
Appeal Decisions

Site visit made on 7 February 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 17th February 2017

Appeal A: APP/Q1445/W/16/3162599

28b Brunswick Square, Hove BN3 1EJ

- 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 Matthew Maxwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01699, dated 12 May 2016, was refused by the Council by notice dated 15 August 2016.
 - The development proposed is basement rear extension in courtyard to replace existing extension.
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Appeal B: APP/Q1445/Y/16/3162614

28b Brunswick Square, Hove BN3 1EJ

- 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 Mr Matthew Maxwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01698, dated 12 May 2016, was refused by the Council by notice dated 15 August 2016.
 - The works proposed are basement rear extension in courtyard to replace existing extension.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals this is the effect of the proposal on the architectural and historic significance of the listed building and its setting within the Brunswick Town Conservation Area.

Reasons

3. The building and its neighbours in the terrace are listed Grade I, and as such represents one of only a very small number of all listed buildings. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
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4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Policies HE1 of the Brighton and Hove Local Plan provides for the alteration or extension of listed buildings subject to their being no adverse effects, whilst Policy QD14 sets criteria for extensions and alterations generally. Policy CP15 of the Brighton and Hove City Plan concerns the protection of heritage assets. Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*' sets out requirements for rear single storey extensions but makes clear that proposals for listed buildings will be treated on a case-by-case basis and that previous unsympathetic alterations to a listed building will not be considered to set a precedent for further unsympathetic works.
6. Number 28b is the rear part of the basement to the terraced property and includes the yard to the rear. The building is close to the corner where the northern part of Brunswick Square meets Brunswick Place, the result being that the rear yard and space above it is constrained to the west by the return leg of the Brunswick Place terrace. The plan form of main terrace rooms and rear closet wing is clearly visible, but there is a small single storey flat-roofed rearward extension which is of no architectural or historic merit. Also of no architectural or historic merit are the various pipes, inappropriate windows and the complicated and visually disruptive fire escape from upper levels which bridges over the rear yard on its way to the place of safety on Monkey Mews. Whilst evident at the rear of a house to the south-east, there is no sign of the beach-pebble construction referred to in the listing as 'bungarouche', a Brighton peculiarity.
7. The proposal is to remove the small single storey flat-roofed rearward extension, and this would cause no harm to the significance of the listed building, rather it would be an enhancement, putting back the earlier extent of rear yard and reinstating the plan form. Replacement at the same width need not cause harm depending on the architectural treatment.
8. However, the proposal is for a deeper and wider extension to be placed in the rear yard, occupying the footprint of the previous one plus parts of the yard to the rear adjoining the structure of the fire escape, and extending from one side boundary to the other. As such it would erode a significant part of the open space and outdoor plan form of the house, reducing the legibility of the closet wing at this level. There would be some improvement nevertheless in the architectural treatment of the extension over that evident at present. The Council's concerns about the uncharacteristic timber boarding are not shared, as that and the treatment of the roof and glazing serve to differentiate new from old, and at a smaller scale, could appear well detailed and attractive.
9. The works would also involve the removal of a rear door and window on the side of the closet wing, and the replacement with a longer window, the access to the small remaining courtyard being from glazed doors in the extension. This would be a loss of early plan form and entry arrangements and would cause harm.

10. With regard to the effect on the conservation area, there appears to be no view from public places, as the terrace prevents this from Brunswick Square and Brunswick Place, and the surrounding built form and fences prevent a view from Monkey Mews. There are however numerous private windows from where the harmful effect of the large extension would be apparent and weight attaches to this matter in consideration of the character and appearance of the conservation area. Against this must be placed the harm that is already being caused by the inappropriate extension. Whilst limited, there would be a residual harmful effect on character and appearance.
11. In the case of both the extension, and the door and window, the level of harm to designated heritage assets is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. It is accepted that the optimum viable use of the premises including the basement is likely to be residential, and that with the arrangement of 28b not extending to the front basement area, reliance is placed on the rear area for light and air to the rooms, and also amenity space. The quality of the amenity space is however low due to the high walls almost surrounding it and the high level of overlooking. The space appeared poorly lit and un-inviting on a sunny February morning.
13. There would clearly be private benefits in substituting light and airy internal accommodation as well as privacy, for the dingy and overlooked yard, and that would translate to an extent into public benefits of improvement to the housing stock and investment in the building, likely to foster a long term care for the listed building as a whole. There would be a limited improvement to the presentation of the basement area, but as stated, the over-large size of the floor plan causes harm.
14. In the balance, the benefits of the scheme do not outweigh the harm identified, caused by the plan size of the proposed extension and the removal of a door. As a result the scheme fails to satisfy the tests in the 1990 Act, or the requirements of the Framework with regard to designated heritage assets. The Development Plan policies and Supplementary Planning Document on extensions and in particular those to listed buildings are not accorded with. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR