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## Appeal Decision

Site visit made on 28 September 2017

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 11 October 2017**

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**Appeal Ref: APP/Q1445/D/17/3179059**

**1 Selborne Road, Hove BN3 3AJ**

- 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 Crown against the decision of Brighton & Hove City Council.
  - The application Ref: BH2016/05792 dated 20 October 2016 was refused by notice dated 5 May 2017.
  - The development proposed is erection of single storey extension on second floor; installation of frameless glazed balustrade on roof.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the Appellant submitted a revised proposal to seek to address the reasons for refusal. I am, however, required to determine the appeal on the basis of the plans determined by the Council.
3. The Appellant has drawn to my attention the application timescales and process but these are matters that would need to be discussed direct with the Council; my decision is based on the planning merits of the proposal before me.

### Main Issues

4. The main issues in this appeal are:
  - a) The effect of the proposal on the character and appearance of The Willett Estate Conservation Area.
  - b) The effect of the proposal on the living conditions of adjoining neighbours, with particular regard to overlooking and loss of privacy.

### Reasons

#### ***Issue a) Character and appearance***

5. The appeal property is a detached residential property on the west side of Selborne Road, and at the southern end of this residential street, close to the junction with Church Road, which has a mix of retail and commercial together with residential properties. The appeal property lies at the southern end of the Willett Estate Conservation Area. This Conservation Area is generally characterised by large bay fronted detached, semi-detached and short terraces

of houses set on wide, tree lined streets. Although there have been various alterations to individual properties there remains a continuity of historic form across the Conservation Area. The appeal property does not follow the typical detailing of the properties within the street and is distinguished from its immediate neighbours to the north with its flat fronted appearance.

Nonetheless, it is an attractive building which contributes to the street scene.

6. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
7. The existing property has accommodation at second floor level with both an irregular-shaped front and rear building line, leading out to areas of terrace, with a further irregular shaped area of terrace over the central part of the flat roof over the main house, which is surrounded by railings. The proposal would extend the accommodation at second floor level towards the front and the rear and extend the terrace at roof level, and replace the railings with a frameless glass balustrade.
8. The existing accommodation and terrace and railings can be viewed in the street scene, particularly when approaching from the south, and the irregular form of the accommodation at second floor and railing line above is apparent and is out of character with the more regular lines characteristic of the surrounding development. However, I consider that the scale and massing of the proposal, including the removal of the existing parapet line would result in a bulky addition at the second floor that would not appear subservient in form to the existing property. Furthermore, the proposed alignment of windows would not respect the existing order of fenestration and would contribute to the visual discordance of the proposed extension, in relation to the existing building. The proposal would appear as a top heavy addition that would detract from the character and appearance of the existing building and the contribution it makes to the street scene.
9. I have taken account of the proposed objective of the Appellant is seeking to replace the existing railings with frameless clear glazing. However, I agree with the Council that the proposed replacement would, from a number of viewpoints, and given their solid and reflective appearance, appear heavier and more visually intrusive than the existing railings. They would, therefore, add to the bulk and massing of development at roof level and would further detract from the character and appearance of the existing building and the contribution it makes to the street scene.
10. I therefore conclude that the proposal before me would result in harm to the character and appearance of the existing property and the contribution that the appeal property makes to the significance of the designated heritage asset of the Conservation Area. The proposal would not therefore preserve the character and appearance of The Willett Estate Conservation Area. This harm would conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan, Policy CP15 of the Brighton & Hove City Plan Part One and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations, as well as the National Planning Policy Framework (Framework) and in particular Section 12: Conserving and enhancing the historic environment. These policies and guidance all seek a high standard of design

which respects the local context and re-enforces local distinctiveness, with particular regard to conserving designated heritage assets.

11. Paragraph 134 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would add to the provision of residential accommodation. Whilst the harm to the designated heritage asset of the Conservation Area would, in my view, be less than substantial, the public benefits would not be sufficient to outweigh that harm.

### ***Issue b) Living Conditions***

12. There is an existing roof terrace which would be proposed to be extended and made more regular in shape. I understand that this does not benefit from planning permission but the Council has advised that the terrace and railings appear to have been in existence for more than four years. I have therefore taken a similar approach to the Council, to compare the proposed with the existing situation.
13. There is already some mutual overlooking between the existing terrace and windows and other terraces in surrounding buildings. However, given the existing situation and limited extent of enlargement, I do not consider that the existing situation would be materially altered as a result of the proposed extension and regularisation of the roof terrace. I do not therefore consider that the proposal would materially harm the living conditions of surrounding neighbours, with particular regard to overlooking and loss of privacy. There would be no conflict with Policies QD14 and QD27 of the Local Plan or one of the Core Principles in the Framework which seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Conclusion**

14. I have concluded, under my first main issue, that the proposal would not preserve the character and appearance of The Willett Estate Conservation Area and that the public benefits would not be sufficient to outweigh that harm. I have taken into account the family related reasons for seeking the increased and improved accommodation and whilst, under my second main issue I am satisfied that there would be no harm to the living conditions of the neighbours, these findings do not outweigh the harm I have concluded under my first main issue.
15. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR

