
Appeal Decisions

Site visit made on 10 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 13th January 2017

Appeal A Ref: APP/B1415/W/16/3156759

3 Maze Hill, St-Leonards-on-Sea, TN38 0BA

- 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 M Robinson against the decision of Hastings Borough Council.
 - The application Ref HS/FA/16/00327, dated 28 April 2016, was refused by notice dated 12 July 2016.
 - The development proposed is described as '*installation of new cast iron railings on existing boundary wall to match adjacent buildings*'.
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Appeal B Ref: APP/B1415/Y/16/3156766

3 Maze Hill, St-Leonards-on-Sea, TN38 0BA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs M Robinson against the decision of Hastings Borough Council.
 - The application Ref HS/LB/16/00328, dated 28 April 2016, was refused by notice dated 12 July 2016.
 - The works proposed are '*installation of new cast iron railings on existing boundary wall to match adjacent buildings*'.
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Decisions

1. The appeals are both dismissed.

Preliminary Matter

2. This decision letter deals with two appeals; Appeal A for planning permission and Appeal B for listed building consent. As the schemes and the comments of the main parties are essentially the same for both, I have considered both in this single decision letter.

Main Issue

3. The main issue is whether the proposed works would preserve the special architectural or historical interest of the Grade II listed building and whether it would preserve or enhance the character or appearance of the Burtons' St Leonards Conservation Area.

Reasons

4. The appeal site comprises No 3 Maze Hill, which is Georgian period picturesque villa that is a Grade II listed building within the Burtons' St Leonards
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Conservation Area. The building forms part of a terrace that slopes upward on Maze Hill. I saw that to the front of the appeal property there is a larger garden area than on others along the terrace, owing to the curvature of the main highway. I understand that this forms the main external space for residents of the property.

5. The boundary treatments of the rest of the listed terrace are principally formed of rendered walls and pillars without railings. The only nearby examples of railings within the street scene are on boundaries of buildings which do not form part of the terrace. It is the combination of this retained boundary treatment together with the contribution this makes to the architectural interest that the significance of the listed building, and this part of the conservation area, partly derives. What is more, the appeal building, its adjoining terrace and the wider conservation area, was part of an overall designed westwards extension of Hastings undertaken by James Burton from 1828 until his death in 1837, a developer who is also renowned for his contribution to the architecture of the Georgian and Regency periods.
6. The appeal scheme seeks the erection of short railings on top of the existing front wall. The appellant's Heritage Asset Statement - April 2016 (HA) identifies that these are sought to improve security and to reflect those already on the neighbouring wall of 3 East Ascent. However, traditionally, railings served a number of limited purposes on many Georgian properties; for example to prevent pedestrians falling into the open area in front of basements, to provide security from the mobs and riots of the late 1700s and early 1800s, and to provide decorative features.
7. In this particular case, the front boundary walls serve a small walled courtyard to the south and a raised area of ground on the northern side of the entrance steps, rather than as a barrier to prevent pedestrians falling into a basement well. To the contrary, that at 3 East Ascent seeks, in part, to prevent pedestrians from inadvertently falling over a wall down a bank into the grounds of that property, and this is a very limited example of railings within this street scene.
8. The point made by the appellant that many railings were removed for the war effort is noted. However, there is minimal evidence before me which conclusively demonstrates that the boundary wall at No 3 Maze Hill, or elsewhere on this terrace, benefited from such boundary treatment. Indeed, the HA provides no evidence to support the assumption that there were railings in place previously which were removed to aid in defence preparations during the Second World War. In a similar vein, with little evidence to the contrary, it appears as though such railings were not used decoratively on this boundary either.
9. In the absence of such evidence, the railings proposed in this case would introduce an ahistorical feature into this part of the conservation area and onto the listed building. In doing so, the proposal would detract from the composition that the building and terrace create when viewed within the street scene. It would therefore fail to preserve the special interest of the listed building and it would fail to preserve the character of the Burtons' St Leonard Conservation Area.
10. Paragraphs 132 to 134 of the *National Planning Policy Framework* (the Framework) set out degrees of harm which are 'substantial' or 'less than

substantial'. Neither term is defined; however given that the works involved are limited to one part of the listed building I consider that the proposal would result in no more than less than substantial harm.

11. Nonetheless, identifying less than substantial harm in respect of heritage assets does not reduce the considerable importance and weight that should be afforded to the statutory duties to preserve heritage assets, as set out in Sections 16(2), 66(1) and 72(1) of the PLBCA Act 1990, as amended. Paragraph 134 of the Framework indicates that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.
12. In this case, the appellant points to the fact that the building is to be returned to use as a single dwellinghouse from use as flats. However, such change of use is not as a result of the appeal scheme itself. In terms of security and health and safety benefits, it is unclear as to how spiked railings set upon the existing boundary wall, which is roughly waist-to-chest height off the ground, would provide a public benefit as such. Accordingly, I do not find that there any public benefits which would outweigh the less than substantial harm I have identified.
13. I therefore conclude that the proposed development and works would fail to preserve the special architectural or historical interest of the Grade II listed building nor would it preserve the character of the Burtons' St Leonards Conservation Area. As such, it would conflict with Policies DM1 and HN1 of the *Hastings Development Management Plan 2015*, which, amongst other aims, seek to protect and enhance local character and sustains and enhances the significance of heritage assets. It would also conflict with the Policies of the Framework which, beyond those already cited, include conserving heritage assets in a manner appropriate to their significance.
14. For the reasons given above, I conclude that both appeals should be dismissed.

Cullum J A Parker

INSPECTOR