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## Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

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

Decision date: 03 June 2016

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**Appeal Ref: APP/Q1445/D/16/3143981**

**The Studio, 1A Northgate Cottages, Falmer Road, Rottingdean, BN2 8HT**

- 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 Kim Strasman Associates against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04217, dated 23 November 2015, was refused by notice dated 27 January 2016.
  - The development proposed is the enclosure of an existing balcony to provide a bed-study room at first floor level and installation of two dormer windows.
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### Decision

1. The appeal is allowed and planning permission is granted for the enclosure of an existing balcony to provide a bed-study room at first floor level and installation of two dormer windows at The Studio, 1A Northgate Cottages, Falmer Road, Rottingdean, BN2 8HT in accordance with the terms of the application Ref BH2015/04217, dated 23 November 2015, 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 building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: PO1, PO2, PO3, PO4, PO5 & PO6.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality which is a Conservation Area and includes listed buildings.

### Reasons

#### *Character and appearance*

3. The appeal property is a two storey detached residential unit located to the rear of 1 Northgate Cottages. It is a gable end building clad in white painted timber boarding with a raised terrace with single storey extension below to the rear; it is located to the north of the Rottingdean bowling green and is visible from Falmer Road. The appeal property, of rather more scale than the name 'The Studio' might suggest, is an attractive feature within what is an eclectic scene of varied buildings and open spaces which come together to form an
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area of distinctive character and very attractive appearance. The proposal is as described above albeit roof lights would also be incorporated.

4. The site lies within the Rottingdean Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66(1) of the same Act sets out the need to have special regard to the desirability of preserving the setting of a listed building – 1 Northgate Cottages is Grade II Listed.
5. Views from the adjacent Bowling Green and The Green are far from completely open at the present time given local substantial buildings particularly to the west of the appeal site. The addition of some modest extra built mass by the suitably subservient and well designed enclosure of part of the raised terrace, or balcony, would be very incidental in the scene from here or Falmer Road. Similarly the two proposed well portioned and neatly arranged dormer windows would neither be alien, given evidence of local dormers, or visually intrusive. Roof lights would be aesthetically suitable. Materials would be appropriately matching throughout. The whole scene does in any event have some filtering deciduous tree cover along the southern boundary helping to soften views from the open space and relevant stretch of Falmer Road. The appeal property by reason of its scale presently displays little in the way of being an ancillary feature to 1 Northgate Cottages nevertheless I would be concerned if it was to become overly imposing. However, the planned extension works would be at the extremity away from the cottage and the dormers on the south side positioned such that they would not intrude visually or physically on the listed building and its setting.
6. Saved Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan are relevant. Taken together and amongst other matters, they seek respect for local distinctiveness and environment and strive for good quality design for extensions along with the preservation or enhancement of character or appearance within a Conservation Area and the protection of the setting of listed buildings. I conclude that the proposal would not conflict with these policies or the aims of S66 (1) and S72(1) of the Act.

#### *Conditions*

7. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning.

#### *Overall conclusion*

8. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality which is a Conservation Area and includes listed buildings. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR