



Appeal Decision

Site visit made on 14 December 2022

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/Q1445/W/22/3295222

37B Compton Avenue, Brighton, East Sussex BN1 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant retrospective planning permission.
 - The appeal is made by Mrs Annabelle Le Clercq against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/02589, dated 9 July 2021, was refused by notice dated 2 March 2022.
 - The development proposed is the installation of a safety rail around a flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of the site visit the development had been carried out. I have therefore considered the appeal on this retrospective basis.
3. Since the time of the Council's decision, Policy QD14 of the Brighton & Hove Local Plan 2005 (Retained policies March 2016) has been withdrawn and superseded by Policy DM21 of the Brighton & Hove City Plan Part Two (Adopted 20 October 2022). I have therefore determined this appeal in the context of the current Plan and the Policies therein.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the West Hill Conservation Area.

Reasons

5. The appeal site is located within a row of terraced properties within a predominantly residential area. It comprises the upper floors of a terraced dwelling surrounded by adjacent neighbouring gardens. The arrangement is similar to that of other properties in the locality, with the result that the area has a tightly knit, urban character which is generally unaltered and constructed in traditional design with traditional materials in an uncluttered style.
6. As the appeal property is within the West Hill Conservation Area (CA), I must apply the statutory duty in Section 72(1) and pay special attention to the desirability of preserving and enhancing the character and appearance of this area. The significance of the CA is its mix of different types of terraced and semi-detached housing and listed buildings, including Brighton Railway Station. The appeal site contributes positively to the character of the CA as part of two continuous terraces from the 1850s which face onto each other and have a

distinctly unified character and appearance due to their materials, colour and design which is visible from numerous positions.

7. This appeal seeks retrospective planning permission for the installation of a safety rail and glass panels around the perimeter of the second-floor flat roof. This second-floor roof faces the rear garden and projects away from the main building.
8. The safety rail introduces a solid built form and, due to its extent and prominent location, is visible from other adjacent properties and rear gardens. The combination of stainless steel with glazed panels is clearly a contemporary design approach that conflicts with the traditional design of the host building, so it appears out of place and inappropriate within the context of the Conservation Area. Its treatment does not reflect that of the predominant roof treatments in this area. Although the appeal site is lower in height than the neighbouring roofline, it is still incongruous in the setting due to the form and materials used. As such, the safety rail appears as an incongruous addition to the host property.
9. My attention has been drawn to other examples of rear roof treatments and uses of fire escapes on neighbouring properties. These are isolated examples that do not reflect the predominant character of the area.
10. It is acknowledged that the appellant seeks to have a smoke refuge in the event of a fire and that access to outside space is limited. However, I am not convinced that other options suggested by the Council have been sufficiently investigated. For example, the installation of a sprinkler system could achieve the appellant's aim while avoiding harm to the character and appearance of the local area.
11. Although the proposal causes less than substantial harm to the CA, there are no public benefits that outweigh the harm.
12. Consequently, for the reasons set out above, the development harms the character and appearance of the host property and the West Hill Conservation Area. The proposal therefore conflicts with the Framework which seeks to conserve the historic environment. It also conflicts with Policy DM26 of the Brighton & Hove City Plan Part Two (Adopted 20 October 2022) which seeks to preserve and enhance the distinctive character and appearance of conservation areas and Policy CP15 of the Brighton & Hove City Plan Part One, Brighton & Hove City Council's Development Plan March 2016, which seeks to conserve and enhance the city's historic environment.

Conclusion

13. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR