



Appeal Decision

Site visit made on 2 January 2013

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

Decision date: 9 January 2013

Appeal Ref: APP/Q1445/D/12/2186436
13 Queens Park Terrace, Brighton, BN2 9YA

- 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 David Grier against the decision of Brighton and Hove City Council.
 - The application Ref: BH2012/02236, dated 11 July 2012, was refused by notice dated 2 October 2012.
 - The development proposed is 'room in roof with rear dormers and front roof lights; single storey rear / side extension'.
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Decision

1. I dismiss the appeal insofar as it relates to a single storey rear / side extension. I allow the appeal insofar as it relates to a room in roof with rear dormers and front roof lights and grant planning permission for a room in roof with rear dormers and front roof lights at 13 Queens Park Terrace, Brighton, BN2 9YA in accordance with the terms of the application, Ref BH2012/02236, dated 11 July 2012, so far as relevant to that part of the development hereby permitted and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to that part of the development permitted: 477/01, 477/02.

Main Issues

2. The main issues in this case are: firstly, whether the development preserves or enhances the character or appearance of the Queen's Park Conservation Area; secondly, whether it preserves the setting of St Luke's Swimming Baths, a Grade II listed building; and thirdly, the effect on living conditions at the neighbouring property, No 12, in terms of daylight and outlook.
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Reasons

Effect on Conservation Area

3. The appeal site comprises a bay-fronted Victorian terraced dwelling on the northern side of Queens Park Terrace within the Queen's Park Conservation Area. The area is characterised by other similar terraced properties, although more modern development exists on the south side of the road. Although the original fenestration has been changed and other alterations undertaken, the terrace when viewed from the front retains its original character and cohesiveness. The Council's objections relate to the front roof lights and rear dormer windows.
4. The Council's Supplementary Planning Guidance Note 1 "*Roof Alterations and Extensions*" (SPGBH1) says roof lights should generally be confined to the least visible roof slopes. However, a number of roof lights, of various designs and sizes, have been installed within the front slopes of the dwellings, without undermining the overall quality and character of the terrace. Given the existing context, I am satisfied that the two conservation-type roof lights would not appear incongruous and would be easily assimilated within the host property, wider terrace and surrounding Conservation Area.
5. The two modest rear dormers would be sympathetically designed, well proportioned and positioned, and set back from the eaves line and away from the party wall up-stand. Because of their small scale, they would be well contained within the roof slope, preserve its overall form and not appear obtrusive. I consider the design of the dormers would accord with the overall aims within SPGBH1. Also, a number of rear dormer windows have been installed of different designs and in varying positions at neighbouring properties. This has disrupted the original character and rhythm of the rear roof slopes of the terrace. The appeal scheme should be assessed having regard to this context. Therefore, I am not persuaded that a valid objection can be sustained on this aspect of the scheme.
6. I conclude on the first issue that the development would preserve the character or appearance of the Queen's Park Conservation Area. It would comply with Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 (LP). These require proposals to be well designed, sited and detailed, and to preserve or enhance the character or appearance of Conservation Areas. It would also accord with the aims of SPGBH1.

Effect on Listed Building

7. The relevant legislation relating to listed buildings requires that where considering whether to grant planning permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. The Council's concerns relate solely to the impact of the rear dormer windows.
8. The Grade II municipal swimming pool is described as being in the Arts and Crafts Free-Style, of red brick with stone dressings. It is located to the rear of the appeal property, and because of the area's topography, at a significantly higher ground level. I am satisfied that because of the diminutive size of the proposed dormer windows, the lower position of the appeal property and the

distance from the listed building, that there would be no adverse effect on its setting.

9. I conclude on the second issue that the proposal would preserve the setting of the listed building, in accordance with the relevant legislation that requires special regard to be had to the desirability of preserving the setting of listed buildings. It would also comply with Policy HE3 of the LP which precludes development that adversely affects listed buildings.

Living Conditions

10. I share the Council's concerns that the proposed height of the rear / side extension at the common boundary with No 12 would cause a loss of daylight and outlook to the ground floor rear and side facing windows at No 12. It would create an overbearing and unacceptable sense of enclosure, impinging on the living conditions in the rooms served by these windows and doors, and create a 'hemmed in' feeling. Although the appellant says that this element of the scheme follows an established pattern of development at other properties, this does not outweigh my concerns on this aspect of the scheme.
11. The Council has advised that a revised proposal for a rear / side extension incorporating a pitched roof with a reduced eaves height at the boundary has recently been granted at the appeal site, which overcomes concerns regarding living conditions at No 12. However, I must assess the scheme before me.
12. I conclude on the third issue that the rear / side extension would harm living conditions at the neighbouring property, No 12, in terms of daylight and outlook. Consequently, it would be contrary to Policies QD14 and QD27 of the LP which require proposals not to result in significant loss of daylight and outlook and to protect residents' amenity.

Conclusion and Conditions

13. Overall, I find the proposal acceptable in relation to the first and second main issues, but unacceptable in relation to the third. However, the two parts of the scheme are clearly severable both physically and functionally. Although I conclude that the element relating to the rear/side extension would be unacceptable, that part relating to the room in the roof with rear dormers and front roof lights would be acceptable. Therefore, I shall issue a split decision in this case. Subject to conditions, I conclude that the appeal should be dismissed in so far as it relates to the rear / side extension, but should succeed in relation to the room in the roof with rear dormers and front roof lights.
14. A condition relating to materials is necessary to preserve the character or appearance of the Conservation Area and the setting of the listed building. A condition requiring compliance with the submitted plans is necessary for the avoidance of doubt, and in the interests of proper planning.

Matthew C J Nunn

INSPECTOR

