
Appeal Decision

Site visit made on 5 December 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2017

Appeal Ref: APP/Q1445/D/17/3180614
83 Roundhill Crescent, Brighton BN2 3GP

- 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 Tom Musicka against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06071, dated 11 November 2016, was refused by notice dated 15 June 2017.
 - The development proposed is for the erection of single storey ground floor rear extension, creation of staircase for access from ground floor to garden level and walkway for access from first floor to garden. Roof alterations incorporating rear dormer, front and rear rooflights. Revised fenestration and alterations to boundary wall with other associated works.
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Decision

1. I dismiss the appeal.

Application for Costs

2. An application for costs has been made by the appellant and is the subject of a separate decision.

Procedural Matters

3. The appellant stated that it was their belief that the drawings submitted by them were misread or misunderstood by the Council, as no increase in the height of the side or rear boundary walls to the garden was proposed. Consequently the appellant has submitted two additional drawings with the appeal, with references BS.01.1 and BS.01.2. Whilst not made explicit, it appears that these were submitted to replace those drawings which were determined by the Council labelled 'Proposed_East_North_Elevations' and 'Proposed_South,_West,_Elevations' respectively.
4. These latter two drawings quite clearly show an increase in the height of the rear garden boundary treatments when compared to the existing elevations. However, in the absence of any formal re-consultation on the revised drawings, I consider that third parties would be prejudiced if I were to accept these as they would not have had an opportunity to comment upon them. Therefore I cannot accept them as revised plans to this appeal.
5. In addition the Council appear to have amended the description of proposed works from that included within the planning application form to that which I

have included in the banner heading above. I consider this revised description to be more accurate and concise and therefore I have determined the appeal on this basis.

Main Issues

6. The main issues are whether the proposal would preserve or enhance the character or appearance of the Roundhill Conservation Area; and the effect it would have upon the living conditions of the occupants of 81 and 85 Roundhill Crescent, with specific reference to outlook.

Reasons

7. The appeal site is situated within the Roundhill Conservation Area which is subject to an Article 4 (2) Direction, which amongst other things, controls alterations of roofs fronting a highway. The appeal dwelling comprises a three storey terraced house within a well conserved street, with largely unaltered front and rear roof planes. There are a handful of examples where rooflights and dormer windows have been inserted within the wider locality, although these do not form the prevailing character of development within the locality. Further, I have been provided with no planning history on these and in any event, each case must be assessed on its own merits.
8. The Roundhill Conservation Area Character Statement (CACS) highlights that the curves and contours of streets like Roundhill Crescent are especially attractive, to which I would agree. It also highlights that the insertion of unsympathetic dormers and other alterations carried out under Permitted Development Rights took place prior to the year 2000 and the introduction of the Article 4 Direction.
9. Furthermore, the Council's Supplementary Planning Document Design Guide for Extensions and Alterations adopted 20 June 2013 (SPD12), where concerning roof extensions and alterations, stipulates that many streets in Brighton and Hove are composed of uniform terraces, the rhythm and continuity of the rooflines of which are often a key visible element within the street scene, which I find to be the case here.
10. SPD12 states that rooflights should be located discreetly such that they are not readily visible from the street and where a terrace within a Conservation Area remains unaltered, rooflights on the front roof slopes will be considered unacceptable. I found that the rear roof slope of the appeal property is also clearly visible from Ashdown Road and in combination with the proposed front rooflights, the rear dormer and single rooflight on the rear elevation would also detract from the current largely unbroken roofscape along the terrace. I therefore find that the proposal would fail to preserve the character and appearance of the Conservation Area.
11. I accept that the proposed alterations to the rear ground floor of the appeal dwelling are not visible from the highway and the Council raises no issue with respect to that aspect of the proposal; I have no substantive reason to come to a different conclusion on this. The detrimental impacts of the proposal in respect to the cumulative number and inclusion of proposed openings, including the dormer, are purely centred upon the works to the main roof.

12. Notwithstanding that I accept that the proposal would improve the internal living accommodation of no 83, I conclude that the proposal would give rise to less than substantial harm to the significance of the designated heritage asset and that there are no public benefits that outweigh this harm. The proposal is contrary to Policy HE6 of the Brighton & Hove Local Plan (Retained Policies March 2016) (BHLP) and Policy CP15 of the Brighton & Hove City Plan Part One (2016) (BHCP) which as well as ensuring that they meet the statutory tests, require proposals for development within Conservation Areas to show a consistently high standard of design and detailing, and to demonstrate no harmful impact on townscape and roofscape.

Living Conditions

13. Notwithstanding the submission of revised drawings (which I have not accepted) with the appeal documentation, a comparison of the existing and proposed elevational drawings quite clearly show an increase in the boundary treatment to both sides of the garden. Whilst I understand from the appellant that it is not their intention to do this, nonetheless, for the reasons I gave above, I can only determine the appeal based upon the plans that were before the Council at the time it made its decision.
14. The rear garden to 85 Roundhill Crescent is at a significantly lower level than that of the main garden of no 83 which is terraced and much closer to first floor level. Any increase in the existing brick wall and fence along the eastern boundary would have a demonstrable overbearing effect that would further reduce outlook from the rear elevation of the neighbouring property, as well as from its conservatory and rear garden. The boundary treatment to the west and shared with 81 Roundhill Crescent is of a similar height, although the rear garden to that dwelling is also terraced and not dissimilar to that of the appeal site. Therefore, I conclude that the increase in height of the boundary treatment in that location would not materially detract from the outlook from no 81.
15. On this matter, I therefore conclude that the proposal would result in a significantly enclosing and overbearing impact to the occupants of 85 Roundhill Crescent and would be contrary to BHLP Policies QD14 and QD27 which stipulate that planning permission for any development will not be granted where it would cause loss of amenity to adjacent residents, taking into account, amongst other things, how overbearing a proposal will be. In addition, the proposal also conflicts with one of the core planning principles of the Framework which is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR

