



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: 02 March 2023

Appeal Ref: APP/Q1445/D/22/3309750

7 Tichborne Street, Brighton BN1 1UR

- 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 Matthew Baker, against the decision of Brighton and Hove City Council.
 - The application Ref BH2022/01435, dated 25 April 2022, was refused by notice dated 15 September 2022.
 - The development proposed is described on the application form as "Loft conversion with rear dormer window".
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Preliminary matters

1. The Council adopted the Brighton and Hove City Plan Part Two (CPP2) in October 2022. This replaced Policies QD14 and HE6 of the Brighton and Hove Local Plan, which were included in the Council's reason for refusal. The main parties were given the opportunity to comment on the relevant policies in the CPP2, Policies DM21 and DM26. I have taken comments received into account and give full weight to these policies.
2. I have used an amended description of development in the decision below, as it more accurately reflects the proposal than that given on the application form.

Decision

3. The appeal is allowed and planning permission is granted for roof alterations to include a front rooflight and rear dormer extension with solar panels and revised fenestration, at 7 Tichborne Street, Brighton BN1 1UR, in accordance with the terms of the application, Ref BH2022/01435, dated 25 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev B, 200 Rev F, 201 Rev F, 202 Rev F and 300 Rev F.
 - 3) The hanging tiles to be used in the construction of the development hereby permitted shall match those used in the roof of the existing building.

Main issue

4. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the North Laine Conservation Area, within which the site is located. In reaching my decision I have applied Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that when assessing proposals for new development within a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.

Reasons

5. The appeal concerns a mid-terrace dwelling with three floors below the eaves apparent from the street at the front and four at the back. It is one of a number of properties of a similar style that form a discrete group and according to the Appellant date from the 1870s. At the front they tend to have a fairly ornate appearance with attractive detailing, such as under the eaves and over the entrances. Bay windows are also a common feature and the terrace has a pleasantly repetitive appearance. The host dwelling at no. 7 reflects this character.
6. The Council's North Laine Conservation Area Study Third Revision January 1995 refers to the streets and buildings, seen as a whole, forming an area of townscape which is interesting and attractive and fully justifies its status as a Conservation Area. I saw at my site visit that the significance also derives from the often relatively narrow gaps between buildings and the resultant intimate relationship and sense of enclosure. For the reasons given above, the host dwelling and terrace contribute positively to the townscape at the front.
7. There would only be a single rooflight at the front to which the Council has raised no objections. I see no reason to disagree given its relatively small size and it would not be readily seen, if at all, from the street in Tichborne Street. The back of the terrace is significantly different to the front with an appreciably plainer appearance and general absence of ornamentation. There are also some flat roof rear additions, including the two storey example at the appeal site.
8. Moreover, the rear of these buildings does not form part of any streetscape. The nearest views are, according to the Appellant, 75-140 metres distant, which I saw to be broadly the case at my site visit. These would be obtained from the upper floors of buildings to the east. Because of the height and continuity of buildings with the resultant high degree of enclosure, any other views would be likely to be particularly distant. The Council suggests that the back of the property would be seen from surrounding buildings and within the wider setting of the Conservation Area. However, no specific public or private viewpoints have been drawn to my attention. Furthermore, I was not able to see the rear roofs of the terrace from any nearby street during my site visit.
9. The Council indicates that the rear of the terrace has a relatively well preserved roofscape. However, it is not un-altered or uniform in appearance given that there are two dormer additions, albeit of a small size, at no. 8 and a few rooflights elsewhere, which the Council have seen in a satellite image. The Appellant also points out that there is an inset balcony at no. 8 and has identified the relevant planning permission granted in 1999. The Council's Supplementary Planning Document *SPD09 Architectural Features* refers to

roofs often being the “crowning glory”. However, there is no evidence that is the case in this instance as the roof seems to be a simple dual pitched structure of no particular merit in itself. I am not persuaded that the roofscape has any important sense of cohesion or rhythm at the back of the terrace. In all of the above circumstances, the back of the terrace makes no significant contribution to the architectural or townscape quality of the Conservation Area. Moreover, the proposed dormer addition would not disrupt any significant or meaningful regularity at the rear.

10. The Council points out that the addition would occupy the majority of the roof slope. It is argued that it would appear visually dominant and not be subordinate to the roofscape. The Council also points out that its Supplementary Planning Document *SPD12 Extensions and Alterations* intends that such development should be suitably subservient in the roof slope. Nevertheless, there would be significant space to the eaves and to the northern side. Although fairly minimal, there would still be a gap to the boundary at the other side and it would not project above the ridge.
11. In consequence, the addition would not be excessive in scale or bulk, while also being acceptably proportioned. In these circumstances, even if not wholly subordinate having regard to the amount of uncovered roof slope, the addition would not appear overly dominant. Because of this and the absence of any adverse effect, while also having regard to the visibility and character of the back of the terrace, the guidance in SPD12 referred to by the Council should not be strictly applied in this case. I also note that the supporting text to CPP2 Policy DM26 indicates that a more flexible approach will be taken in respect of rear elevations that are not publicly visible.
12. The two windows in the addition would be appreciably smaller than those below, with this factor tending to limit the perceived bulk and scale. They would also be quite well aligned with those below. The flat roof of the proposed dormer addition would reflect those of the rear additions in the terrace. The form of the extension would therefore be acceptable. The Council suggests that the hanging tiles would make the roof extension appear unduly ‘heavy’. However, by matching those on the host roof they would help the addition blend in to the roofscape and therefore be suitable. In consequence of matters such as these, the design of the roof extension would be appropriate.
13. The Council has re-produced parts of its Supplementary Planning Documents SPD09 and SPD12. Given the set back to the eaves and one side, the shape of the original roof would still be reasonably apparent. The tiles used in the addition would be sympathetic for the reason given above and there would be no loss of original features. In consequence, there would be no conflict with the relevant guidance from SPD09. The part from SPD12 concerns the effect on the streetscape and refers to rooflines being key visible elements in the streetscene. For the reasons given above concerning the lack of public viewpoints there would be no detrimental effect in this respect.
14. As a result of the above factors, the dormer addition would not be visually intrusive or unsympathetic in relation to the host dwelling and terrace or the surrounding Conservation Area. There would be no adverse effect on the architectural quality of the Area or its significance. It is concluded that the character and appearance of the Conservation Area would be preserved.

15. The relevant policies in this case are Brighton and Hove City Plan Part One (CPP1) Policy CP15 and CPP2 Policies DM21 and DM26. Taken together and among other things, the aims of these policies broadly reflect the statutory duty referred to in the main issue above. They also intend that extensions should take account of the existing character of the area and be well designed, scaled and sited in relation to the property to be extended, adjoining properties and the surrounding area. In Conservation Areas particular regard should be had to the primary importance of street elevations and the roofscape, as well as typical building forms, scale, cohesion, rhythm and proportion. Building materials should respect the Area. Due to the above factors, the scheme would comply with these policies.
16. There would be no conflict with Government policy in the National Planning Policy Framework, where it is indicated that great weight should be given to the conservation of designated heritage assets.
17. I note the comments received from a third party regarding matters such as insufficient drawings and information. Nevertheless, the Council has been able to determine the application and the material before me is adequate for my purpose.
18. Taking account of all other matters raised, given the absence of any detrimental impact it is determined that the appeal succeeds. A condition specifying the approved plans is necessary to provide certainty. The hanging tiles used should match those in the roof of the existing dwelling to protect its appearance.
19. A neighbour has expressed concern about noise from construction. While I sympathise, this is a fairly modest domestic development and any works would be for a finite duration. Any restriction on the hours of construction may also simply extend any period of disruption and I note that the Council has not suggested such a condition, which I shall not impose in this instance.

M Evans

INSPECTOR