

Appeal Decision

Site visit made on 20 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 24th March 2023

Appeal Ref: APP/Q1445/D/22/3311811

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. BH2022/00799, dated 7 March 2022 was refused by notice dated 2 September 2022.
 - The development proposed is a new rear dormer and new slate roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was refused permission in September 2022 since when the Brighton and Hove City Plan Part Two 2022 has been formally adopted. In appraising the appeal scheme I have therefore had regard to the updated policy position now relevant to the appeal scheme.
3. The grounds of appeal refer to an earlier appeal decision at the property which permitted the installation of a roof terrace. This was my decision and I should therefore make it clear that my allocation to decide the current appeal is purely coincidental.

Main Issue

4. The main issue is the effect of the proposed dormer on the character and / or appearance of the host dwelling; the terrace of which it forms part, and the East Cliff Conservation Area.

Reasons

5. In its refusal of the application, the Council's concern was that the proposed dormer would occupy the majority of the rear roof slope of the property, and as a result of this size and its design the roof extension would be a visually dominant feature, contrary to the Council's design guidance. However, the officer's report also says that amendments were sought by the Local Planning Authority to reduce the scale and alter the design of the proposed dormer, but that these were not forthcoming.
 6. Leaving the details of the appeal scheme temporarily aside, the officer's report observes that the terrace of which No. 24 is a part *'has a relatively well-*
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preserved rear roofscape with the exception of a number of rooflights and solar panels'. In short this means that there are no dormers on this terrace and, if allowed, the appeal scheme dormer would be the first. And although at my visit it was not feasible to view the rear of the terrace as a whole, the aerial photograph above paragraph 6.48 in the appellant's statement appears to confirm this by showing only rooflights and solar panels on the roof planes.

7. In principle I am minded to conclude that a dormer of any size on the original and unaltered rear roof of the terraces in the area would be inconsistent with an enhancement of the building or the conservation area. However, where the character and appearance of the area has evolved with the presence of a number of existing dormers, it may be reasonable to argue that an additional roof extension of a similar scale and design to those already there would 'preserve' rather than harm the area, especially where it would not be visible from the public domain (the latter being the case here).
8. The officer's report in fact suggests this with its reference to Policy DM26 of the City Plan Part Two which allows for greater levels of development to terraced properties within conservation areas where the rear roofscape has already been largely altered and especially where it is not publicly visible. And in seeking amendments to the submitted scheme it would appear that the officers are applying Policy DM26, whilst also weighing in the planning balance the harm that would occur from alterations to the aesthetic and historic merits of the original building(s) – No. 24 on its own and the whole of the terrace along this side of the street.
9. The grounds of appeal argue that in terms of scale the proposed dormer would be some way short of covering the full rear roof plane and this is evident from the submitted plans, albeit the set down from the ridge and set up from the eaves would be minimal. It is also argued that one of the two proposed windows would align with the existing fenestration and be of a similar size; again this can be seen from the drawings.
10. I therefore acknowledge that it would have been possible for both the scale and design of the proposed dormer to be less sympathetic to the host building than shown in the application. However, I also consider that having regard to the need in the development plan policies and in Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021 ('the Framework') to at least preserve the character and appearance of a conservation area, the Council has struck a reasonable planning balance in its justification for refusing permission.
11. I acknowledge that the appeal statement makes a thorough and creditable argument as to the practical, economic and social benefits of enlarging the appeal dwelling and I have taken these into account. However, the determining factor in the appeal is one of whether the proposal would at least preserve or enhance the character and appearance of the East Cliff Conservation Area. And for the reasons explained, I conclude that it would not, and that harm would be caused to building(s) which contribute to the significance of this designated heritage asset.
12. The harm caused would be 'less than substantial' as referred to in paragraph 202 of the Framework and as mentioned above I consider that this would not be

outweighed by the benefits, including public benefits, set out on behalf of the appellant. I am also mindful that even single decisions, although incremental, can collectively establish a basis for the justification of future development proposals.

13. For these reasons I conclude that the appeal scheme would be in harmful conflict with Policies CP12 & CP15 of the City Plan Part One 2016; Policies DM21 & DM26 of the City Plan Part Two 2022, and Section 16 of the Framework. This conflict would not be outweighed by any other development plan policies or the policies of the Framework taken as a whole.
14. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR