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## Appeal Decision

Site visit made on 20 February 2017

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

**Decision date: 13 March 2017**

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**Appeal Ref: APP/Q1445/W/16/3163995**

**Priory House, Bartholomew Square, Brighton BN1 1FS**

- 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 Mrs Nazila Blencowe of West Acre UK Investments Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/02429, dated 1 March 2016, was refused by notice dated 13 October 2016.
  - The development proposed is lateral extension of roof volume to create a single apartment.
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### Decision

1. The appeal is allowed and planning permission is granted for a lateral extension of roof volume to create a single apartment at Priory House, Bartholomew Square, Brighton BN1 1FS, in accordance with the application Ref: BH2016/02429, dated 1 March 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin no 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: Drawing Nos 1521-P-001, 1521-P-110, 15621-P-111, 1521-P-112 and 1521-P-501.
    - 3) No development shall take place until a schedule of materials and samples of such materials and finishes and colours to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
    - 4) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority to ensure that residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
    - 5) Prior to first occupation of the apartment hereby permitted facilities for covered and secure cycle parking for use by occupants and visitors of the development shall have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be retained at all times as approved for that purpose.
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- 6) The dwelling hereby permitted shall not be occupied until a water efficiency standard of 110 litres per person per day has been achieved, as set out in Building Regulations Requirement G2 Regulation 36(2)(b), and details to that effect have been provided to the local planning authority.
- 7) The dwelling hereby permitted shall not be occupied until an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER baseline) have been achieved, and details to that effect have been provided to the local planning authority.
- 8) The dwelling hereby permitted shall not be occupied until Building Regulations Optional Requirement M4(2)(accessible and adaptable dwellings) has been complied with and the details of compliance provided to the local planning authority.

### **Main Issue**

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Old Town Conservation area and the setting of the nearby listed buildings.

### **Reasons**

3. Priory House lies within the Old Town Conservation Area. In assessing the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. I also have a duty to have special regard to the desirability of preserving the setting of Listed Buildings, which in this case includes the Town Hall, No 16 Kings Road and No 20 East Street. As heritage assets are irreplaceable any harm or loss requires clear and convincing justification. The National Planning Policy Framework (the Framework) advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
4. Priory House is part of a group of modern buildings that were constructed in the mid-1980s around Bartholomew Square. The group includes the Council's offices (Bartholomew House) and a hotel (now the Jury's Inn). The Grade II listed Brighton Town Hall dominates the east side of the square, which otherwise appears to be a rather under-used and uninspiring public open space with a restaurant at its centre.
5. The office blocks and hotel are unsympathetic to their historic context with block-like scale and massing, and large expanses of green-tinted curtain walling. Their appearance is in stark contrast to the more intimate scale of the surrounding narrow streets of the Lanes, which contain an eclectic mix of buildings dating from different periods, exhibiting a variety of styles and constructed in more traditional materials. Nevertheless, the Town Hall is a dominant landmark building within the tightly knit urban grain of the Old Town Conservation Area.
6. Priory House is open at ground floor level where there is a staircase that links Bartholomew Square with Little East Street. Above this accommodation is arranged on three floors within the main structure. The fourth floor (fifth storey) accommodation is set back behind a low parapet with a mansard roof form. The fifth floor (sixth storey) is a smaller, flat roof structure which accommodates a stairwell access, plant and lift equipment. The building effectively connects the Town Hall to the hotel and has recently been

- redeveloped and converted from offices into residential apartments. The proposal seeks to construct an L-shaped sixth floor between the hotel and the Town Hall to provide an additional two- bedroom apartment. It is an amendment of a previously larger scheme which was refused by the Council<sup>1</sup>.
7. The additional storey would be set back from the sixth storey and significantly back from the main building edge. It would have a contemporary appearance with large expanses of glazing and a sloping east end to reflect the existing false mansard. The existing mansard effectively forms a cap to the building which is clearly subservient to the main structure. The proposed addition could therefore be read as an extension on top of an extension resulting in a more dominant building.
  8. However, from the immediate vicinity the proposal would be sufficiently set back to ensure that its visibility would be extremely limited, particularly from street level where the close-knit and enclosed nature of the surrounding development restricts upward visibility. The existing buildings would also continue to dominate and the proposal would clearly be seen as a subservient addition. The only new viewpoints where the additional storey would be seen are distant ones from the south east and east, from where it would be absorbed within the general backdrop of the surrounding roofscape.
  9. Nevertheless, two existing views from where the proposal would be seen have been identified as being sensitive. Firstly, looking south west from the junction of Bartholomews and East Street and where I stood on my site visit. The area is characterised by busy shops within three and four storey buildings, parked vehicles, bike racks and an assortment of street clutter and signage. From here the additional storey on Priory House would be framed by the Town Hall on one side and the bow front of No 20 East Street (also a Grade II listed building) on the other.
  10. The scale of the Town Hall, with its stucco facing and giant two-stage porticos, dominates the street scene. The bulk and mass of Priory House is little more than a rather dull backdrop to this grand building. In this context, the additional storey would not be especially prominent or noticeable, particularly as it would be set back from the existing mansard roof. The existing eastern end of Priory House would continue to be the most prominent feature beyond the Town Hall when looking along Little East Street. I am therefore not persuaded that the setting of the Town Hall or No 20 would be materially harmed by the proposal. Neither do I consider that the scheme would adversely affect the wider Conservation Area from where it would be barely noticeable.
  11. The second view which is suggested may be sensitive is looking in a northerly direction up Little East Street from the seafront past No 16 Kings Road, which is also a Grade II listed building. Little East Street is not an attractive route from the seafront into the Lanes for pedestrians. Its alignment, together with the proximity the hotel to the west and Priory House to the north, makes the street rather dark and enclosed. In addition the surrounding buildings are already significantly taller and more bulky than No 16. This contrasts with the route up East Street, which aligns with the signalised crossing of the A259 and takes people from the seafront into the Lanes through a more open area with an active frontage.

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<sup>1</sup> BH2016/00756

12. It therefore seems to me that the view into the Conservation Area up Little East Street cannot be considered to be a particularly significant one. The additional storey on Priory House would only be apparent in views directly up Little East Street and along a very short stretch of Kings Road. In this context the setting of No 16, which is already dominated by other surrounding features, including the Jury's Inn and the forecourt and entrance canopy of Queens Hotel would be only minimally affected by the proposal.
13. Taking all these factors into account, I conclude that the proposal would not be harmful to the character or appearance of the Old Town Conservation Area. Neither do I find it would be harmful to the setting of the Town Hall, No 20 East Street or No 16 Kings Road. I therefore conclude that the Conservation Area and the setting of these listed buildings would be preserved and there would be no conflict with Policies CP12 and CP15 of the Brighton and Hove City Plan Part One or saved Policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan. These policies seek to encourage high quality design that respects its setting, especially in areas protected for their historic and architectural interest.

### **Conditions**

14. In addition to the standard time limit a condition specifying the plans is necessary in the interests of certainty. A condition requiring agreement to the materials is justified in the interests of the appearance of the development and to ensure that the Conservation Area and the setting of the surrounding listed buildings are preserved. In order to prevent overspill parking it will be necessary to amend a Traffic Regulation Order to exclude occupants of the development from an entitlement to a resident's parking permit. I have imposed a condition to that effect. A condition requiring provision of secure covered cycle storage is justified in the interests of promoting the use of sustainable transport.
15. The Council has also recommended a series of conditions relating to disabled access, energy efficiency and water efficiency. I have imposed them in the interests of the long-term sustainability of the development. I have incorporated amendments to ensure compliance with the appropriate Building Regulations, but requiring evidence of that compliance to the local planning authority prior to occupation of the apartment.

### **Conclusion**

16. The Government is seeking to significantly boost the supply of housing and requires applications for housing to be considered in the context of the presumption in favour of sustainable development. As I have found that the proposal would not be harmful to the heritage assets that are relevant to this case there can be no objection to the scheme. The provision of a single dwelling in a highly sustainable location would be a small public benefit which also weighs in the scheme's favour.
17. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

*Sheila Holden*

INSPECTOR