
Appeal Decisions

Site visit made on 21 March 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 31 March 2017

Appeal A: APP/Q1445/W/16/3165191

Flat 3, 3 Lewes Crescent, Brighton BN2 1FH

- 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 A Schmidt against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01345, dated 21 March 2016, was refused by notice dated 6 July 2016.
 - The development proposed is alteration of central section of roof to allow for new bedroom.
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Appeal B: APP/Q1445/Y/16/3165197

Flat 3, 3 Lewes Crescent, Brighton BN2 1FH

- 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 A Schmidt against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01346, dated 21 March 2016, was refused by notice dated 6 July 2016.
 - The works proposed are alteration of central section of roof to allow for new bedroom.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In each appeal this is the effect of the proposals on the architectural and historic significance of the listed building and its setting within the Kemp Town Conservation Area.

Reasons

Policy

3. The building is listed at Grade I and is situated within the Kemp Town Conservation Area. 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.
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4. 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.
5. The various requirements in statute and central Government guidance are reflected in the stated policies of the Development Plan as follows. Policy CP15 of the Brighton and Hove City Plan Part One seeks the conservation of the heritage environment; Policies HE1, HE3 and HE6 of the Brighton and Hove Local Plan concern listed buildings, their setting and development within conservation areas. Policy QD14 on extensions and alterations requires proposals to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
6. Supplementary Planning Documents SPD09 on architectural features and SPD12, a design guide for extensions and alterations provide further guidance on the matters covered by the Development Plan policies.
7. The design policies accord with the statement at paragraph 56 of the Framework that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Listed Building and Setting

8. The buildings are listed Grade I and as such represent only a small proportion of all listed buildings. Whilst there have been some alterations and additions at roof level within the terraces, the composition of the buildings, their setting of the gardens and the arrangement to face the sea view are all matters of considerable significance. There remains a substantial level of homogeneity in the front facades, eroded somewhat by the changes above and behind parapet level. The view of the Council is however concurred with that these later additions, where harmful, do not provide a valid justification for further harmful additions.
9. The present arrangement of the roof is a shallow double-pitch with a central cross gutter, and that was seen from a built-up access door. The lead roll ridges are clearly visible in views from the main road and would be from only a little into the central gardens, although it is accepted that this feature is not seen from closer to on Lewes Crescent. From the rear on Rock Grove the low roof is visible from a distance, but is obscured closer by the buildings to the rear that now front onto that road. Whilst the considerations over the preservation of listed buildings do not rely on a public view, the fact that the low roof is discernible adds weight to this being of historic and architectural significance. Internally, the sloping ceilings resulting from this roof arrangement are visible, and whilst there is a steep set of steps up to the access door, the impression and evidence of this being the historic highest floor of the building and hence the service rooms is very strong.
10. The proposed addition would raise the ridge level as seen from both front and back and would disrupt the present arrangement of the low ridgeline closely shared with at least number 2 next door, as well as others in the terraces. The

introduction of rooflights to the rear would upset the roofline and appear out of place. The work would cause harm to the historic integrity of the building and the terrace, and would harm also the architectural presentation, notwithstanding the numbers that have been altered previously. There is no obvious pattern that should be followed for the sake of architectural regularity and as a result on these Grade I listed buildings, the preservation of the roof form should take precedence. Although the roof is not the 'crowning glory' referred to, the low pitch and subservient form evident at numbers 3 and 2 together are valuable remaining features worthy of preservation.

11. Internally, much of the evidence of the roof shape would be removed, and the introduction of a full stair and upper floor would harm the hierarchy within the former single family house, eroding the social evidence of servants' accommodation. The resulting varied ceiling height would appear disruptive and unattractive. In all, the proposal would cause harm to the architectural and historic significance of the listed building and its setting and hence would harm the character and appearance of the Kemp Town Conservation Area.
12. The level of harm 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. That latter phrase should not be taken to mean the most advantageous provision of useable space, the highest rental income or the like, but should be balanced with the requirement to preserve heritage assets.
13. There does not appear to be a risk of the flat falling out of beneficial use as a dwelling, in this location and within the grand building, close to services and transport links. The dwelling has good quality accommodation on the second floor and two generous bedrooms on the top floor. The third bedroom is small, as is the room below shown as a study, but taken together with the level of accommodation in the flat, not unusually so. There are public benefits in the provision of more bed-spaces in a sustainable location, but in this case they are limited by the low headroom and the apparent provision of only a single further bed-space.
14. In the balance, the harm caused is too great to be outweighed by the limited public benefits, and the proposal fails to accord with the stated sections in the 1990 Act, with regard to the listed building, its setting and the character and appearance of the conservation area. The provisions of the Development Plan referred to are not met, and the proposal does not meet the standard of design sought in local and national policy and guidance. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR