

# Appeal Decision

Site visit made on 20 January 2022

**by D Cramond** BSc MRTPI

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

**Decision date: 31 JANUARY 2022**

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**Appeal Ref: APP/Q1445/D/21/3286938**

**13 Lucerne Road, Brighton, BN1 6GH**

- 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 Mrs Louise Wright against the decision of Brighton & Hove City Council.
  - The application Ref BH2021/02429, dated 1 July 2021, was refused by notice dated 26 August 2021.
  - The development proposed is roof alterations to include front and rear rooflight and the installation of 1no rear dormer window.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant also uses this on the appeal form.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and locality.

## Reasons

### *Character and appearance*

4. The appeal property is a two-storey end of terrace dwelling, one of five. It has attractive elevations with a simple roof form. This property along with others locally in this area of established residential character come together to create a neighbourhood of very pleasing appearance and a strong sense of heritage. The appeal scheme is as described above.
  5. The site lies within the Preston Park 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 Saved 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).
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6. In the circumstances of heritage assets it is important to respect the scale, proportions, shape and form of roofs within a locality as a whole when considering change. Whilst there is some evidence of architectural detailing and of dormers, for the most part the roofs in this Conservation Area play a simple and subsidiary role to the often more decorative and bolder main elevations of the dwellings. The addition of this dormer with its style, size, position on the roof and relationship to fenestration below would unduly detract from this quality. It would patently be seen as a non-original and incompatible accoutrement to this dwelling and on this terrace. There would be incongruity in design and marked change to the roof. It would lead to a visually unfortunate rear elevation. I recognise that this would not be open to public view but nevertheless good design should be embodied in all development and particularly so in a Conservation Area. Furthermore, views from nearby properties would be available.
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 and 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.

*Other matters*

8. I do understand the Appellant's wish to increase accommodation within the property and I sympathise with the personal circumstances arising from the pandemic. I appreciate there are other roof alterations on the terrace, albeit not dormers. I did observe dormers on some properties locally although I do not know the planning circumstances of all these. Few make a positive contribution to the scene and they are not of such frequency that they have become a characteristic feature in the area.
9. However, I do take the Appellant's 'inconsistency' point about those recently allowed at nearby Nos 24 and 48 Cleveland Road although in those instances the dormers appear as narrower than the one before me and also they are positioned more logically and aesthetically relative to the window below. I do have to assess the appeal scheme on its own merits in terms of the precise dormer which is planned. Regrettably I reach the view that this dormer would create a rear elevation which would be visually awkward in this context and would not qualify as good design and hence I could not condone the scheme. I should add that I note and agree with the Council's neutral stance on the proposed roof lights.
10. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. 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.

*Overall conclusion*

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

*D Cramond*

INSPECTOR