



Appeal Decision

Site visit made on 29 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/Q1445/D/22/3292510

44 Hanover Street, Brighton BN2 9ST

- 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 S Grange against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02644 , dated 16 July 2021, was refused by notice dated 26 November 2021.
 - The development proposed is conversion of loft space with the addition of a rear dormer and conservation roof lights to create an additional habitable room.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made to the policies in the Proposed Submission City Plan Part Two (April 2020). The policies submitted have not been independently examined and there may be unresolved objections. As such, based on the evidence before me in this case, I cannot be certain that the policies will be adopted in the form they are put to me. Therefore, limited weight is afforded to these emerging policies.

Main Issue

3. The main issue is whether the proposed development would conserve or enhance the character or appearance of the Valley Garden Conservation Area (CA).

Reasons

4. The CA derives its significance as a whole from its central linear open space which extends to the sea. Along with the historic pattern of development of the buildings which surround it, including the notable structures of the Palace Pier and Royal Pavilion. The Hanover area is characterised by the grand housing on Hanover Crescent and the more modest housing behind, including Hanover Street. This has historic significance due to its development as artisan housing. The properties are simple, small scale, two storey terraced housing which originally had slate or clay tile pitched roofs. These characteristics reflect the houses' modest, secondary character relative to Hanover Crescent, and are indicative of this historic association. These elements therefore make a positive contribution to the significance of the CA.
5. There have been roof additions close to 44 Hanover Street. These include a number of small dormers to the rear of the properties opposite and some along

Islingword Street. Although, due to their position, these are not seen in the context of the rear roofslope of the appeal site. There are also front dormers in a few properties opposite. However, these disrupt the traditional, simple pitched roofline and do not make a positive contribution to the CA. As well as other more isolated examples in the streets further away from the appeal site, many of which are not within the CA.

6. Nonetheless, whilst there are dormer windows in the surrounding area, they are uncommon in the row of properties that no 44 is part of. Consequently, this terrace has not been subject to past incremental additions which have eroded its significance in this respect. As such dormer windows do not form an overriding part of the character and appearance of the appeal site.
7. Furthermore, a large number of the properties on Hanover Street have replaced the original slate roof tiles with alternative materials, and this has eroded the historic character in this respect.
8. 44 Hanover Street is an example of a traditional modest two storey terraced property, with its original pitched roof profile. The host dwelling makes a positive contribution to the CA in these respects. However, the original roof covering has been replaced with more modern tiles, and the property does not make a positive contribution to the significance of the CA in this regard.
9. The proposed development would introduce a large dormer to the rear roof slope. The dormer would include a wide casement-style window surrounded by sizeable areas of standing seam zinc cladding. It would be set back from the eaves, marginally below the ridge, and would occupy a width broadly in line with the existing two storey rear outrigger. The main roof covering would be replaced in slate tiles.
10. The proposed dormer would harmfully disrupt the simple, uniform shape of the roofs in this terrace. I note that it is around 500mm from the eaves, it does not cover the full width and is marginally below the ridge. Nevertheless, it occupies the majority of the rear roofslope and as such it would be harmfully dominant. The horizontal emphasis to the window does not complement those in the original property, and the double glazed aluminium window frame and zinc cladding would be incongruous with the traditional materials which are characteristic of this area, and harmful for this reason.
11. The materials and detailing to the dormer are contemporary with a minimalistic design. SPD17 Urban Design Framework (June 2021) (SPD17) provides detailed and extensive design advice. Amongst other things it states that innovation and contemporary design will be favoured whilst avoiding or mitigating conflict with surrounding built form. SPD12 design guide for extensions and alterations (June 2013) (SPD12) provides a design guide for extensions and alterations. In general, it supports sensitive, contemporary design. However, it also provides specific advice relating such proposals in conservation areas and it is clear that roof extensions, including dormers, should respect the particular architectural character of the building, and that the original form and shape of the main roof should not be altered. For the reasons set out above, the proposed dormer would not be appropriate to this site specific context, would conflict with the existing built form and would not enable the special character of the host building or the area to be conserved. Therefore, in this respect, it would not be in accordance with the advice in SPD17 and SPD12.

12. The dormer would not be visible in public views. However, it would be seen from neighbouring dwellings and their gardens. As such, this harm would be experienced.
13. The slate roof tiles would return the front roof slope back to its original form and historic materials. This would be readily visible in public views from the street and would be an enhancement to the CA. This is supported by Policy HE6 of the CP.
14. The proposed development would enhance the CA in terms of the restoration of the original roof materials. Taking into account the scale of this alteration and the visibility of the front roofslope in public views, this would be a modest enhancement. However, even though the proposed dormer would not be seen from the street, the size and extent of the proposed extension on this predominantly unaltered pitched rear roofslope would result in notable harm to the CA. As such the modest enhancement from the proposed roof materials would not outweigh the notable harm with regard to the proposed dormer.
15. Consequently, the proposed development would harm the character and appearance of the Valley Gardens Conservation Area. In this regard it would be contrary to saved Policies QD14 and HE6 of the Brighton and Hove Local Plan (LP) and Policies CP12 and CP15 of the City Plan Part One (CP). Together these expect all new development to conserve or enhance the city's built heritage with specific reference to proposals within a conservation area, respect the character of the city's neighbourhoods and the area, including with particular regard to extensions to existing buildings and should have no harmful effect on the roofscape of the conservation area, amongst other things.
16. This harm must be weighed against the public benefits of the scheme, and I will return to this matter later in my decision.

Other Matters

17. The proposed development would provide additional residential accommodation and would enable the family to keep living at this property. The supporting text for Policy CP14 of the CP and the advice in SPD17 acknowledge the high demand for housing in this local authority area, with a constrained land supply. As such development often involves extensions or alterations to existing buildings. The proposed development would make efficient use of this land, increase the floorspace at this property and broaden the local housing mix.
18. The new room is proposed to be used as a home office, although it is also put to me that it could be used as a bedroom. Working from Home: Planning for the New Normal (Barratt Developments PLC December 2021) sets out that working from home is here to stay and that having a work from home friendly layout is appealing for the majority of home purchasers. The proposed development would therefore support economic growth and productivity and this is encouraged by Policy CP2 of the CP the advice in paragraph 81 of the National Planning Policy Framework (Framework) as well as the flexibility encouraged by L2 of the National Design Guide (January 2021) (NDG). There is therefore positive support for the proposed development in this regard. However, there is no mechanism before me that would secure this room for office use only, as such it may be that such benefits are temporary.

19. It would also result in improved energy efficiency at this dwelling with better thermal insulation and reduced need for artificial light. This is in line with the requirements of Policy CP8 of the CP which seeks all new development to incorporate sustainable design features and characteristics and R1 of the NDG which seeks to reduce the need for energy amongst other things. The proposed development would therefore satisfy the requirements of Policy CP8, which would be a neutral factor.
20. I appreciate that there is a desire for additional space. However, I am not provided with detail that the property as existing results in poor quality living accommodation for existing occupiers. Policy QD27 of the LP states that planning permission will not be granted where there is a loss of amenity for existing users. Whilst the proposed development would not be contrary to this, equally it does not provide positive support.
21. Policy CP14 of the CP expresses density in terms of dwellings per hectare. As does the advice in SPD17 regarding designing at density. The development before me does not seek to increase the number of dwellings. Therefore, the policies set out elsewhere are more relevant to this appeal.
22. Therefore, the creation of additional residential floorspace through the increase of one room for a single house would be a benefit of the scheme. If the room were used as a home office, there would also be economic benefits in this regard. However, considering the scale of development and the lack of control over the use of the room in the future, such benefits are limited in their scale.
23. I understand there have been significant alterations from the previously refused application¹ including a different applicant and architect. However, this does not alter my assessment of the proposal that is before me now.

Heritage Balance

24. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.
25. I have identified the public benefits of the provision of an additional room to a single dwelling that may be used as a home office. On the other hand having regard to my statutory duty, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and I attribute considerable importance and weight to this harm.
26. Accordingly, taking all the above into account, the limited public benefits would not outweigh the notable harm to the CA.

¹ LPA ref BH2019/00011

Conclusion

27. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR