



Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

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

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/D/14/2212541

Norton Cottage, The Green, Rottingdean, Brighton, BN2 7HA

- 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 & Mrs C Mears against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03382 was refused by notice dated 27 November 2013.
 - The development proposed is extension of existing balcony. Replacement of front entrance door & frame. Replacement of former garage door with new window and wall (to match existing walls).
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Preliminary matters

1. On 6 March 2014 the Planning Practice Guidance (PPG) was published by the Department for Communities & Local Government. In relation to this Appeal the PPG refers to the design and historic environment statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.
2. In their second reason for refusal the Council incorrectly refers to the neighbouring property as The Grange, whereas it is called Grange Lodge. Accordingly I refer to Grange Lodge in this decision.

Decision

3. The Appeal is dismissed.

Main issues

4. The first main issue is the effect of the scheme on the character and appearance of Rottingdean Conservation Area (RCA), which is a designated heritage asset. The second main issue is the effect of the scheme on the living conditions of the occupiers of Grange Lodge.

Reasons

Character and appearance

5. The NPPF states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should require clear and convincing justification. At the same time opportunities for new development in conservation areas should be sought. In addition, where a proposal would lead to less than substantial

harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6. Rottingdean is a medieval rural downland village which sits at the bottom of Beacon Hill and just to the north of the coast. The RCA has several character areas and the Appeal site is located within the central "Green" area. This area is centred around the Green and the pond, which are flanked by prestigious detached residences. The Green, pond, soft landscaped gardens, churchyard and downland backdrop all contribute to the verdant and rural character of the core of the RCA.
7. The Appeal site occupies a prominent position on the east side of The Green, opposite the pond. Within the immediate setting of the Appeal property are Norton House and The Grange (just to the south of Grange Lodge), which are both Grade II listed residences. There are also a number of listed buildings within the wider setting of the Appeal property, including the Plough PH, The Dene and St Margaret's Church. The number and proximity of listed buildings highlight the sensitive nature of the setting of the Appeal site.
8. The existing first floor balcony stretches almost the full width of the dwelling and is enclosed by dark stained timber slats and railings. Not only are balconies not a traditional feature at the front of properties in the conservation area, due to its horizontal lines and materials the existing balcony appears as a prominent and incongruous feature within the street scene.
9. The proposed enlarged balcony would project forward of the host property and forward of the front elevations of the adjacent properties. Its glazed front would form an uncharacteristic feature and its reflective qualities would increase its visibility. As a result of these factors the proposed balcony would be materially more prominent than the existing balcony from the street scene and in views across the Green. Due to its siting and discordant appearance it would dominate the setting of Norton House, when viewed from the south and The Grange and Grange Lodge when viewed from the northwest.
10. UPVC window and door frames are typically more bulky and lack the detailing of timber frames. Also, due to their bright, uniform finish, bulk and proportions they can appear stark and utilitarian. The proposed first floor patio door frames, which have already been installed, do not appear particularly bulky due to the size of the opening they relate to. However they are featureless and suburban in appearance and materially detract from the character and appearance of the host property and the adjoining property, Grange Lodge.
11. Although the lower half of the proposed ground floor window and the front entrance would be screened at most times by the front gates and wall to the property, their upper sections would be clearly visible in the street scene. From the limited details submitted the proposed window and entrance door frame would appear to be visually bland and flat and would materially detract from the character and appearance of the host property and Grange Lodge.
12. It is noted that UPVC has been used in the past on the property, although from the photographs submitted the first floor door frames were brown in colour and set within a timber frame. At ground floor level the garage, top windows and sliding entrance doors similarly had timber frames. As such they were not as bland or prominent as the proposed fenestration.

13. For these reasons the proposed balcony extension and replacement fenestration would be highly visible and would be totally out of keeping with the street scene and the wider conservation area. It would also detract from the setting of The Grange, Grange Lodge and Norton House, which all contribute to the character and appearance of the RCA.
14. Accordingly the scheme would be contrary to policy HE6 of the Brighton and Hove Local Plan which seeks to ensure that new development is to a high quality design and respects or enhances the character or appearance of the conservation area. Design detailing should reflect the scale, character or appearance of the area and materials and finishes should be sympathetic to the conservation area. Policy QD14 of the Local Plan similarly requires new development to be well designed and that the materials to be used should be sympathetic to the host building.
15. In these respects policies HE6 and QD14 of the Local Plan are consistent with the NPPF, which states that decisions should aim to ensure that developments are visually attractive. Permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way in which it functions. Whilst decisions should not attempt to impose architectural styles or stifle innovation, it is proper to promote or reinforce local distinctiveness.
16. I conclude on the main issue that the scheme would materially detract from the character and appearance of the street scene. It would fail to preserve or enhance the RCA and would harm the significance of this heritage asset. It would therefore conflict with policies HE6 & QD14 of the Local Plan and the NPPF.

Living conditions

17. With the existing balcony it is possible to look over the side walls into the front garden and various habitable rooms at Grange Lodge. However the angle is acute in relation to the front windows at Grange Lodge and due to the restricted depth and size of the balcony it has limited scope for entertaining and extensive recreational use.
18. With the Appeal scheme the proposed low level timber cheeks would not prevent persons on the enlarged balcony from looking directly into the front garden and various habitable rooms at Grange Lodge. At the same time the enlarged balcony would have considerable scope for informal recreation and entertaining. As a consequence the scheme would result in a material loss of privacy and perceived loss of privacy for the occupants of Grange Lodge.
19. I conclude on this main issue that the scheme would materially harm the living conditions of the occupiers of Grange Lodge due to loss of privacy.

Other matters

20. Whilst not raised as an issue, it was clear from the Appeal site visit that the scheme would also result in a material loss of privacy for the occupants of Norton House. The proposed enlarged balcony would provide wider views into the private garden area, living room, conservatory and a bedroom at Norton House. This together with the likely increased use of the balcony would materially harm the living conditions of the occupants of that dwelling.

21. Finally, it is appreciated that the proposed fenestration would be easy to maintain in this coastal environment and that the proposed balcony would increase the limited outdoor amenity space for the occupants of the property. However, these benefits would fail to outweigh the harm that would be caused to the character and appearance of the RCA and the living conditions of the occupiers of the adjacent properties.

Conclusion

22. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

E Lawrence

INSPECTOR