsympathetic to, and unduly visually dominant in relation to, the main building.
9. Moreover, by enclosing only part of the existing flat roof which extends across the rear of the appeal site and No.62, and being sited in front of only a part of the pair of attached second floor chimneys, which are a positive feature of the rear of the building, the appeal scheme comprises an unbalanced addition to the building at second floor level. This impacts negatively on strong elements of symmetry between the two properties, a design element which represents a positive characteristic of the terrace and the wider area, where matching rear additions form a notable part of the townscape.
10. The incongruous nature of the appeal scheme is further emphasised by its detailed design, since metal balustrading is not a characteristic defining feature of the original terrace.
11. I have taken account of the existing fire escape platform and stairs to the rear of the appeal property, which have the benefit of planning consent. These are functional structures, which are less visually obtrusive than the appeal development, due to their lower height and significantly narrower structures than those of the appeal scheme, which extends around the whole of the flat roof of the appeal property at a markedly greater height above the ground.
12. Moreover, the combined impact of the appeal scheme in addition to the fire escape structures below, results in a visual overdominance of railings to the rear of the property, contributing to the incongruous nature of the appeal scheme.
13. Whilst the development is not visible from the public realm of the street, it is evident in views from the rear of a number of neighbouring buildings and gardens. From these locations it is seen as a discordant addition to the rear of the appeal property, to the detriment of the visual amenities of the wider area.
14. My attention has been drawn to other instances of balustrading within the area, and, during my site visit, I noted several such structures to the rear of nearby properties. I am not aware of the particular circumstances relating to the

planning history these structures. The Council states that there have been no recent permissions for enclosure balustrading within the site vicinity, and this is not disputed by the appellant.

15. In any event, I have considered the appeal scheme on its individual planning merits and in the context of the character and appearance of the immediate locality. I find that metal railings are not a defining feature of the prevailing character of the rear of nearby dwellings, and the existence of the other identified balustrading in the area does not justify the harm that I have found.
16. For the above reasons, I therefore conclude that the appeal scheme causes significant harm to the character and appearance of the host property and the wider surrounding area. It is therefore contrary to Policy QD14 of the *Brighton and Hove Local Plan 2005* (retained policies March 2016) (the LP), which, amongst other things, requires new extensions or alterations to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and to use materials sympathetic to the parent building.
17. For similar reasons, the development is also contrary to Policies of the Framework which seek to secure well-designed places as set out in Chapter 12.

Other Matters

18. I have given careful consideration to the appellant's requirement for safety measures whilst undertaking property maintenance and repair. However, I am not persuaded, on the basis of the evidence before me, that there are no other non-permanent safety measures available that could be adopted during the occasions of such works. As such, this factor is not sufficient to outweigh the harm that is caused contrary to the LP and the Framework.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR