
Appeal Decisions

Site visit made on 10 October 2016

by David Prentis BA BPI MRTPI

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

Decision date: 25 October 2016

Appeal A: APP/Q1445/W/16/3152050 **33 Oriental Place, Brighton BN1 2LL**

- 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 01 Hostels Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03462, dated 26 September 2015, was refused by notice dated 22 January 2016.
 - The development proposed is addition of Mansard roof to provide manager's accommodation with associated internal alterations including to ground and first floors (rear), and third floor of main building.
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Appeal B: APP/Q1445/Y/16/3152051 **33 Oriental Place, Brighton BN1 2LL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by 01 Hostels Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03463, dated 26 September 2015, was refused by notice dated 22 January 2016.
 - The development proposed is addition of Mansard roof to provide manager's accommodation with associated internal alterations including to ground and first floors (rear), and third floor of main building.
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Decision - Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary matter

3. A revised application for a new roof was submitted shortly before the site visit. However, I have determined the appeal on the basis of the applications which were refused by the Council.

Main issue

4. The main issue is the effect of the proposal on the special interest of the listed building, the settings of adjoining listed buildings and the character and appearance of the Regency Square Conservation Area.

Reasons

5. The appeal relates to a terraced property on 5 levels, comprising a lower ground floor, ground floor and three upper floors. It is used as a backpackers' hostel. The building is listed at Grade II* which indicates that it is a heritage asset of high significance. It is listed as a group with Nos 19 – 35 (consecutive) which together form the western side of Oriental Place. The listing description states that the terrace dates from 1827 and that it is roughly symmetrical, with ranges of matching design either side of a '*centrepiece*', albeit that the southernmost range is missing. The centrepiece is accentuated with raised floor levels, fluted pilasters and pediments at either end. The appeal property forms part of a group of 4 similar houses at Nos 32 – 35¹. These houses have banded rustication at ground floor level and round-arched windows and balconies at first floor level. However, in comparison with the centrepiece, they are relatively restrained. It seems likely that this was a considered design choice, intended to allow the centrepiece to be the focal point of the overall composition.
6. The appeal property has architectural and historic interest in its own right, as an example of early 19th century domestic architecture. Moreover, the fact that it forms an integral part of an overall design for the terrace as a whole is an important factor which adds much to its individual significance.
7. The conservation area comprises a formal arrangement of terraced streets and squares, the principal streets running back from the seafront perpendicular to the Esplanade. Oriental Place is one such street.
8. It is convenient to consider first the impacts on the fabric and internal layout of the building, mindful that these aspects are relevant to Appeal B only, before turning to the effect on the outward aspect of the building and its contribution to the street scene.

Effect on historic fabric and layout

9. The Council has no objection to the minor alterations proposed at ground and first floor level. At 3rd floor level two internal walls would be removed and a staircase would be inserted to gain access to the proposed 4th floor accommodation. The historic building recording report submitted with the application concludes that the layout of the third floor is likely to be a modern creation. From what I saw of the positioning of features such as the former fireplace and the front windows, I share that view. It seems likely that there would have been a single front room spanning the full width of the building. Consequently it is unlikely that the proposed alterations would result in the loss of historic fabric or would harm the ability to interpret the layout of the building.
10. The Council and the appellant agree that roofs in this locality are typically M shaped. The roof of the appeal property is not typical of this pattern, having a low pitched section at the front and two sections sloping to a central valley at the back. The roof covering is modern and inspection of the rafters indicates a mix of old and new timbers. Thus it seems likely that the roof form is not original, although the construction may well include a proportion of old or original fabric. That said, the roof has one key feature which would also have

¹ No 32 is now part of the Regency House Hotel

been a feature of the original. That is its low pitch, which ensures that it is concealed behind the parapet when seen from the street.

Effect on appreciation of the building and its relationship to the terrace

11. As noted above, Nos 32 to 35 together form a cohesive group, relatively restrained in style, intended to frame the more extravagantly detailed buildings in the centre of the terrace. Architectural details such as windows, doors and balconies are repeated giving a high degree of unity. Part of the unity stems from the consistent cornice and parapet lines, which would once have defined the top of the buildings. That design concept has clearly been eroded by the roof additions at Nos 32 and 34, either side of the appeal property. It seems from the list description that both additions were in place at the time of listing. Even so, they are unfortunate add-ons which clutter the skyline and detract from the clean lines of the original elevation. They detract from the significance of the listed building and the terrace as a whole.
12. To my mind the appeal scheme would be an uncharacteristic addition to a property which was designed to have a concealed roof. It would only add to the harm which has already occurred. Although set behind a parapet, with an elevation angled back from the vertical, the roof extension would be readily apparent in views from Oriental Place. In combination with the existing roof additions it would detract from the principal elevation of the listed terrace and reduce the ability to understand and appreciate the original design intent.
13. The appellant argues that the extension would be an appropriate infill between two existing additions. However, the two additions do not themselves match (that at No 32 having a steeper pitch), so a unified approach to the three buildings could not be fully achieved. In any event, any perceived benefit from filling the existing gap needs to be set against the fact that it would be achieved at the expense of harm to the ability to appreciate the special architectural interest of the subject building. In my view the benefit of any such tidying up would be minor, in heritage terms, and would not outweigh the harm.
14. The appeal property is an important historic building within the conservation area, so for the same reasons there would also be harm to the character of the conservation area. However, in longer views up and down Oriental Place the extension would not be prominent, because it would be seen amongst other elements of the roofscape. Consequently, the harm to the wider conservation area would be limited.
15. I conclude that the proposal would fail to preserve the special architectural interest of the listed building. Moreover, it would detract from the settings of nearby listed buildings forming part of the same terrace and would not preserve or enhance the character of the conservation area. It would be contrary to Policies HE1, HE3 and HE6 of the Brighton and Hove Local Plan. These policies seek to protect heritage assets and their settings.
16. In the terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. However, the Framework emphasises the desirability of conserving the significance of heritage assets. Harm which is '*less than substantial*' is not to be regarded as unimportant. The Framework requires any such harm to be weighed against any public benefits of the proposal. I return to that balance below.

Other matters

17. The proposed relocation of the manager's flat would enable the existing flat to be used for additional visitor accommodation. The appellant argues that this would be an economic benefit in its own right. It is also argued that the profits from the current operation are not sufficient to fund repairs to the building. Expansion, it is suggested, is the key to future investment in the building.
18. Additional visitor accommodation would support tourism in Brighton. This would accord with Policy CP6 of the Brighton and Hove City Plan which supports the provision of visitor accommodation. I agree that this would be an economic benefit to be weighed in favour of the appeal. However, I consider that the suggested benefit to the listed building needs to be treated with some caution. The building has been used as a backpackers' hostel for many years and the evidence indicates that the demand for this type of accommodation is strong. On the face of it there is no obvious reason why that business should not continue. Even if it could not, there is no reason to think that the building could not be put to some alternative use which would support its upkeep.
19. Any owner of a listed building is responsible for keeping it in reasonable repair and, from what I saw, there is no reason to think that this particular listed building is at risk of significant decline. Finally, there is no mechanism in place which would secure any particular works of renovation or repair as a consequence of the appeal scheme. For all these reasons I attach limited weight to the suggested benefits relating to the repair of the building.
20. The occupiers of residential accommodation on the opposite side of Oriental Place raised concerns about noise from the hostel, overlooking and loss of natural light. Whilst the proposal would expand the hostel, the general nature of the use would not change. There are large numbers of windows facing each other across Oriental Place and the addition of two further windows as a result of the appeal scheme would make little practical difference to the level of overlooking experienced. Moreover, in the context of the large block of development on the west side of the street, I do not think that the proposal would have a significant effect on natural light. My overall assessment is that the appeal scheme would not result in material harm to the living conditions of nearby residents.

Conclusion

21. The proposal would result in harm to the significance of the listed building as a designated heritage asset. Moreover, it would detract from the settings of nearby listed buildings forming part of the same terrace, thereby harming their significance. There would also be some limited harm to the conservation area. On the other hand the proposal would result in an economic benefit in that it would support tourism in Brighton. However, in my view that benefit would not be so significant as to outweigh the harm to heritage assets which would occur.
22. The conflict with Policies HE1 and HE3² is of sufficient importance for the proposal to be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with CP6. I have not identified any considerations which indicate that the appeals should be determined other than in accordance with the development plan.

² For the reasons given above, the conflict with HE6 (conservation areas) is of less importance

23. For the above reasons, the appeals should not succeed.

David Prentis

Inspector