

## Appeal Decision

Site visit made on 8 March 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

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

**Decision date: 16 May 2016**

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**Appeal Ref: APP/Q1445/W/15/3136565**

**14 Richmond Place, Brighton BN2 9NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr M Blencowe against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01560, dated 28 April 2015, was refused by notice dated 26 June 2015.
  - The development proposed is pitched roof to enclose existing lift overrun and to accommodate two new one bedroom flats.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.

### Main Issues

3. The main issues in this appeal are:
  - whether the proposed roof extension would preserve or enhance the character or appearance of Valley Gardens Conservation Area and the setting of the listed building at St Peter's Church; and
  - the effect of the proposed roof extension on the living conditions of neighbouring occupiers at 12 and 13 Albion Street with particular regard to outlook and light.

### Reasons

#### *Character and appearance*

4. 14 Richmond Place is a modern block of flats within the Valley Gardens Conservation Area that was designed to reflect the appearance of nearby Georgian buildings. At present, it is a three storey building with mansard roof above, containing 12 flats. The building is part of a terrace that is of largely
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- consistent eaves height, although mainly comprising Victorian 4 storey buildings.
5. The focal point of this part of the conservation area is St Peter's Church that is located within Valley Gardens directly opposite the site and is listed Grade II\*. The terrace, of which 14 Richmond Place forms part, overlooks and encloses Valley Gardens, which form a linear group of public spaces from the Level to the Palace Pier.
  6. The eaves of the buildings within the terrace are largely consistent in height, but the style and ridge level of the roofs above varies. A number of buildings have mansard roofs similar to the existing roof of No. 14; others have more traditional pitched roofs. Blake Court is slightly taller with mansard roof and pitched roof above that dominates the remainder of the terrace, particularly in views from the south west. The proposed floor above the existing mansard roof would also be taller than neighbouring buildings and would have a similar, albeit less pronounced, effect that would be unduly prominent in the historic street scene and from St Peter's Church.
  7. The existing lift over-run would be replaced by the proposed additional floor. This is set back on the roof such that it is not visible from the road, although is visible from the open space and car park to the front of St Peter's Church. However, it is not a prominent element of the building and its replacement with the much larger and more prominent proposed roof extension would not protect or enhance the character or appearance of the conservation area and would not respect the setting of St Peter's Church, thereby harming the significance of these heritage assets.
  8. I accept that the roof extension would partially block views of the unattractive modern flat building to the rear from the conservation area and St Peter's Church. However, this would not outweigh the harm I have identified.
  9. The Framework advises at Paragraph 132 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the conservation area and listed building is nevertheless a matter of considerable importance in this case.
  10. Paragraph 134 of the Framework establishes that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The only public benefit in this instance is the contribution of two dwellings to the supply of housing. I note that the appellant disputes the Council's assertion that adoption of the CP demonstrates a five year supply of housing is available as required by the Framework. However, no substantive evidence has been provided by either party. I do not consider the provision of two dwellings, irrespective of the situation with regard to the supply of housing, would outweigh the harm I have identified to the conservation area or setting of the listed building.

11. For the above reasons, I conclude that the proposed roof extension would harm the significance of heritage assets by failing to preserve the character and appearance of the Valley Gardens Conservation Area and the setting of St Peter's Church. As such, the proposal is contrary to Policy CP12 of the CP that replaced policy QD2 of the LP and relates to urban design in the City, including conserving or enhancing built heritage and its settings. In addition, the proposal is contrary to Policies HE3 and HE6 of the LP that seek to preserve or enhance the character and appearance of the area and protect the setting of listed buildings.

*Living conditions*

12. 12 and 13 Albion Street are located beyond a small courtyard to the rear of the property. The separation distance between buildings means that the rear of both sets of flats are enclosed by the existing buildings and the amount of daylight and sunlight into the courtyard is restricted.

13. The rear elevation of the proposed additional floor would be at the same angle as the existing mansard roof, sloping away from the flats to the rear. This angle ensures that this additional floor would not materially increase the sense of enclosure to the flats to the rear, nor would it materially reduce levels of sunlight and daylight.

14. On that basis, I conclude that the effect of the proposed roof extension would not cause material harm to the living conditions of neighbouring occupiers at 12 and 13 Albion Street with regard to outlook and light. The proposed development would comply with Policy QD27 of the LP that seeks to avoid harm to living conditions of neighbouring occupiers.

**Conclusion**

15. While I have found that the proposal would not result in harm to the living conditions of neighbours, that is not sufficient to outweigh the harmful impact the works would have on the significance of local heritage assets. As such, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR

