



Appeal Decision

Site visit made on 25 April 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 MAY 2022

Appeal Ref: APP/Q1445/D/22/3291939

28 Park Street, Brighton, East Sussex BN2 0BS

- 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 Ramm against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/03818, dated 26 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is described as "altering pitch of existing rear single story extension roof to create roof terrace with 1st floor access. Reconfiguring and replacing ground floor rear doors and windows."
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Decision

1. The appeal is allowed, and planning permission is granted for altering pitch of existing rear single story extension roof to create roof terrace with 1st floor access. Reconfiguring and replacing ground floor rear doors and windows at 28 Park Street, Brighton, BN2 0BS in accordance with the terms of the application, Ref BH2021/03818, dated 26 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan - dated 27 June 2021
 - Block Plan - dated 27 June 2021
 - Proposed Elevations - Sheet 1 of 1 Rev A
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used in the existing building.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on: -
 - the character and appearance of the host property, and whether it would preserve or enhance the character and appearance of the Queens Park Conservation Area; and
 - the living conditions of the occupants of adjacent properties in relation to privacy, noise, and disturbance.

Reasons

Character and Appearance

3. The appeal property is within the Queens Park Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
4. The CA is a relatively tightly defined area focused on Queens Park itself and the residential streets overlooking it. This area is characterised by large semi-detached and detached residential properties with mature front gardens creating verdant drives framing the park. However, the southern section of the CA is more urban in appearance, constituting 3 residential, terraced roads, including Park Street. These are situated on relatively steeply sloping land leading away from the park. The terraced properties on all 3 roads appear to have small rear outside spaces with Park Street having the smallest. These rear areas are not overly visible except for the most northerly and southerly few of each terrace, due to the slope of the land. Therefore, the frontages of these properties, including the appeal property, are more apparent in their contribution to the significance of the CA in terms of character and appearance.
5. Rear projections, or 'outriggers' to the rear of the terraced properties are a feature of the area and have been variously altered, including with the addition of some roof terraces. The proposal would be screened by the presence of two-storey outriggers on the dwellings either side. This would prevent any public views of it and its location would not alter the significance of the terrace frontage as part of the CA.
6. However, the impact on the character and appearance of a CA is not limited to public views. There would be views of the proposal from the rear windows of the adjacent properties in the Park Street terrace as well as from the rear of the Tillstone Street terrace which backs onto it. Nevertheless, the proposal would only constitute a small component of the highly varied built form at the back and along the length of the Park Street terrace.
7. The proposed development would therefore not harm the character and appearance of the host dwelling and would preserve that of the CA. This would comply with the Brighton and Hove Local Plan 2005 (Local Plan) Policy HE6, which sets out the Council's strategic position in relation to heritage assets, and Policy QD14, which sets out the design criteria for acceptable extensions and alterations.

Living Conditions

8. The appeal property is located between 27 and 29 Park Street. The terrace they are situated in comprises narrow 3 storey properties with a high level of mutual overlooking between upper floor windows and the various outside spaces. The existing level of overlooking is further intensified by the rear elevations of the Tillstone Street terrace behind, which is not only at a higher

ground level but also many of the properties have metal stairways with half landings accessing each floor.

9. The two-storey outrigger on No 29 creates a blank wall between it and the appeal site. This would block any views of No 29's rear outdoor space or first floor rear windows from the proposed roof terrace.
10. The proposed roof terrace would be adjacent to the shared boundary with No 27. I noted during my site visit that the first floor windows in the outrigger of No 27 were obscure glazed and therefore the privacy of those rooms would be maintained. The proposal would overlook the outdoor space of No 27 and potentially provide views back towards its first floor windows. These areas are, however, not overly private due to the existing overlooking from adjacent properties and the rear of the Tillstone Street terrace. Therefore, the proposed roof terrace would not harm the privacy of the occupants of No 27, as the view from it would be of parts of that property already overlooked.
11. The proximity and density of dwellings within Park Street would mean there is an existing and expected level of travel in residential noise and neighbourly disturbance. The proposed roof terrace would service a single modest dwelling. It would provide a secondary outdoor space to the existing ground floor space accessible from the main living area. Therefore, the potential noise and neighbourly disturbance that the proposed roof terrace could create would be no more than that which could be created during the use of the existing outdoor space.
12. For the reasons given above the proposed development would not harm the living conditions of the occupants of adjacent properties in relation to privacy, noise, and disturbance, and would comply with Local Plan Policy QD27, insofar as it relates to residential living conditions. Although not forming part of the reason for refusal, Local Plan Policy QD14 also relates to the living conditions of occupants of neighbouring properties and the proposed development would also comply with this policy.

Conditions

13. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that matching materials should be used to ensure the proposal integrates acceptably within the character and appearance of the area.

Conclusion

14. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, including the approach in the Framework, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR