

Appeal Decision

Site visit made on 20 January 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 FEBRUARY 2022

Appeal Ref: APP/Q1445/D/21/3284705

3 St James's Avenue, Brighton, BN2 1QD

- 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 F Hazel against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03655, dated 11 December 2020, was refused by notice dated 6 August 2021.
 - The development proposed is the 'raising of roof with new safety railings above'.
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Decision

1. The appeal is allowed and planning permission is granted for the raising of roof with new safety railings above at 3 St James's Avenue, Brighton, BN2 1QD in accordance with the terms of the application, Ref BH2020/03655, dated 11 December 2020, subject to the following conditions:
 - 1 The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3 The development hereby permitted shall be carried out in accordance with the following approved plans: D901/01, 06C, 07B & 08C.

Preliminary Matter

2. I use the Council's description of development which is more concise than the application form and partially reflects changes during the application process; I note the Appellant also uses this on the appeal form. However, it should be noted that whilst the description refers to safety railings it is quite clear from the plans that the safety system would be stainless-steel wire. I am assessing matters on that basis.

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 three storey over basement building which is sub divided into four flats. The building forms part of a group of terraced properties
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of a similar appearance stepped down the sloping street. The appeal property and neighbouring buildings add to the aesthetic quality and character of the area and the streetscape is an attractive one.

5. 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.
6. 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). At the same time Policy DM26 in the Submission City Plan Part Two (CP2) carries some weight and follows the lead of S72(1) and amongst other matters calls for materials and finishes to respect their locality.
7. I can entirely see the reasoning for the Council, through policy protection and design guidance, seeking to prevent or absolutely minimise roof alterations in conservation areas. In the vast majority of cases, in my experience, this would be the appropriate approach. In this case I just differ in fact and degree from the decision reached by the Council and this is largely as a result of what I see as positive engagement between the main parties during the application process leading to amended plans.
8. The original submission was understandably deemed to be an excessive change in nature; and the revised plans would now minimise change to an acceptable level in my opinion. The design, profile and proportions of the roof alterations in hand are very modest and importantly they allow for the retention of a stepping down to respond to the falling topography. From the Appellant's perspective they would offer some scope for a degree of ancillary use of the attic. From almost all angles within the public domain the fine detail of the roof is not a visible feature of the building, the sense of stepping down is. This alteration would not harm the integrity of the wider area even when seen, as it would be, from New Steine Mews to the rear of the site.
9. The principal aesthetic quality of this road would continue unharmed and this specific discreet appeal scheme would be neutral in terms of immediate and wider character and appearance.
10. Given all these circumstances and the nature of the scheme I conclude that the proposal would not run contrary to the aims of S72(1) of the Act or conflict with LP Saved Policy HE6, CP Policy CP15 or CP2 Policy DM26. At the same time, I conclude that the appeal scheme would accord with LP Saved Policy QD14 and CP2 Policy DM21 which taken together and amongst other matters call for roof alterations and extensions to be well designed in suitable materials, all taking account of the character of the area.
11. I should add that I agree with the Council's implicit stance on other roof alterations in the vicinity; they do not comprise any form of precedent.

Conditions

12. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the host property and the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR