

Appeal Decision

Site visit made on 20 May 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/Q1445/D/22/3293841

24 Great College Street, Brighton BN2 1HL

- 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 L Hartley against the decision of Brighton and Hove City Council.
 - The application, Ref. BH2021/02687, dated 11 June 2021, was refused by notice dated 2 December 2021.
 - The development proposed is the installation of a roof terrace and front porch at lower level.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a roof terrace and front porch at lower level at 24 Great College Street, Brighton in accordance with the terms of the application, Ref. BH2021/02687, dated 11 June 2021 and as subsequently amended, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) Details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be first submitted to and approved in writing by the Local Planning Authority;
 - 3) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 032; 050; 060 Rev. A; 153 Rev. E; 163 Rev. E.

Main Issues

2. The main issues are (i) the effect of the proposed roof terrace on the character and appearance of the host dwelling and its surroundings within the East Cliff Conservation Area, and (ii) the effect on the living conditions for neighbours as regards privacy and noise & disturbance.

Reasons

3. On the first issue, the Council considers that the proposed roof terrace would form a visually dominant and incongruous addition to the building that would be out of keeping. However, the removal of the outrigger roof to enable the terrace construction would make little difference to the extent of the built form
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of the property, whilst as a modest alteration relative to the overall size of the rear elevation the terrace would not be perceived as visually dominant.

4. With its rearward position the terrace would not be seen from the public realm. And even in the private views from the nearest properties, because of its limited size, restrained design and the avoidance of glazing as one of its materials the terrace would not draw the eye as being a jarring addition or of a disproportionate scale.
5. For the same reasons I do not concur with the Council's assessment as to incongruity, particularly with the scheme's amendment to remove the external staircase. There is already a similar roof terrace at No. 22 next door and the grounds of appeal cite other examples in the neighbourhood. As I do not consider that the proposal would have an adverse effect on the host building, it follows that in my view there would also be no harm caused to the character and appearance of the surrounding area and the conservation area. In making this assessment I have also had regard to the choice of materials.
6. On the second issue, in terms of overlooking the proposed retention of a parapet wall would preclude views into the windows of No. 26 and the 1.7m high privacy fencing would similarly safeguard the privacy of Nos. 11 and 12 College Gardens to the south. The Council's main concern is the relatively low 1.1m high steel railings facing the flank of No. 22. However, from my visit to the site (which included looking out of the appeal dwelling's upstairs windows) it was apparent that the parapet wall of No. 22, which forms the side wall of the existing roof terrace, would prevent any overlooking and resultant loss of privacy at that property.
7. As regards noise and disturbance, the containment of the external area together with an internal access from the house would mitigate any noise and unlike many domestic terraces there is no pleasing aspect to enjoy by standing or leaning over the sides. The parapet walls of the appeal property and No. 22 would offer noise attenuation to Nos. 26 and 22, whilst I consider that the recreational use of the rear yard would have the same and arguably greater potential for disturbance. As in most cases the extent, if any, of noise and disturbance is more often than not down to an occupier's degree of consideration for their neighbours.
8. Overall, I conclude that the terrace would neither be out of keeping with the host dwelling and the conservation area nor harmful to the amenity of neighbours. There would therefore be no harmful conflict with Policies QD14, HE6 & QD27 of the Brighton and Hove Local Plan (Retained Policies March 2016) or Section 12: 'Achieving Well-Designed Places' and Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021.
9. I shall therefore allow the appeal subject to conditions regarding external materials (to safeguard visual amenity) and compliance with the approved plans (for the avoidance of doubt and in the interests of proper planning).

Martin Andrews

INSPECTOR