
Appeal Decisions

Site visit made on 14 November 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 29th November 2017

Two Appeals at 12 Hanover Crescent, Brighton BN2 9SB

- The appeals are made by Mr and Mrs Walter against the decisions of Brighton & Hove City Council.
 - The development and works proposed are replacement of timber vertical sliding sash window with timber framed double glazed door at basement level.
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Appeal A Ref: APP/Q1445/W/17/3179560

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref BH2017/01417, dated 25 April 2017, was refused by notice dated 12 June 2017.
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Appeal B Ref: APP/Q1445/Y/17/3179557

- 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 application Ref BH2017/01418, dated 25 April 2017, was refused by notice dated 12 June 2017.
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Decisions

1. The appeals are dismissed.

Main issues

2. The appeal building is listed in Grade II (the listed building) and it is situated within the Valley Gardens Conservation Area. With this in mind, the main issues in these appeals are:
 - whether the proposed development and works would preserve the special architectural or historic interest of the listed building, and
 - whether they would preserve or enhance the character or appearance of the Conservation Area.

Reasons

Listed building

3. The listed building is part of numbers 1 to 24 (consecutive) Hanover Crescent and the attached railings, which is listed in Grade II with group value. The crescent includes short blocks of handsome Regency houses, which face shared private grounds that are partly enclosed by a listed wall. The block at 10 to 12 Hanover Crescent is broadly central to their classical layout. The historic dwellings in the crescent have been altered over time, but their ordered layout and much of the formal composition of their fronts has endured. The classical composition of its front and the historic fabric of the stucco-faced hipped roofed

2-storey plus basement and attic listed building contribute positively to its special architectural interest, which it is desirable to preserve. They are also important to its significance as a historic dwelling.

4. The listed building, which had been a residential care home for some while, has been granted planning permission and listed building consent for alterations and restoration works, including the reinstatement of some sash windows. Some works were underway at my visit. Whilst there would also be access from the main dwelling and independent access from the back, the proposal would allow access to the basement annex from the front of the listed building.
5. The 2 plain sash windows shown on the plans in the front wall of the basement are, in fact, 3 over 6 pane Regency pattern sash windows. The Council says that the sash window that would be removed appears to be an original window, and from what I saw, I agree. So, the proposal would cause the harmful loss of a historic multi-paned sash window, and the historic fabric below its cill, which would damage the historic character and special interest of the asset. The enlargement of the window opening would also disrupt its proportions, which are important to the classical composition of the front of the building and the group, and would, thus, erode the formality in their historic appearance.
6. The traditional hierarchy in the composition of the front of the house also reflects its historic use because its basement would have typically included service rooms that would have been reached from the back. As the proposal would also alter the views into and out of this part of the listed building, it would erode the ability to appreciate its significance. Thus, the proposal would diminish the integrity of the listed building, and it would be harmfully at odds with its special interest and significance.
7. The Council has explained that the front facing doors in the basements at 10 and 11 Hanover Crescent predate current policy. Their damaging presence makes it all the more important to preserve the front facing basement windows at the listed building. The proposed door would not be readily seen from the public domain, but it would be seen from the nearby pavement in the private crescent by its occupiers and their visitors, so that would not be a good reason to allow this harmful proposal. Whether or not they would be needed without the proposed door, the proposed steps to the basement area were found acceptable on their merits, so they do not weigh in favour.
8. The *National Planning Policy Framework* (Framework) explains that great weight should be given to the asset's conservation. In the terms of the Framework, the proposal would cause 'less than substantial harm' to the significance of the heritage asset. Framework paragraph 134 says that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. The use of the listed building would not change, so its optimum viable use is not relevant. The public benefits of other previously approved developments and works, which included measures to update the building to meet modern living standards, were taken into account at the time, so they do not amount to public benefits in these appeals. As almost no public benefits have been put to me, they would not be enough to outweigh the less than substantial harm that the proposal would cause. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary

to conserve the heritage asset in a manner appropriate to its significance as a historic dwelling.

10. Therefore, I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building. They would be contrary to Policy CP15 of the *Brighton & Hove City Plan Part One* (CP) which seeks to conserve and enhance the city's historic environment, Policy QD14 of the *Brighton & Hove Local Plan 2005* (LP) which seeks respect for context, LP Policy HE1 which reflects the thrust of the statutory duties with regard to listed buildings, and the guidance in *Brighton & Hove City Council spd 09 supplementary planning document architectural features* (SPD09). They would also be contrary to the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conservation Area

11. The broadly linear Conservation Area is mainly characterised by different terraces, groups of buildings and large buildings that are linked by the series of public gardens that form a long green valley that leads to the sea. It includes some of the earliest buildings from Brighton's fashionable Regency development, which are important to its appearance. The character and the appearance of the historic and listed buildings within the Conservation Area are important to its significance as an area of historic townscape. Close by, the grand houses in Hanover Crescent are set to roughly south east of The Level in their partly enclosed private grounds, so they form part of the elegant frame to one of the city's most important open spaces.
12. For the reasons given in the first main issue, the proposal would harmfully erode the historic character and ordered appearance of the front of the listed building. The damaging loss of its historic fabric, including its historic window, would also erode the asset's authenticity. Thus, the proposal would harmfully diminish the positive contribution made by the listed building to the character, appearance and significance of the Conservation Area. In the terms of the Framework, the proposal would cause 'less than substantial harm' to the significance of the Conservation Area as a whole. The proposal would have a negligible effect on its optimum viable use and almost no public benefits, so they would not outweigh the less than substantial harm that the proposal would cause to the Conservation Area. There is also insufficient clear and convincing justification to show that the proposal would conserve the asset in a manner appropriate to its significance as an area of historic townscape.
13. Thus, I consider that the proposed development and works would fail to preserve or enhance the character and the appearance of the Conservation Area. They would be contrary to CP Policy CP15, LP Policies QD14 and HE1, LP Policy HE6 which reflects the thrust of the statutory duty in respect of conservation areas, the guidance in SPD09, and the Framework.

Conclusions

14. For the reasons given above and having regard to all other matters raised, the appeals fail.

Joanna Reid

INSPECTOR