



# PLANNING STATEMENT

Alterations and extension (enlargement of previously approved roof terrace)

November 2023

Site: No.24 Great College Street, BN2 1HL

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## 1 INTRODUCTION

- 1.1 This householder planning application seeks permission for a very modest enlargement of a proposed roof terrace (BH2021/02687- allowed at appeal), which would be set into the roof of the existing rear outrigger at 24 Great College Street, Brighton. This would include an equivalent modest rear extension underbuilding.
- 1.2 The applicant has previously sought to achieve this very modest extension of the allowed roof terrace via a Section 73 application (BH2022/03821). The LPA refused siting:
  1. Alleged harm to neighbouring amenity;
  2. Alleged works beyond the permitted scope of s73;
  3. Alleged visual harm.
- 1.3 Although we disagree with the LPA's position in relation to Reason 2, this is a legislative issue and now resolved through the submission of this application – to that extent it requires no further consideration within this document.
- 1.4 However, it is critical to recognise reasons 1 and 3 conflict with the Inspector's findings when allowing the roof terrace (via BH2021/02687) – the Inspector concluded that the roof terrace would not result in visual harm or harm to neighbouring amenity.
- 1.5 It appears that during their assessment of BH2022/03821, the LPA has not considered the Inspector's findings. Inspector's findings must be considered a material consideration.
- 1.6 The proposed extension to the roof terrace is minimal in extent, and consistent with the previous design, and therefore would not materially alter the nature of the amenity impact or visual impact.
- 1.7 Thus, the Inspector's decision remains a material consideration and it is not clear why the LPA has arrived at a contrary view in their assessment of BH2022/03821.
- 1.8 Regardless, the resulting scale and appearance of the outrigger and roof terrace would be wholly characteristic of the existing locality (as is demonstrated herein).

## 2 RELEVANT POLICY AND LEGISLATION

### *POLICY*

2.1 The following local and national policies are relevant to this application.

#### *Brighton and Hove City Plan Part 1*

2.2 The following policies from the Brighton & Hove City Plan Part 1 are relevant:

- SS1 Presumption in favour of sustainable development;
- CP2 Sustainable economic development;
- CP8 Sustainable buildings;
- CP10 Biodiversity;
- CP12 Urban design;
- CP15 Heritage;
- CP19 Housing mix.

#### *Brighton and Hove City Plan Part 2*

2.3 The following policies from the Brighton & Hove City Plan Part 2 are relevant:

- DM1 Housing Quality, Choice and Mix;
- DM18 High-quality design and places;
- DM19 Maximising development potential;
- DM20 Protection of amenity;
- DM21 Extensions and alterations;
- DM26 Conservation Areas;
- DM29 The setting of heritage assets.

2.4 The following SPDs from the BHCC Local Development Framework are relevant:

- SPD12 (2020) Extensions and alterations  
(Section 5 specifically sets out guidance for Conservation Areas);
- SPD17 (2021) Urban design framework  
(this SPD outlines the importance of delivering development that responds to the city's limited spatial opportunities and helps to meet the city's significant development needs through high-density developments).

#### *National Planning Policy Framework (NPPF)*

2.5 The NPPF (September 2023) is of general relevance to all planning applications.

### 3 SITE CONTEXT

3.1 The application site is No.24 Great College Street, Brighton, BN2 1HL.

#### *Locality description*

3.2 The site is located at No.24 Great College Street in the Kemptown area between Eastern Road and St George's Road and 70m north-west of the Royal Sussex County Hospital building. Brighton Seafront lies some 250m due south.

3.3 The street trends approximately east-west, linking between College Place (to the west) and Abbey Road (to the east). The application building is on the southern (north-facing) side of the street (see location plan below).



*Above: Site location plan.*

3.4 The properties of the street (and the neighbouring streets) are 2-storey terraced period dwellings with relatively consistent stucco rendered front elevations, bearing canted bay window and roof parapets and with minimal or absent front amenity areas. The area has a predominantly residential character.

3.5 Some properties on the southern side of the street, including the application site, have a LGF/basement level.

3.6 To the rear properties display original 1 or 2-storey rear outriggers and small enclosed courtyard areas. The outriggers have commonly been modified by extension or the addition of a roof terrace. The existing rear building line is variable for the outriggers and commonly extends to the rear boundary of the plot.



- 3.7 Roofs are pitched and finished with tiles. Roof lights are commonplace and a number of properties display solar panels and rear dormer windows.



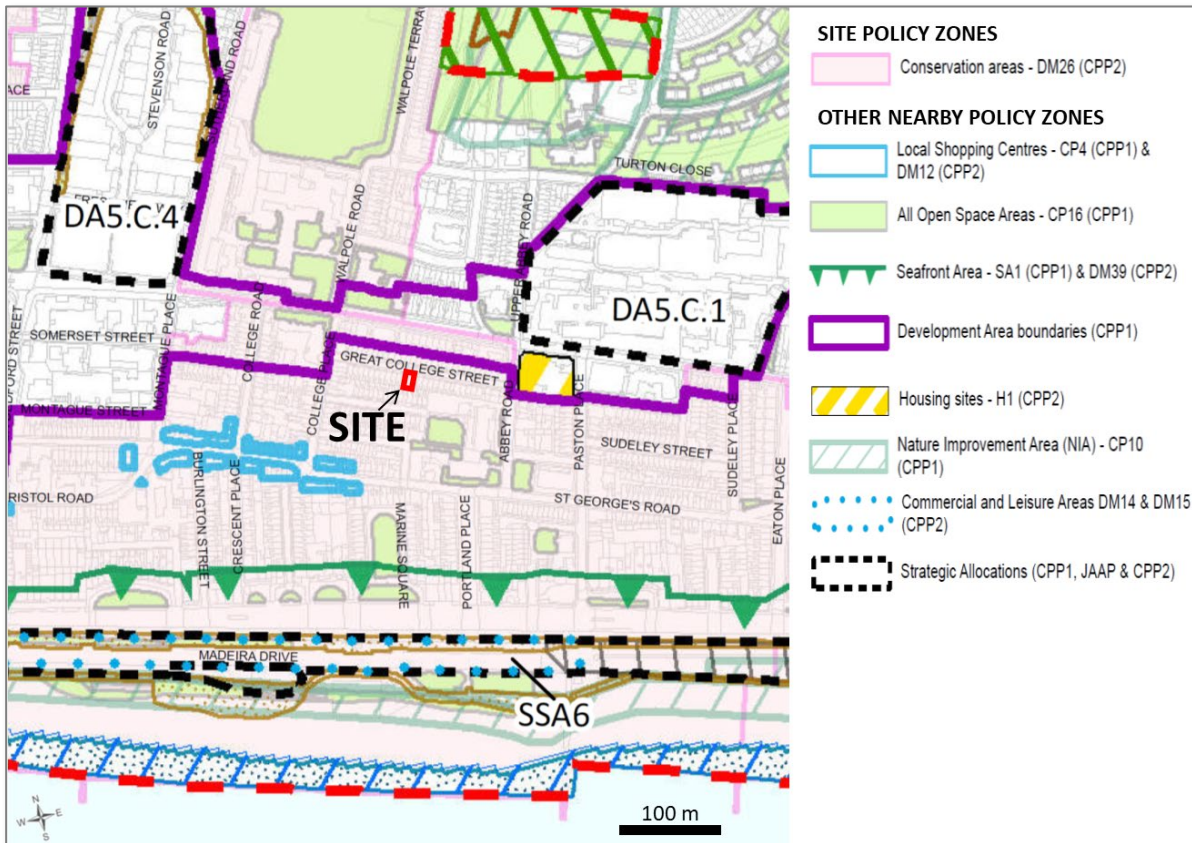
Above: Aerial view to south-west of the area around the application site (indicated). (© Google).



Above: Aerial view to north-east of the area around the application site (indicated). (© Google).



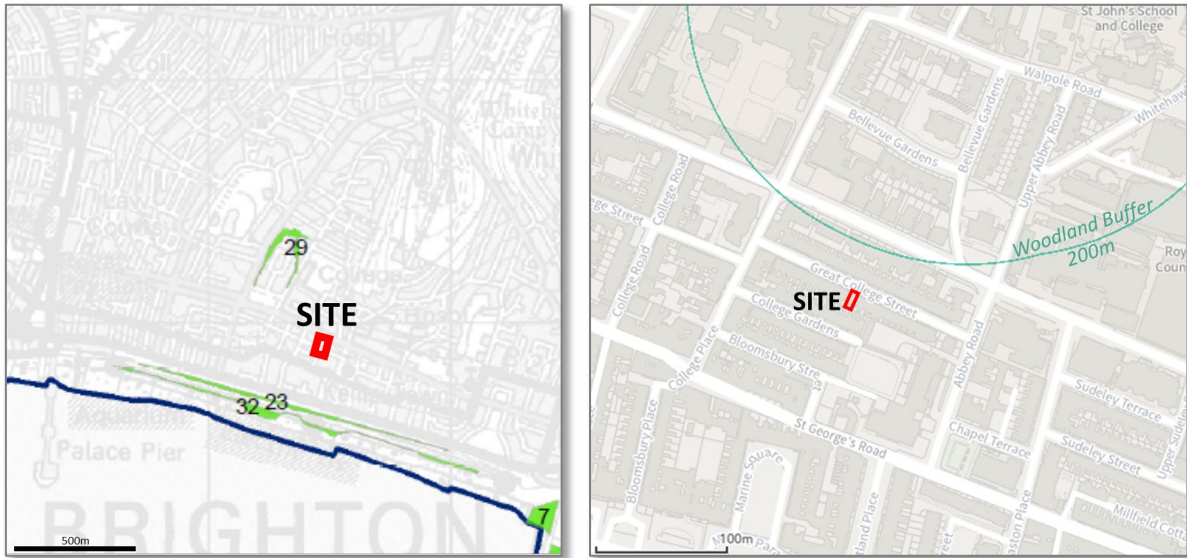
- 3.8 The site is located in the East Cliff Conservation Area - see below for a description of the heritage context.
- 3.9 The site is not located within any other policy zones (see policy map excerpt below). It is just south of DA5.



Above: Policy zones in the area around the application site (indicated) (© BHCC).

*Wildlife assessment*

- 3.1 The site is located within the following biodiversity zones (see map further below):
  - White Risk Zone for Great Crested Newts.
- 3.2 The BHCC wildlife assessment online guidance advises that applicants ‘can disregard the results for Great Crested Newt if the results show that your property is in either the “white” or “green” zone’.
- 3.3 A copy of the Wildlife Assessment Check Summary Report is submitted with this application. The report advises that it is unlikely that it will be necessary to consult an ecologist concerning the proposed works.
- 3.4 The site is not within material proximity of any Local Wildlife Sites – see map below.



Above: (left) Local Wildlife Sites in the greater area around the application site (indicated) (© BHCC); (right) Biodiversity Zones in the wider area around the application site (indicated) (© BHCC).

### Site description

- 3.5 The application property is a mid-terrace building. Iron railings provide a boundary Treatment with the existing footpath of Great College Street. The GF is accessed via a small flight of steps to the front door on the GF level whilst another flight of stairs leads down to the basement level.



Above: Street level view to west of the application site (indicated) (© Google).



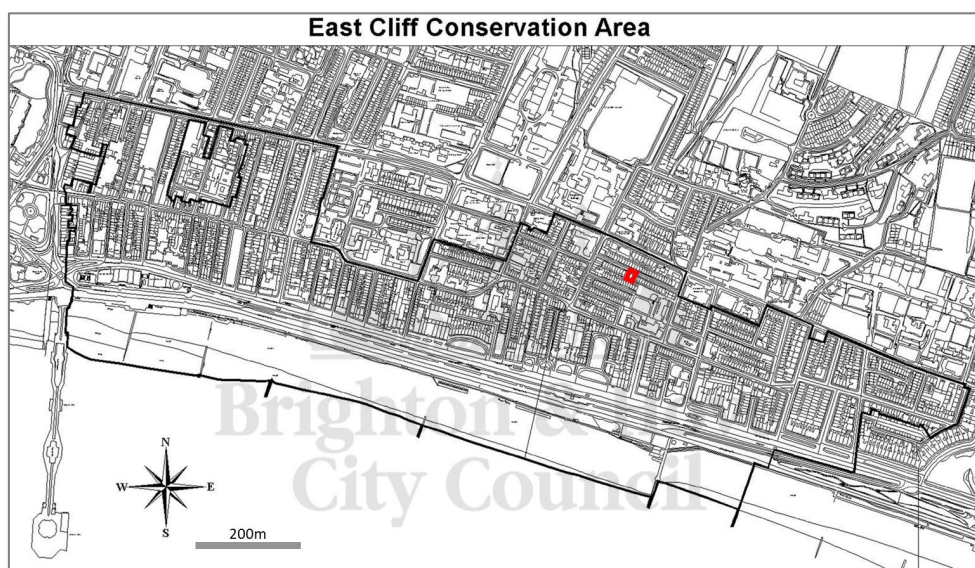
- 3.6 The sites northern boundary is made up of its frontage onto Great College Street. It is bounded to the west and east by the adjacent properties at No.22 and No.26 Great College Street (respectively). It is bounded to the south by the rear outdoor areas of the south-facing terraced properties on College Gardens.
- 3.7 The application site has a rear courtyard at the lower ground level. There is an existing rear 2-storey outrigger-style extension at LGF and GF levels, developed against the eastern boundary. The outrigger is topped by a mono-pitch roof which slopes to the west.
- 3.8 It is relevant to this application to consider that the existing LGF level of the outrigger extends to the southern rear boundary wall whilst the overlying GF level is set slightly back from the rear boundary (see existing elevations and plans in Section 5).

#### *Heritage context*

- 3.9 The site is located within the East Cliff Conservation Area.
- 3.10 There are a number of Listed Buildings and Locally Listed Buildings in the wider area.
- 3.11 There are no applicable Article 4 directions other than the non-relevant citywide directions restricting certain changes of use.
- 3.12 The site itself is not a Listed Building or Locally Listed Building.
- 3.13 The heritage context is described in more detail below.

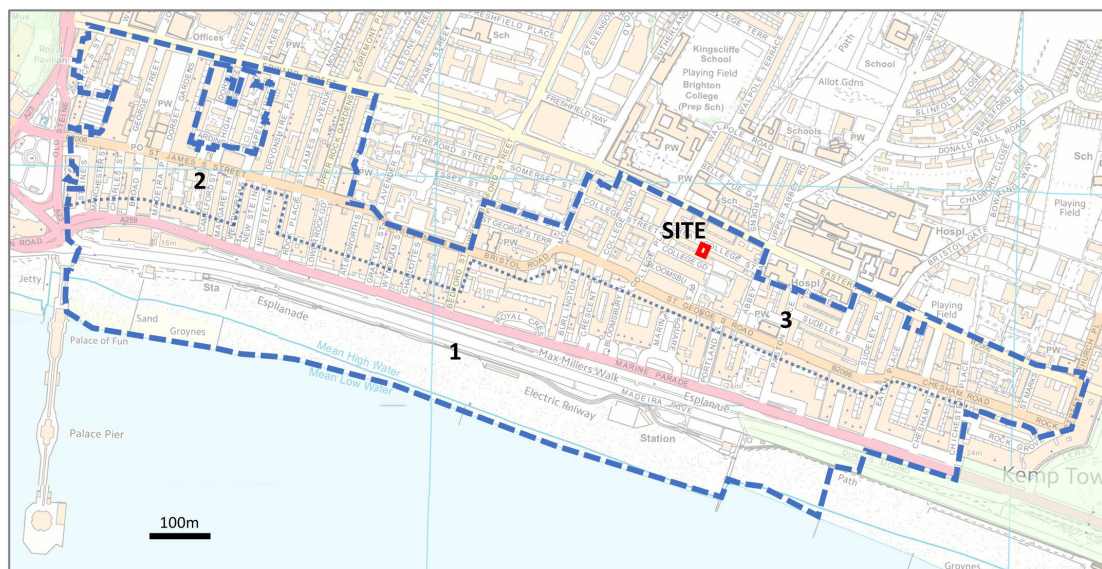
#### *East Cliff Conservation Area*

- 3.14 The site is located within the East Cliff Conservation Area, as shown below:



*Above: Site location within the East Cliff Conservation Area.*

- 3.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 3.16 Section 16 of the National Planning Policy Framework September 2023 (NPPF) provides the following provisions of relevance to development within a conservation area:
- Conserving and enhancing the historic environment (paragraphs 189-193)
  - Proposals affecting heritage assets (paragraphs 194-198)
  - Considering Potential Impacts (paragraphs 199-208)
- 3.17 The East Cliff Conservation Area Study and Enhancement Plan was published by BHCC in September 2002. It contains an appraisal of the special architectural and historic interest of the conservation area and sets out action that should be taken in order to preserve and enhance the special character and appearance of the area.
- 3.18 The Conservation Area is subdivided into 3 sub areas (see map below):
1. The Seafront Sub-area;
  2. The St James's Street Sub-area;
  3. **Kemp Town Village and the Victorian Residential Streets Sub-Area.**



Above: Site location within context of the East Cliff Conservation Area sub-areas. (© BHCC)

- 3.19 The context of the area is described in the East Cliff Conservation Area Study and Enhancement Guide. The Conservation Area resulted directly from the rapid growth of Brighton after 1750 and its architecture, particularly on the seafront, is very typical of the Regency style. The site is located in the sub area of Kemp Town Village and Victorian Residential Streets (see subareas map above).

3.20 The East Cliff Conservation Area Study and Enhancement Guide advises that:

*'3.5 1...This sub-area is markedly different in appearance from the other two. It is typified by the series of straight residential streets, mostly running east-west, which lie between Montague Place and Sudeley Place. They predominantly consist of fairly uniform terraces of two storey Victorian houses, stuccoed with cant bays and sash windows and minimal mouldings. The rooflines have consistent ridge and eaves or parapet lines.... The houses are mostly set back behind shallow front areas/gardens with low walls/railings forming a hard boundary to the pavement.'*

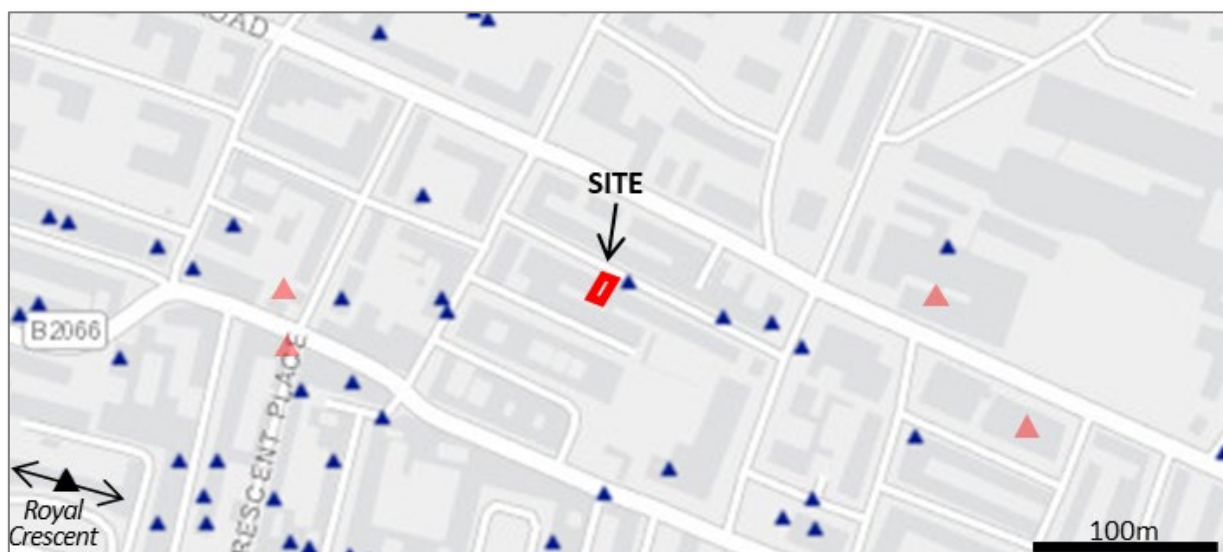
3.21 The East Cliff Conservation Area Study and Enhancement Guide further adds that:

*'3.5.5. This area is very largely residential in use and character. The residential use is lower density than the other two sub-areas as many of the houses are small scale and have remained in single dwelling use. This part of East Cliff is comparatively unaffected by the seasonal influx of tourists which occurs elsewhere and it is generally much quieter. The street pattern is generally different here, with many residential streets running east-west rather than north-south. This reflects the greater freedom that later developers had as they reached the outer edges of the old arable field system. The relationship of East Cliff to the sea is much less in evidence here.'*

3.22 This context has been fully considered and respected throughout the design process.

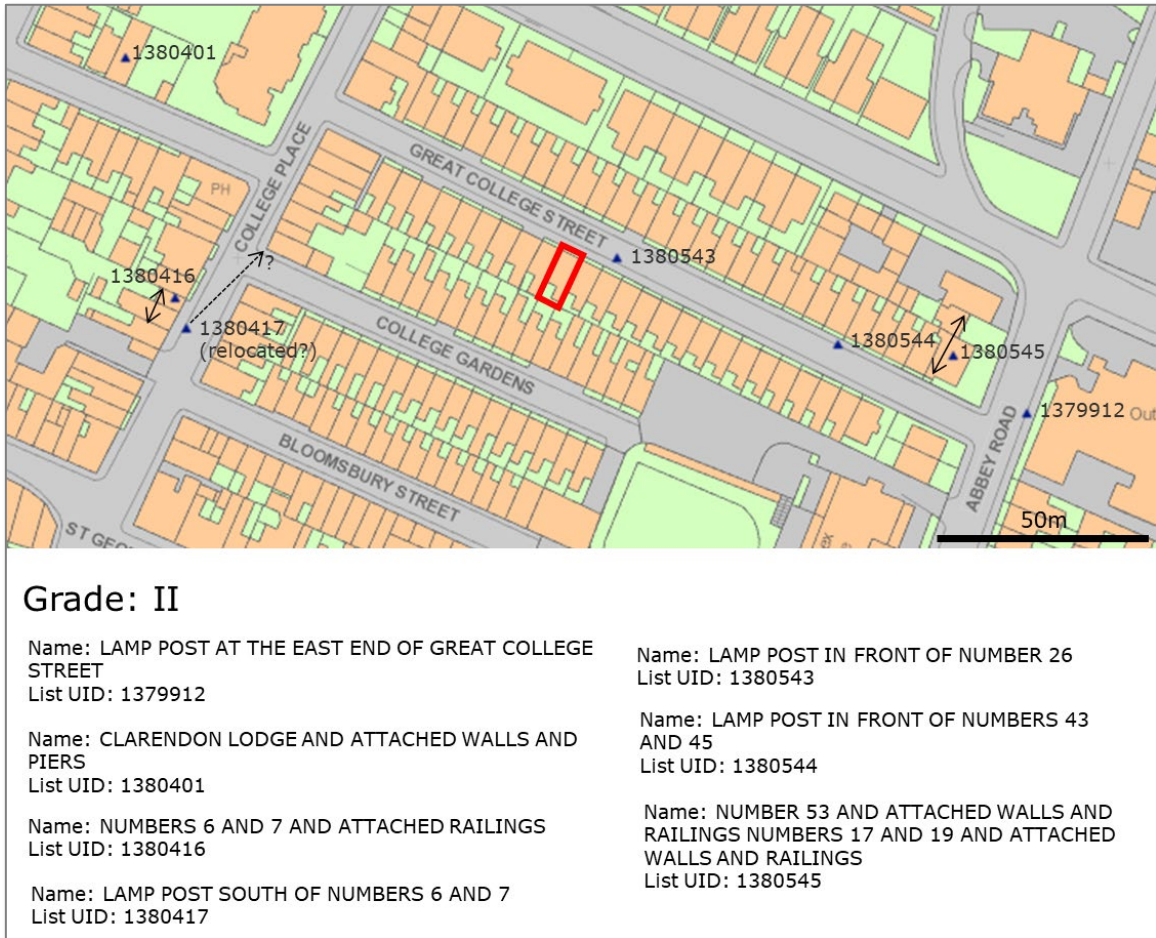
#### *Listed buildings*

3.23 There are a number of Listed Buildings in the area around the application site (see maps below).



Above: Distribution of Listed Buildings (blue triangles) and Locally Listed Buildings (red triangles) in the area around the application site. Royal Crescent is the only Grade II\* Listed Building in this field of view, the other sites all being Grade II. (© Historic England).





Above: Distribution of Listed structures in the area of the application site. (© Historic England).

- 3.24 All of the relevant buildings are Grade II.
- 3.25 The closest Grade II\* buildings are those of Royal Crescent, approximately 300m to the south-west. There are no Grade I buildings in the area.
- 3.26 The closest listed structures to the application building are lamp posts on Great College Street, with further listed lamp posts nearby on Abbey Road and College Place (see map above - note that lamp post UID 1380417 appears to have been relocated to the junction of College Gardens and College Place).
- 3.27 The only listed properties on Great College Street itself are No.s 17 and 19, at the junction with Abbey Road, 80m east of the application site. The front elevation of the application building is a low-prominence feature in the backdrop of the view west toward No.17 down Great College Street (see image below) – the proposed works to the rear outrigger and roof terrace of the application site would not be apparent within this view.
- 3.28 Moreover, the proposed works would not feature in any important views of Listed Buildings or Locally Listed Buildings.



Above: View west down Great College Street with Listed Buildings No.s 17 and 19 in the foreground and the location of the application site indicated within the backdrop. (© Google).

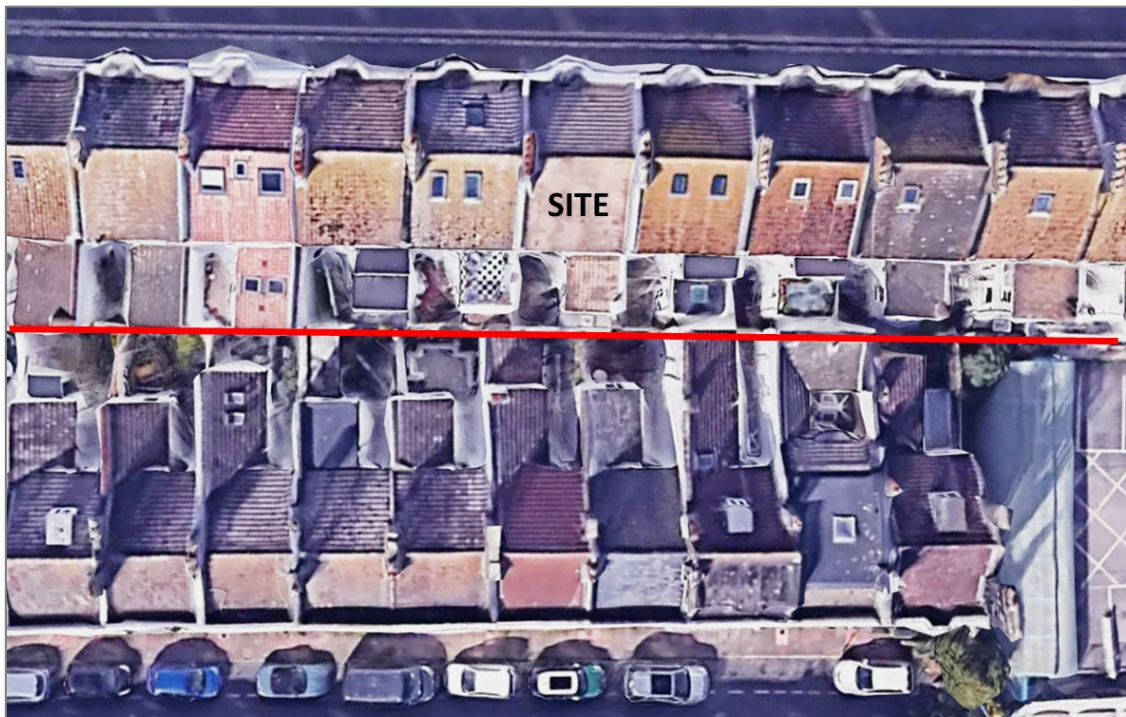
#### *Existing pattern of rear outriggers and roof terraces*

- 3.29 It is relevant to this application to consider the extent to which existing rear development extends to the rear boundary for properties in the area. For most properties in the area the rear development comprises a 2 or 3-storey outrigger beside a courtyard.
- 3.30 It can be seen from the map and images below that, for the majority of properties in the area, the rear outrigger extends to the rear boundary and, in the majority of cases, this applies to all of the levels of the outrigger.
- 3.31 Only in a minority of cases it is just the lowermost level which extends to the rear boundary.
- 3.32 A number of sites possess an upper-level roof terrace atop the rear outrigger that also extends to the rear boundary (again, see images below).
- 3.33 It can therefore be identified that the proposed 2<sup>nd</sup>-storey extension to the rear boundary with overlying full-length roof terrace would be a wholly characteristic development for the locality.





Above: Aerial view to west of the rear of Great College Street and College Gardens with the rear boundary line and application site indicated (© Google).



Above: Aerial view of the rear of Great College Street and College Gardens with the rear boundary line and application site indicated (© Google).





*Above: Aerial view of full-length roof terraces to the rear of College Gardens with the rear boundary line indicated (© Google).*

## 4 PLANNING HISTORY

4.1 There is recent planning history for the site.

4.2 The most relevant planning history to the current proposal is as follows.

4.3 BH2021/02687 - *Installation of roof terrace and front porch at lower level*. Refused by the LPA on 2<sup>nd</sup> December 2022.

4.4 The LPA gave the following reasons for refusal:

*'1. The proposed roof terrace and associated screening would form an unduly visually dominant and incongruous addition to the building, out of keeping with the host property, neighbouring buildings, and wider East Cliff Conservation Area. As such, the proposal would be seen as a discordant addition, detrimental to the visual amenity and is therefore contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan.*

*2. The proposed roof terrace would provide an elevated private amenity space close to neighbouring windows which would provide **views into neighbouring windows** and gives rise to a greater degree of **actual and perceived overlooking and loss of privacy**. Additionally, the roof terrace has the potential to give rise to **noise and disturbance**. The development is considered to be unneighbourly and intrusive and would harm the residential amenity of neighbouring occupier's contrary to policy QD27 of the Brighton and Hove Local Plan.'*

4.5 Thus, the LPA objected to alleged visual harm and harm to neighbouring amenity resulting from the roof terrace.

4.6 The application was subsequently allowed at appeal (APP/Q1445/D/22/3293841) on 27<sup>th</sup> June 2022.

4.7 The inspector did not agree with the LPA's concerns regarding visual impact, as follows:

*'4. With its rearward position the terrace would not be seen from the public realm. And even in the private views from the nearest properties, because of its limited size, restrained design and the avoidance of glazing as one of its materials the terrace would not draw the eye as being a jarring addition or of a disproportionate scale.*

*5. For the same reasons I do not concur with the Council's assessment as to incongruity, particularly with the scheme's amendment to remove the external staircase. There is already a similar roof terrace at No. 22 next door and the grounds of appeal cite other examples in the neighbourhood. As I do not consider that the proposal would have an adverse effect on the host building, it follows that in my view there would also be no harm caused to the character and appearance of the surrounding area and the conservation area. In making this assessment I have also had regard to the choice of materials.'*

4.8 The Inspector also did not agree with the LPA's concerns regarding amenity impact, as follows:

*'6. On the second issue, in terms of overlooking the proposed retention of a parapet wall would preclude views into the windows of No. 26 and the 1.7m high privacy fencing would similarly*

*safeguard the privacy of Nos. 11 and 12 College Gardens to the south. The Council's main concern is the relatively low 1.1m high steel railings facing the flank of No. 22. However, from my visit to the site (which included looking out of the appeal dwelling's upstairs windows) it was apparent that **the parapet wall of No. 22**, which forms the side wall of the existing roof terrace, **would prevent any overlooking and resultant loss of privacy** at that property.*

*7. As regards noise and disturbance, **the containment of the external area** together with an internal access from the house **would mitigate any noise** and unlike many domestic terraces there is no pleasing aspect to enjoy by standing or leaning over the sides. The parapet walls of the appeal property and No. 22 would offer noise attenuation to Nos. 26 and 22, whilst I consider that the **recreational use of the rear yard would have the same and arguably greater potential for disturbance**. As in most cases **the extent, if any, of noise and disturbance is more often than not down to an occupier's degree of consideration for their neighbours**.*

*8. Overall, I conclude that the terrace would neither be out of keeping with the host dwelling and the conservation area nor harmful to the amenity of neighbours.'*

4.9 The following subsequent application sought to vary Condition 1 (development to be in accordance with the approved drawings) and marginally increase the area of the approved roof terrace by modestly extending the terrace to the rear boundary of the site (equivalent to the intentions of the current proposal – see Section 5).

4.10 BH2022/03821 - *Application to vary condition 1 of planning permission BH2021/02687 (allowed on appeal) to increase the size of the roof terrace.* Refused on 9<sup>th</sup> June 2023.

4.11 The LPA gave the following reasons for refusal:

*'1 The proposed increase in the size of the terrace would result in additional **overlooking into the adjacent neighbours** and would also provide space for a greater number of people so would have the potential to cause more severe **noise disturbance**. It would therefore be contrary to policy DM20 of the Brighton & Hove City Plan Part Two.*

*2 The enlargement of the terrace would necessitate the extension of the existing ground floor **outrigger** which would take the works outside the scope of the original permission. As such, it would not be permitted under Section 73 of the Town and Country Planning Act 1990.*

*3 The **proposed roof terrace and associated screening** would form an **unduly visually dominant and incongruous addition to the building** which would be out of keeping with the host property, neighbouring buildings, and wider East Cliff Conservation Area, contrary to policies DM21 and DM26 of City Plan Part 2.'*

4.12 Thus, it can be seen that the LPA's Reason 1 is equivalent to Reason 2 of BH2021/02687 (presented further above), with which the Inspector did not agree.

4.13 Similarly, it can be seen that the LPA's Reason 3 is equivalent to Reason 1 of BH2021/02687 with which, again, the Inspector did not agree.

4.14 Reason 2 is addressed through the submission of the application itself.



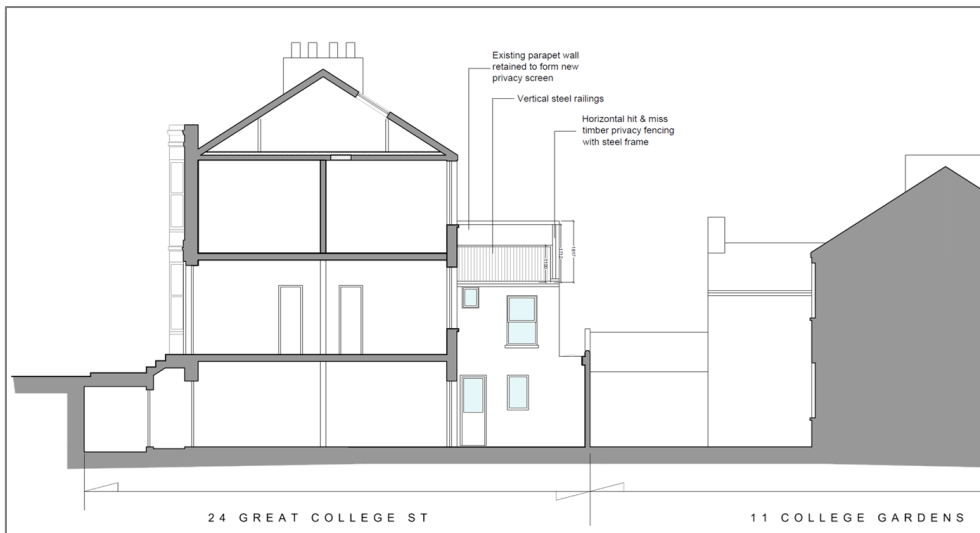
- 4.15 There is the following additional history for the site, albeit relatively irrelevant with regards to this application.
- 4.16 BH2021/02179 - *First floor rear extension, front porch at lower ground level and internal alterations.* Approved on 19th October 2021.
- 4.17 BH2021/02222 - *Certificate of Lawfulness for proposed loft conversion incorporating 2no rooflights to front slope and 3no rooflights to rear slope, revised fenestration with associated alterations.* Approved on 31st August 2021.
- 4.18 BH2022/00799 - *Installation of dormer to rear roofslope and replacement of roof with slate tiles.* Refused by the LPA on 2<sup>nd</sup> September 2022. Subsequently dismissed at appeal (APP/Q1445/D/22/3311811) on 24<sup>th</sup> March 2023.
- 4.19 BH2022/03822 - *Application to vary condition 1 of planning permission BH2021/02179 to increase the size of the rear extension.* Refused on 9<sup>th</sup> June 2023.
- 4.20 BH2023/02126 - *Installation of 2no dormers to rear roofslope, 2no front rooflights and replacement of roof with slate tiles. Installation of timber frame sash windows to replace existing UPVC windows.* Currently undecided.

5 DESCRIPTION OF THE PROPOSAL

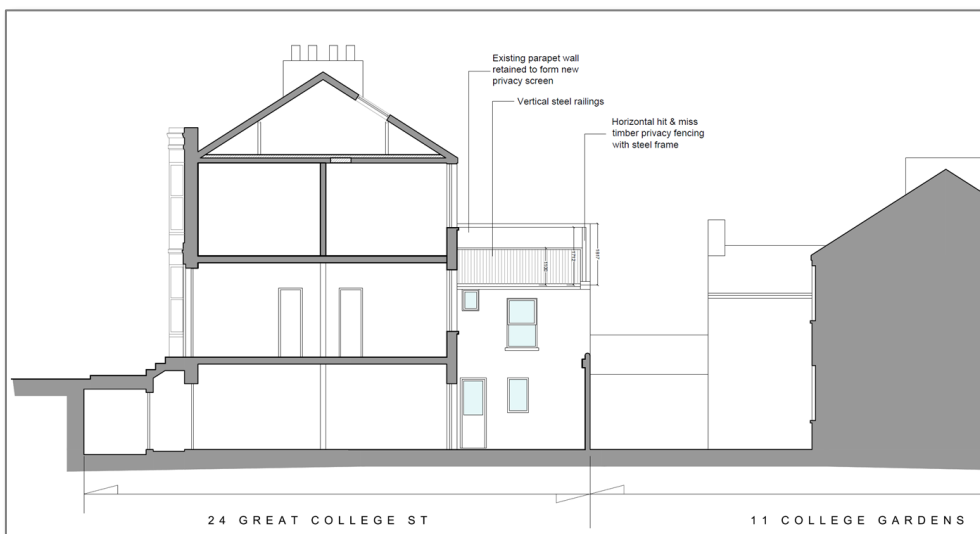
- 5.1 The application proposes a roof terrace which is marginally larger than that previously allowed at appeal.
- 5.2 The scheme would incorporate an associated minimal increase in the area of the approved overlying 1F roof terrace (BH2021/02687) which would be set into the existing pitched roof of the outrigger.



Above: Existing west (side) elevations and section.

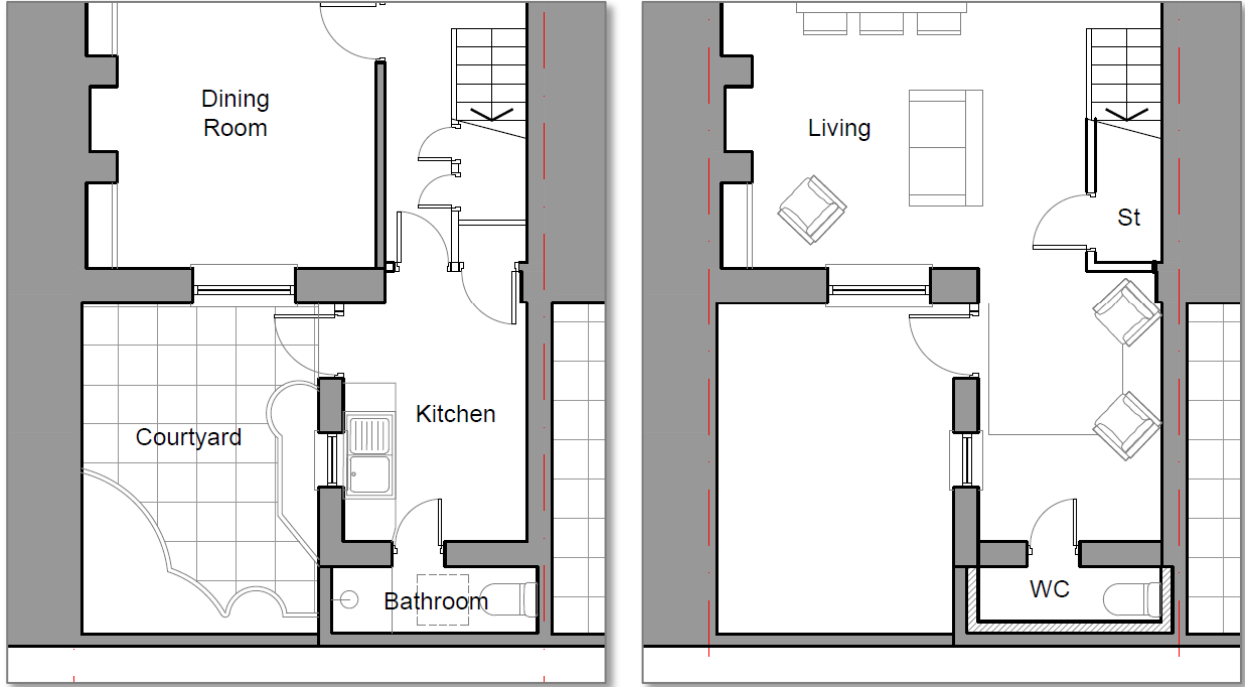


Above: Approved west (side) elevations and section (BH2021/02687).

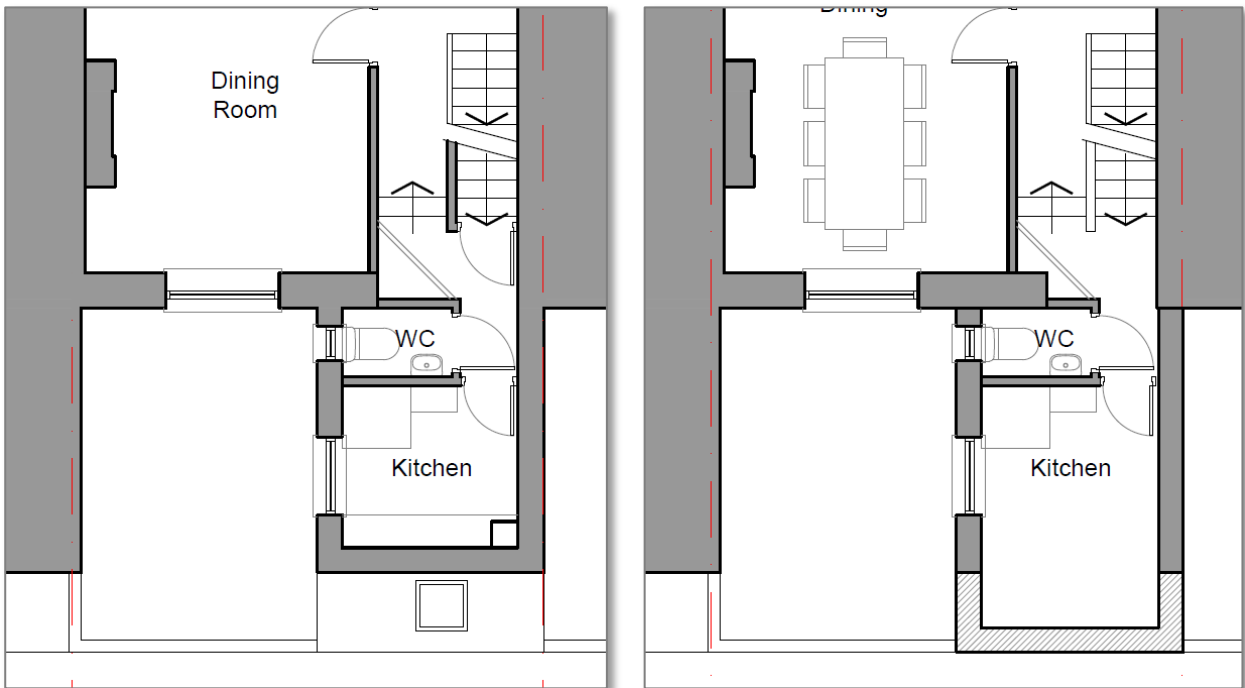


Above: Proposed west (side) elevations and section.

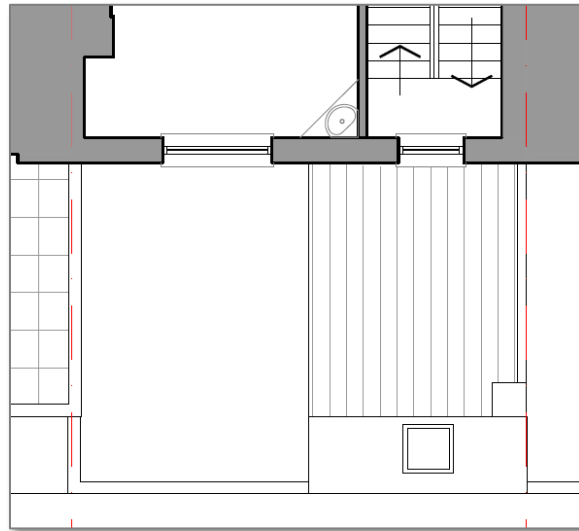




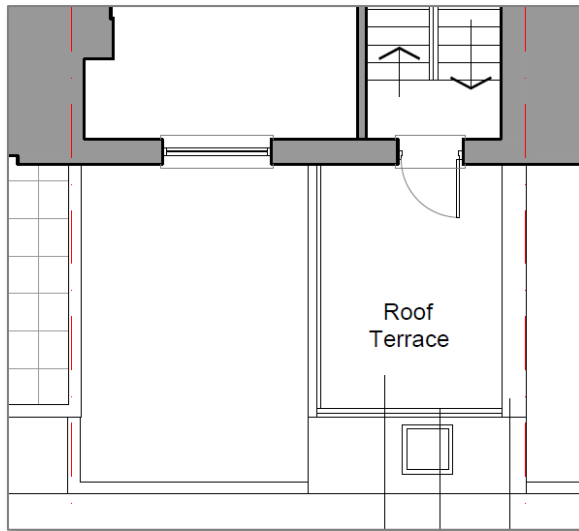
Above: Existing (left) and proposed (right) rear LGF plans.



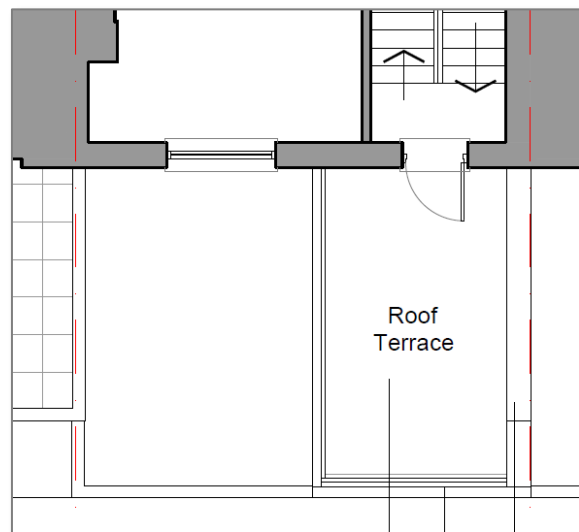
Above: Existing (left) and proposed (right) rear GF plans.



*Above: Existing rear 1F plans.*



*Above: Approved rear 1F plans (BH2021/02687).*



*Above: Proposed rear 1F plans.*

## 6 ASSESSMENT OF THE PROPOSAL

### PLANNING CONSIDERATIONS

6.1 In this instance, the main planning considerations are:

- Principle of the development;
- Impact on neighbouring amenity;
- Design / visual impact.

6.2 The LPA have previously identified their concerns in relation to neighbouring amenity impact and visual impact of the proposed roof terrace enlargement within their refusal of the preceding Section 73 application (BH2022/03821). These concerns also echo those reasons for refusal for BH2021/02687, despite the appeal for the latter being allowed.

### PRINCIPLE OF DEVELOPMENT

6.3 The Inspector made it clear that the roof terrace (BH2021/02687) would not result in any form of visual or amenity impact. Please refer to the relevant PINS decision letter, attached as Appendix 1.

6.4 This is a material consideration that the LPA have overlooked in their refusal of BH2021/02687. It is clear they have not accepted the Inspector's findings as material considerations. The Inspector's findings are therefore presented below to support the assessment of the planning considerations.

6.5 As the Inspector accepted the initially proposed roof terrace (BH2021/02687), the principle is acceptable and should remain as such. Turning to this current application and owing to the similarities between both schemes, it stands to reason that the principle must continue to be accepted by the LPA – this is irrespective of the fact they did not support BH2021/02687. The PINS decision takes precedent.

### IMPACT ON NEIGHBOURING AMENITY (DM20)

6.6 As has been outlined above, the LPA have previously specified their concerns regarding alleged neighbouring amenity impacts resulting from the proposed minimal enlargement of the roof terrace. The LPA gave the following reason for refusal of BH2022/03821:

*'1 The proposed increase in the size of the terrace would result in additional **overlooking into the adjacent neighbours** and would also provide space for a greater number of people so would have the potential to cause more severe **noise disturbance**. It would therefore be contrary to policy DM20 of the Brighton & Hove City Plan Part Two.'*

6.7 However, the proposed design is simply a very modest extension of the design allowed at appeal (BH2021/02687) and the LPA's current amenity-related concerns are the same as for that application.



- 6.8 It is therefore material and entirely relevant to consider the Inspector's findings regarding amenity for BH2021/02687 - it can clearly be concluded that an equivalent decision would apply here, given the similarity between that proposal and the current application.

*Privacy and overlooking*

- 6.9 Regarding the privacy and overlooking impact of the BH2021/02687 roof terrace, the Inspector did not find harm and concluded as follows:

*'6. ..in terms of overlooking the proposed retention of a parapet wall would preclude views into the windows of No. 26 and the 1.7m high privacy fencing would similarly safeguard the privacy of Nos. 11 and 12 College Gardens to the south. The Council's main concern is the relatively low 1.1m high steel railings facing the flank of No. 22. However, from my visit to the site (which included looking out of the appeal dwelling's upstairs windows) it was apparent that the parapet wall of No. 22, which forms the side wall of the existing roof terrace, would prevent any overlooking and resultant loss of privacy at that property.'*

- 6.10 The current application merely extends the previous design (modestly) with the same privacy fencing and parapet wall that the Inspector concluded to be sufficient to protect privacy and prevent overlooking of neighbouring sites to the east and south.
- 6.11 Regarding No.22 to the west, clearly the current proposal would not result in any change to the situation regarding the parapet wall at that site.
- 6.12 Thus, it must be similarly concluded that the current proposal would have no detrimental impact on privacy and would not result in harmful overlooking – this is consistent with the Inspector's findings.

*Noise*

- 6.13 Regarding noise disturbance, the Inspector concluded as follows:

*'7. As regards noise and disturbance, the containment of the external area together with an internal access from the house would mitigate any noise and unlike many domestic terraces there is no pleasing aspect to enjoy by standing or leaning over the sides. The parapet walls of the appeal property and No. 22 would offer noise attenuation to Nos. 26 and 22, whilst I consider that the recreational use of the rear yard would have the same and arguably greater potential for disturbance. As in most cases the extent, if any, of noise and disturbance is more often than not down to an occupier's degree of consideration for their neighbours.'*

- 6.14 The inspector's findings on alleged noise disturbance are a definite material consideration to the current proposal - the proposed minimal enlargement of the roof terrace could not be considered likely to result in any notable increase in the likelihood of noise disturbance – in particular, as the allegation was discounted in the first instance – the Inspector was clear – *'As in most cases the extent, if any, of noise and disturbance is more often than not down to an occupier's degree of consideration for their neighbours.'*
- 6.15 The LPA must uphold this view.
- 6.16 The Inspector concluded their findings on neighbouring amenity as follows:

*'8. Overall, I conclude that the terrace would neither be out of keeping with the host dwelling and the conservation area nor harmful to the amenity of neighbours.'*

- 6.17 Given the above, the current proposal must be considered acceptable in terms of neighbouring amenity, in-line with the previous Inspector's decision which is a material consideration.
- 6.18 Regardless, roof terraces which extend the full length of the rear outrigger are characteristic of the locality and commonly extend to the rear boundary. The proposal is wholly consistent with this established characteristic of the locality.

#### *DESIGN / VISUAL IMPACT (DM18)*

- 6.19 Again, as has been outlined above, the LPA have previously specified their concerns regarding alleged visual impact resulting from the proposed minimal enlargement of the roof terrace. The LPA gave the following reason for refusal of BH2022/03821

*'3. The proposed roof terrace and associated screening would form an unduly visually dominant and incongruous addition to the building which would be out of keeping with the host property, neighbouring buildings, and wider East Cliff Conservation Area, contrary to policies DM21 and DM26 of City Plan Part 2.'*

- 6.20 However, the proposed design is simply a very modest extension of the design allowed at appeal (BH2021/02687) and the LPA's current appearance-related concerns (demonstrated in BH2022/03821) are the same as for that application.
- 6.21 It is therefore material and entirely relevant to consider the Inspector's findings regarding visual impact for BH2021/02687 - it can clearly be concluded that an equivalent decision would apply here, given the similarity between that proposal and the current application.
- 6.22 In their appeal decision, the Inspector did not agree with the LPA's concerns on visual impact and impact on the Conservation Area and concluded as follows:

*'4. With its rearward position the terrace would not be seen from the public realm. And even in the private views from the nearest properties, because of its limited size, restrained design and the avoidance of glazing as one of its materials the terrace would not draw the eye as being a jarring addition or of a disproportionate scale.*

*5. For the same reasons I do not concur with the Council's assessment as to incongruity, particularly with the scheme's amendment to remove the external staircase. There is already a similar roof terrace at No. 22 next door and the grounds of appeal cite other examples in the neighbourhood. As I do not consider that the proposal would have an adverse effect on the host building, it follows that in my view there would also be no harm caused to the character and appearance of the surrounding area and the conservation area. In making this assessment I have also had regard to the choice of materials.'*

- 6.23 The proposed minimal extension cannot be considered to result in a roof terrace that would cause any more harm than what has been allowed. The increase in size would be negligible.
- 6.24 The proposed design is unchanged in terms of materials and detailing.

- 6.25 The inspector's findings regarding BH2021/02687 must, therefore, be taken into consideration when considering this proposal – PINS decisions must carry relevant material weight.
- 6.26 Regardless, the appearance, scale and siting of the proposal is wholly characteristic of the locality, as has been demonstrated in Section 3.



## 7 CONCLUSION

- 7.1 In summary, the proposal would merely result in a very modest extension of the allowed roof terrace.
- 7.2 The current proposal offers no material changes in scale or design sufficient to materially change the visual impact or impact on amenity (noting there were no detrimental impacts previously identified by PINS).
- 7.3 If the LPA give appropriate weight to the Inspector's findings, then this proposal must be approved.
- 7.4 Accordingly, we respectfully urge the LPA to issue planning permission without delay.
- 7.5 **In the spirit of Paragraph 38 of the NPPF, should the LPA wish to discuss any aspects of the proposal, please contact the agent directly at [info@cmkplanning.com](mailto:info@cmkplanning.com) and we shall endeavour to respond within 2 working days.**

