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## Appeal Decision

Site visit made on 30 October 2013

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

**Decision date: 3 December 2013**

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**Appeal Ref: APP/Q1445/A/13/2202024**

**19b Camelford Street, Brighton, East Sussex BN2 1TQ**

- 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 Charles Meloy against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00593, received by the Council on 5 March 2013, was refused by notice dated 30 April 2013.
  - The development proposed is described as "to renew and raise existing roof with original tiles and introduce a lead lined dormer to the rear (south) façade. It is proposed that the existing sloped external wall to the rear (south) is rotated to the vertical and an external space created adjacent behind this at the upper floor to provide amenity provision for the property for which there is currently none. Refine the parapet detail to the north façade, thereby enhancing the proportions of the flat."
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### Decision

1. The appeal is allowed and planning permission is granted "to renew and raise existing roof with original tiles and introduce a lead lined dormer to the rear (south) façade. It is proposed that the existing sloped external wall to the rear (south) is rotated to the vertical and an external space created adjacent behind this at the upper floor to provide amenity provision for the property for which there is currently none. Refine the parapet detail to the north façade, thereby enhancing the proportions of the flat" at 19b Camelford Street, Brighton, East Sussex BN2 1TQ in accordance with the terms of the application, Ref BH2013/00593, received by the Council on 5 March 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Unless otherwise stated on the approved plans the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0120/PA/100, 0120/PA/101, 0120/PA/102, 0120/PA/202 Revision A, 0120/PA/201, 0120/PA/301, 0120/PA/302, and 0120/PA/401.

### Procedural matters

2. I note that a revised drawing to replace 0120/PA/202, labelled revision A, was submitted by the appellant following a request from the local planning authority

during the application process. It was agreed by the parties on site that the proposal should be considered against the Revision A drawing, which differs by having three string courses on the St James Street elevation rather than two. My decision is therefore based upon this drawing.

### **Main Issues**

3. The main issues are the effect of the proposed development on the character and appearance of the East Cliff Conservation Area, bearing in mind that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, and on the living conditions of adjoining neighbours in terms of privacy, noise and disturbance.

### **Reasons**

#### *Character and appearance*

4. The East Cliff Conservation Area, covering a large area of the City of Brighton and Hove, is characterised by a mixture of building types and uses. Most buildings within the Conservation Area appear to date from the 18<sup>th</sup> Century onwards. In particular, Camelford Street runs on a north/south axis and is characterised by being a narrow, single lane, with the terraced dwellings on either side having a mixture of roof forms which run on a north-south axis. There are a number of examples of dormers within the front roof slopes; these vary in design.
5. The appeal building, No 19b Camelford Street, is sited on a corner location and is a three storey flat located above a shop that faces onto St James' Street to the north, although the flat is accessed via a front door which opens onto Camelford Street on the eastern elevation. The roof of the building follows that of the buildings facing onto St James Street, being on an east-west axis. Whilst connected to the end of the terrace along Camelford Street, the appeal building is visually a part of St James Street frontage, with its flank wall facing Camelford Street.
6. The proposal includes a number of alterations to the host property including the raising of the roof so that it is of a similar height to that at the adjoining dwelling along St James Street and the introduction of a third string course to the front elevation. These alterations would ensure that the building retains the visual cohesion of the frontages of buildings along St James Street. I am, therefore, satisfied that these elements of the proposal would not detract from the character or appearance of the East Cliff Conservation Area or of the building.
7. The raised roof height would also allow the existing mansard roof to be squared off to the rear to enable the introduction of a balcony and full length dormer on the rear of the building, facing south. The dormer proposed would have a full length glazed doors leading out onto a small terrace area. I observed during my site visit that only the top half of the dormer would be visible from street level along Camelford Street looking northwards due to the bottom half being obscured by the parapet wall serving the terrace area. The dormer would be lead lined with the raised parapet wall in front of it hung-tile clad. Both of these are found within the local street scene and are therefore considered sympathetic to the parent building.

8. I note the Council's recently adopted *Design Guide for Extensions and Alterations SPD 2013* (SPD), which requires that dormer windows are kept as small as possible and no larger than that required for the opening used. This requirement is fairly consistent with the advice provided in the *Supplementary Planning Guidance Note 1 – Roof Alterations and Extensions* [undated], (SPGBH1), which the SPD replaced in early 2013. In this case the dormer would have a flat roof and full length French style doors opening out onto the small terrace area. The size of the dormer is no larger than that required for the doors to be inserted.
9. Furthermore, whilst I note that other dormers along Camelford Street are of a smaller traditional size and form, there are a wide range of design styles and materials used with some dormers being overly large. I also note that those dormers are on the front roof slopes, facing into the highway forming a distinct visual group, whereas the dormer at 19b would be on the rear roof slope facing into the gable of No 19 Camelford Street.
10. Whilst the dormer would be the first along Camelford Street facing southward, it is important to appreciate that the main façade of the building faces onto St James Street. There are a number of other dormers to the rear of buildings along St James Street, which also face southward and it is the context of that group of dormers in which the proposed dormer should be appreciated. I am, therefore, satisfied that a dormer in this location and of the design proposed would be acceptable.
11. I conclude, therefore, that the proposal would preserve or enhance the character or appearance of the East Cliff Conservation Area and as such would accord with Policy QD14 of the *Brighton and Hove Local Plan 2005* (BHLP), SPGBH1, and the SPD, which, amongst other aims, require developments to be well designed, use materials sympathetic the parent building, and for dormers to be kept as small as possible in relation to the opening proposed.

#### *Living conditions*

12. The flat consists of a living room and kitchen on the first floor, a bedroom and bathroom on the second floor, with the third floor located within the existing mansard roof accessed via a narrow staircase, and this is used as a bedroom. There is an existing roof top terrace at No 19a Camelford Street, which it is possible to look into from an existing rooflight at the appeal property. It is understood that the terrace does not have planning permission, but has been present for a number of years.
13. The introduction of a balcony area would allow the occupiers of No 19b to sit outside at roof level, albeit an additional storey above that at No 19a. Given the roof level at 19b is higher than that at 19a, most noise from users of the balcony would be directed over the terrace and to the roofs along Camelford Street. Furthermore, whilst I recognise that the balcony could give rise to increased noise levels, I consider that the city centre location of the building, directly adjacent to a busy high street, is such that the ambient noise in the area is greater than one would find in a suburban area, for example. I do not, therefore, consider that the proposal would result in unacceptable levels of noise or disturbance for adjoining neighbours.
14. Whilst there would be an increase in the ability to overlook the terrace at No 19a, the parapet wall proposed would help prevent direct views downwards. I

also note that the terrace at No 19a is already overlooked by windows on the opposite side of Camelford Street. The proposal would result in the loss of some privacy and a greater perception of being overlooked, especially on the terrace at No 19a. However, when considered in the context of the proposed parapet wall, the level of usage of the balcony and the existing nearby windows, I do not consider that it would result in a materially harmful loss of privacy or perception of overlooking detrimental to the living conditions of neighbouring occupiers.

15. I conclude, therefore, that the proposal would not result in a harmful loss of privacy, or the creation of harmful levels of noise and disturbance. I find, therefore, that the proposal accords with Policies QD14 and QD27 of the BHLP which, amongst other aims, seek to ensure development does not cause material nuisance, loss of amenity or significant noise disturbance.

### **Conditions**

16. In addition to the standard time limit condition, the Council has suggested one further condition. I have had regard to Circular 11/95 (the Circular) during my consideration of this condition. The use of matching external finishes or as stated on the approved plans is necessary to preserve or enhance the character or appearance of the East Cliff Conservation Area. A further condition requiring that the development be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

### **Conclusion**

17. For the reasons given above I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR