



## Appeal Decision

Site visit made on 18<sup>th</sup> December 2017

**by Alison Roland BSc DipTP MRTPI**

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

**Decision date: 02<sup>nd</sup> January 2018**

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**Appeal Ref: APP/Q1445/D/17/3187231**

**81 Edburton Avenue, Brighton, East Sussex, BN1 6EQ.**

- 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 T Walker against the decision of Brighton and Hove City Council.
  - The application Ref: BH2016/06184, dated, 21 November 2016, was refused by notice dated 4 August 2017.
  - The development proposed is insertion of new conservation style roof light to the front of the property.
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### Procedural Matter

1. The Decision Notice contains no reasons for refusal although these are clear from the Officer report on the planning application.

### Decision

2. The appeal is allowed and planning permission is granted for insertion of new conservation style roof light to the front of the property, at 81 Edburton Avenue, Brighton, East Sussex, BN1 6EQ, in accordance with the terms of the application Ref: BH2016/06184, dated 21 November 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans Drwg No: 3615.EX.02; Existing and Proposed Plans, Section & Elevation Drwg No: 3615.EX.01.
  - 3) The roof light hereby approved shall have steel or cast metal frames and be fitted flush with the adjoining roof surface and not project above the plane of the roof.

### Main Issue

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area (CA).
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## Reasons

4. The CA covers an extensive area of fairly tightly packed urban housing, which in the vicinity of the appeal site is characterised by substantial terraced properties with double height gables to the front elevations. The properties appear to date from the Victorian or Edwardian era and are relatively unaltered, imparting a genteel feel to the street.
5. The front roof slope of the appeal property already incorporates a roof light and the appeal proposal would see a slightly smaller one introduced to the left side. The main interest in the roofscape is derived from the upstands to the party walls which project markedly above the roof tiles, as well as the chimney stacks and pitched roof features over some of the bay windows. In this context, the proposal would amount to a modest and discrete addition to the roof slope which would not at all draw the eye and I do not accept the Council's proposition that it would create a cluttered appearance to the terrace. The size and position of the existing and proposed roof light would also relate well to the elevation below and broadly align with the windows therein. Moreover, I saw several other examples of roof lights on other properties in the immediate vicinity, as well as a box dormer window at the top end of the street.
6. For these reasons, I conclude on the main issue that the proposal would preserve or enhance the character or appearance of the appeal property and wider CA. Accordingly, I find no conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan (2005) (LP) as retained in the Brighton & Hove City Plan Part One (March 2016), Policies CP15 and SS1 of the latter document, or the advice in the Brighton & Hove City Council *Design Guide for Extensions and Alterations* Supplementary Planning Document (SPD) (June 2013), or the *Architectural Features* SPD (December 2009). These seek to ensure that alterations to existing buildings are well designed, sited and detailed, that development complies with the policies of the plan, preserves or enhances the character or appearance of conservation areas and has no harmful impact on its roofscape, that roof lights relate well to the scale and proportions of the elevation below and avoid harm to the uniformity of a terrace. However, I find that Policy QD27 of the LP which relates to the protection of residents' amenity is not relevant to the appeal.
7. In addition to the standard time limit for commencement of development the Council suggest a condition confining the approval to specified plans, which is necessary for certainty. They also suggest a matching materials condition as well as a condition requiring the roof light to have steel or cast metal frames and be fitted flush with the adjoining roof surface. The former is inappropriate provided the latter is imposed and this condition is necessary to secure a satisfactory finished appearance in this historic environment.

*ALISON ROLAND*

INSPECTOR