



Appeal Decision

Site visit made on 29 November 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2022

Appeal Ref: APP/Q1445/D/22/3308993 68 Islingword Road, Brighton BN2 9SL

- 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 Bretherton, against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/02912, dated 6 August 2021, was refused by notice dated 27 July 2022.
 - The development proposed is described on the application form as "Set back roof addition (by removing valley roof) and rear shower room addition on existing flat roof".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council adopted the Brighton and Hove City Plan Part Two (CPP2) in October 2022. This replaced Policy QD14 of the Brighton and Hove Local Plan, which was included in the Council's reason for refusal. The main parties were given the opportunity to comment on the relevant policy in the CPP2, Policy DM21. I have taken comments received into account in my decision and give full weight to this policy.
3. On the submitted appeal form the site address is given as 68 "Islington" Road. This is clearly an error and I have used the correct address in the heading above.

Main issue

4. The main issue in this appeal is the effect on the character and appearance of the host dwelling, terrace and locality.

Reasons

Character and appearance

5. The appeal concerns a two storey dwelling located within a terrace of similar properties that exhibit a significant degree of regularity in their appearance. These extend from no. 60 at the corner of Beaufort Terrace and Islingword Road as far as no. 75. Their continuity is only broken by the street in Whichelo Place. These properties were built with 'V' shaped butterfly roofs and with two exceptions the original roof form has been retained without any significant alterations. These attractive and distinctive features make a positive

- contribution to the built environment where they can be seen at the rear of the terraced buildings and despite the development that has occurred there is still a noticeable degree of consistency and rhythm.
6. The front of the extension would slope down towards Islingword Road and be at the same height as the highest part of no. 69 and below the top of no. 66. The dwellings were built so that they stepped up in height to the south, attractively reflecting changes in ground levels. I acknowledge that no. 66 rises higher and is out of step with this pattern.
 7. Nevertheless and despite such matters, the extension would be higher than the horizontal parapet at the front and rise vertically over the 'V' shaped feature at the back, while spanning the full width of the host property. As a result, rather than being suitably modest in size, it would be an unduly bulky rooftop feature. Moreover, at the back the horizontal line and flat top of the addition would provide an abrupt and jarring contrast with the 'V' shaped parapets immediately to either side.
 8. The rooftop position, form and bulk would result in the addition appearing overly dominant and visually intrusive. Furthermore, the adverse impact would be exacerbated and highlighted by the use of timber cladding, which would be unduly at odds and jar with the render and tiles found in the host building and adjacent properties.
 9. Although retained, the 'V' shaped parapet at the back would be dominated by the extension rising above and immediately behind it, highlighting its unsympathetic presence. It would be located above a roof which the Appellant indicates was intended to accommodate rainfall but also clearly defines the top of the building. As a consequence of these factors, the proposal would unacceptably detract from the architectural integrity of the host dwelling.
 10. The development would not be prominent at the front in views from Finsbury Road to the west due to the parapet. However, in longer views from here the incongruous presence of the addition would be apparent. I accept it would not be readily seen from Islingword Road unlike the additions at 66 and 75. Nevertheless, the addition would be an unduly prominent and unsympathetic feature in views from the street in Whichelo Place.
 11. From here it would not just be seen next to the properties immediately to either side, forming a contiguous group of three with their original roof forms intact but also in relation to such buildings to the other side of no. 66. This would be the case despite the development at no. 66 itself. The butterfly roofs of properties further to the south in Islingword Road are also visible from Whichelo Place. It is these terraced dwellings that provide the most important and obvious context for the development, rather than the taller flats on the opposite side of Islingword Road that can be seen in the background in conjunction with views of the butterfly roofs.
 12. The Appellant suggests that rooftop development in the terrace. has increased the acceptability of further similar development. However, a significant majority of the properties within the terrace have not been subject to such alterations and the two cases are therefore relatively unusual examples. I note that no. 66 concerns an application that dates from 2000, while that at no. 75 was permitted in the 1980s according to the Council. The latter example is therefore particularly dated. In any event, these examples illustrate the

unsympathetic nature of such development. They should not therefore be used as a precedent to justify a proposal that would further erode the quality of the built environment, despite being more prominent in views from Islingword Road.

13. Due to the above factors, I consider that the current scheme would unduly diminish the balance, rhythm, cohesion and integrity of the host terrace and overall group of properties.
14. For the above reasons, I conclude that the proposal would harm the character and appearance of the host dwelling, terrace and locality. Brighton and Hove City Plan Part One Policy CP12 and CPP2 Policy DM21 are relevant to this case. Taken together and amongst other matters, these intend that development should protect character and be well designed, scaled and sited in relation to the property to be extended, adjoining properties and the surrounding area. In all the circumstances, I conclude that there would be conflict with these policies.
15. The development would also be contrary to the Council's Updated Design Guide for Extensions and Alterations Supplementary Planning Document, January 2020. This advises that roof extensions should reflect the character of roof forms in the surrounding area.

Other considerations

16. The appeal does not concern a Listed Building and the site is not located within a Conservation Area. The scheme was revised in an attempt to overcome the Council's concerns. The Appellant indicates dissatisfaction with the Council's handling of the application and has provided emails concerning this. While I acknowledge these matters they do not, in themselves, confer acceptability on the proposal which must be considered on its own merits.
17. The Appellant argues that the proposal would accord with the economic, social and environmental objectives of sustainable development as set out in the National Planning Policy Framework (The Framework). However, it is stated in the Framework that these are not criteria against which every decision can or should be judged. Moreover, because of the harm that I have found there would be clear conflict with the environmental objective.
18. Nevertheless, the reasons given by the Appellant include generating employment in the local economy for builders and associated trades, as well as increasing Council tax payments. It is also suggested that the development would result in the more effective use of the site by building upwards and not increasing the footprint. However, given the scale of the development, which comprises a domestic extension to an existing dwelling, the extent of any benefits in these respects would be relatively modest.
19. It is suggested that the development would benefit the occupants by adding space and meeting the social needs of the Appellant's family in a suitable location. However, there is no explanation of any existing deficiency or of any need for additional accommodation. It is also indicated that the amenities of adjacent residents would not be harmed, Building Regulations would be complied with and there would be no ecological harm. Nevertheless, the absence of harm and mere acceptability in relation to such matters cannot weigh positively in favour of the appeal.

20. The Appellant argues that the use of natural and sustainable timber cladding and sedum roofing would provide a natural habitat and control rain water run-off and is therefore the type of innovation that the Framework seeks to encourage in Paragraph 130 c). However, the failure to be sympathetic to local character and the surrounding built environment means that there would be conflict with this part of the Framework anyway.
21. It is argued that the presumption in favour of sustainable development set out in Paragraph 11 of the Framework should apply. However, this is a case where there are relevant development plan policies that are not out of date. As a result of this and because of the conflict with the development plan, the appeal scheme cannot benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

22. For the reasons given above, fairly modest weight is afforded to the other considerations in this appeal. It is concluded that these are significantly outweighed by the harm that would arise in relation to the fundamental planning consideration of character and appearance. In consequence and taking account of all other matters raised, it is determined that the appeal fails.

M Evans

INSPECTOR