
Appeal Decision

Site visit made on 8 June 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: 27th June 2017

Appeal Ref: APP/Q1445/Y/17/3169347

66 High Street, Rottingdean, Brighton, BN2 7HF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Nigel Dalby against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02717, dated 24 July 2015, was refused by notice dated 15 August 2016.
 - The works are described as: *'external works replace upvc guttering with cast iron, new rwp drop and matching hopper to frontage, replace missing guttering and downpipe. Insert one conservation rooflight each pitch to light shower room and staircase. Remove white masonry paint finish and clean down masonry by high pressure steam washing. Remove concrete posts and fence panel from garden. Internal works. Form new shower rooms at first and second floor in plastered studwork'*.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Some of the works applied for appear to have been implemented. For example, the erection of the chimney stack and pots, and the creation of a shower room/WC by means of the erection of a stud partition on the second floor. The appellant has also pointed to delays in the Council's determination of the application for listed building consent. However, for the avoidance of doubt, neither of these alters my assessment of the appeal scheme in respect of listed building matters.

Main Issue

3. The main issue is whether the works preserve the special architectural or historic interest of the Grade II listed building.

Reasons

4. The appeal building is an end of terrace house dating from around 1780. Externally, the building features cobbles with brick dressings with accommodation over three storeys. Internally, the building contains features such as the narrow timber staircase and fireplaces. It is possible to see within the building elements of its historic character and plan form; albeit some of this has been eroded over time through a multitude of other uses since its use as a Customs house including a drama school and shop. It is currently occupied as a residential dwelling. The special interest of this building lies not only in its
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- external appearance and character, but also in terms of internal features such as its layout.
5. The appeal scheme seeks a number of changes. In particular, the Council is concerned with the chimney stack and pots and the internal partitions to create the second floor bathroom. In the absence of dispute between the main parties on other aspects of the scheme, I have focused my considerations to these.
 6. In terms of the chimney, externally this is formed by a brick built stack with crown and flaunching, as shown on drawing 24562/05 Rev B. Above this are two buff or cream coloured 'tallboy' style chimney pots. I saw during my site inspection that the pots of the chimneys are rather tall in comparison with others within the street; a factor which is exacerbated by their colour which is at odds with the majority of others that are typically terracotta. The colour emphasises their profile within the street scene and against the tiled roof of the building; especially when looking northwards up the High Street. The combination of both the height of the pots (and accordingly the stack also) and their colour results in additions to the building that rather than complimenting the architectural interest detract from it.
 7. The appellant points to the fact that historically the building had a chimney and in support have provided photographs at Appendix H of their statement. However, looking at the photo with three boys in caps at the bottom and a monopitch side extension and windows open (unlabelled) and also the drawing from 1974, it looks as though the form of the pots rather than being 'tallboy' style, were in fact possibly a mixture of a Sankey style and cannon style ones. In effect, this means that the pots that have been erected on the building do not replicate those that may have been present historically and this reduces their appropriateness. Added to this is the fact that the brick coursing shown on these two pictures is not replicated on the proposed stack, as shown on 24562/05 Rev B, and therefore the brick stack has a rather plain appearance rather than the more ornate one that is likely to have been present historically.
 8. The appellant has also submitted a letter from A1 Sweeps and an email from Chimney Care in Appendix F in support of the height of the 'tallboy' pots being about 1 metre, including the need to avoid back draught. However, this evidence does not conclusive demonstrate that the pots have to be this height, rather that '*a greater height will reduce the down draught*'. This evidence does not, therefore, decisively demonstrate that the 'tallboy' pots are the only acceptable solution in this case.
 9. In terms of the internal alterations at second floor level, these include the introduction of stud wall partitions in order to convert a former wardrobe and part of the front bedroom into a bathroom with separate shower and WC. This has reduced the floor area of the front bedroom. However, the partition walls are of a relatively 'removal' form. What is more, from what I was able to see and have read from the Council, it is clear that the insertion of this wall has not resulted in the loss of historic fabric of the building. It would be reasonably easy to remove the partition in the future, and the Council has not provided any detailed reasoned as to why the layout at second floor is of any greater importance in this listed building above any other building. In the absence of such evidence, whilst the plan form would be altered this fact would not result in a failure to preserve its historic or architectural interest.

10. I therefore conclude that the alterations for which listed building consent is sought in respect of the chimney stack and pots would fail to preserve the special architectural interest of the Grade II listed building. Accordingly, it would fail the statutory duty set out in Section 16(2) of the LBCA. For similar reasons it would be contrary to Policy CP15 of the *Brighton and Hove City Plan Part One 2016* and Policy HE1 of the *Brighton and Hove Local Plan* (policies retained March 2016), which, amongst other aims, seek to conserve and enhance the historic environment. I also find that the harm to the significance of the listed building as a designated heritage asset in this case would be less than substantial, when considered against Section 12 of the National Planning Policy Framework. Whilst there would be benefits to the appellant in terms of being able to use the fireplaces, these are not public benefits which would outweigh the harm I have identified.
11. For the reasons given above, and having taken all matter raised, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR