
Appeal Decisions

Site visit made on 1 July 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal A: APP/T1410/W/18/3212337

Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY

- 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 Sajjad Shah against the decision of Eastbourne Borough Council.
 - The application Ref PC/180352, dated 10 April 2018, was refused by the Council by notice dated 11 June 2018.
 - The development proposed is conversion of existing hotel into 15 residential self-contained flats.
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Appeal B: APP/T1410/Y/18/3212467

Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY

- 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 Sajjad Shah against the decision of Eastbourne Borough Council.
 - The application Ref PC/180353, dated 10 April 2018, was refused by the Council by notice dated 11 June 2018.
 - The works proposed are conversion of existing hotel into 15 residential self-contained flats.
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Decision Appeal A

1. I allow the appeal and grant planning permission for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180352, dated 10 April 2018 and subject to conditions 1) to 8) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for conversion of existing hotel into 15 residential self-contained flats at Savoy Court Hotel, 11 - 15 Cavendish Place, Eastbourne BN21 4PY in accordance with the terms of the application Ref PC/180353, dated 10 April 2018 and the drawings submitted with it, namely 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13, and subject to conditions 1) to 8) on the attached schedule.

Main Issues

3. In both appeals there is a main issue of;

- The effect of the proposals on the architectural and historic significance of the listed building and its setting within the Town Centre and Seafront Conservation Area.

And in Appeal A only, a further main issue of;

- The effect of the proposals on the living conditions of prospective and adjoining residents.

Reasons

Preliminary Findings

4. The hotel is within the Secondary Tourist Accommodation Zone and the loss of such accommodation complies with the Tourist Accommodation Supplementary Planning Document. The site is within a sustainable location close to town centre amenities, transport and shops, and is for that reason, suitable for residential use. The lack of car parking and there being no proposal for affordable housing or Community Infrastructure Levy payments are explained in the Officer's Report and the proposal is acceptable in those respects. It appears that numbers 3, 5 and 7 along with 20 to 24 Cavendish Place are now in residential use as flats.

Listed Building and Conservation Area

5. The premises consist of 3 mid terraced properties that were built as tall, narrow-fronted town-houses, but had previously been amalgamated into a single hotel use by the formation of openings through what would originally have been the party walls between houses. Further alterations have included the removal of one of the original 3 staircases from the upper floors of the middle house, the formation of a through cross-corridor between and within each of the houses at the upper floor levels, and major changes at lower-ground and upper-ground floors to provide the open spaces of bars and restaurant. Within the rooms, works have previously been carried out to provide *en-suite* facilities with partition walls which, in some cases, sub-divide principle front rooms and break-up the full width of the bay windows.
6. From all of this, together with the plans supplied and from what was seen at the site inspection when rooms were visited on each floor and in each of the former houses, it is concluded that serious harm has occurred to the architectural and historic significance of the listed building by removing features and fabric, by adding inappropriate partitions and by amalgamating the 3 former houses.
7. The reversion to residential use is acceptable as previously stated but use as a single-family home of 5 storeys in this location would be an unlikely proposition, and in any event flats here would be acceptable. The reinstatement of the missing staircase to the top floors and of the integrity of the party wall are substantial improvements to the significance of the listed building. The layout of living rooms and kitchens on the front of the building allows the removal of the inappropriate and often angled partitions and would allow the full appreciation of the bay windows, removing also the external

manifestation of those partition either from being visible or more likely, after dark when the width of the window would be lit from more than one light source, risking being seen as an unlit part and a lit part.

8. There would remain some degree of partitioning of the rear rooms, but the reinstatement of the stair in the middle house would allow a more orderly arrangement where there is currently 2 rooms within the width which would revert to a single room, and in the other 2 houses the new partition locations, particularly with the removal of the lift in number 11, would be more efficient of space and be closer to the original room plan form.
9. The closet wings would be used for bedrooms on the lower-ground floor, store rooms for each flat on the upper-ground floor and be incorporated within the flats on the first floor, the wings not reaching higher than that. This would remove the traditional relationship of these wings with the half-landings at mezzanine level at the first floor, but by incorporating this space into the flats, a larger rear bedroom results.
10. To conclude on this issue, whilst the proposal does not set-out to fully reinstate all missing features and room proportions, the works would be highly beneficial to the architectural and historic significance of the listed building and its setting within the conservation area, so that any limited harm that would be caused would be considerably outweighed by the public benefits.
11. The proposals would accord with Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the preservation of listed buildings, and the character or appearance of the conservation area. The same requirements set out in Policy D10 of the Core Strategy Local Plan 2013, and saved Policy UHT17 of the Borough Plan 2007 would be accorded with as would the statement in paragraph 193 of the 2019 National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets.

Living Conditions

12. The layout of the proposed flats is constrained by the size and layout of the floor plan, and the desirability of the proposals to reinstate the party wall between the original houses and to reinstate the original proportions of the front rooms without the harmful cross corridor. The need to arrange sanitary accommodation within a rear room in all but the 3 first floor flats also reduces the original size and proportions of those rooms. In addition, on the upper ground floor there is a need to retain or reinstate the hallway corridor from the front door to the stair of each house, which reduces the size of the living-room/kitchen in the 3 flats on that floor.
13. It is material to note that whilst not all units comply with the National Space Standards, the sizes are stated in the Report to be comparable with those approved at numbers 3, 5, 7 and 20 to 24 Cavendish Place. The proposed improvements to the access to the full width of the windows in the front rooms and the retention of access to light and air to the rear rooms would result in the opportunity for cross-ventilation that does not exist at present and the listed nature of the building along with the benefits accruing from the conversion outweigh the failure with regard to the Space Standards.

14. The total numbers of people resident would be a function of bedroom occupancy, and the numbers of bed-spaces do not appear excessive, with reasonable-sized living and kitchen rooms accounting for much of each flat's floor area. As a result the proposal would not be an over-development of the site and would not result in harm to the living conditions of either prospective occupiers or neighbouring ones, such that Policy B2 of the Core Strategy Local Plan on creating sustainable neighbourhoods would be met.

Conditions

15. It is noted that whilst 5 conditions have been suggested in the Council's Appeal Statements for both the planning appeal and the listed building consent appeal, there is some unnecessary overlap between the lists. With regard to condition 2), the provisions for greater flexibility in planning permissions do not apply to applications and appeals under the Planning (Listed Buildings and Conservation Areas) Act 1990 and it is sufficient to list the drawings in the formal listed building consent. Condition 3) concerns both appeals as the doors and windows affect the external appearance, but conditions 4) and 5) concern works under the listed building consent only.
16. However, the abbreviated list of conditions put forward in the Officer's Report goes beyond those in the Statement and conditions should be attached covering cycle and refuse storage, hard and soft landscaping, the production of a Construction Method Statement, details of new stairways and balustrade, external boundary treatment and decorations, rainwater goods and ventilation ducts and grilles. These are required in order to ensure the quality of the scheme and the preservation of the listed building and its setting.
17. Since it is essential that some of these conditions are submitted and approved prior to commencement, agreement has been obtained from the appellant under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and in accordance with section 100ZA of the Town and Country Planning Act 1990.

Conclusions

18. The proposals would reinstate the original division into 3 houses, albeit as flats, and would reinstate much of the original room plans, including to the front of the building where bay windows are a significant feature. The removal of inappropriate sub-divisions and the reinstatement of a missing stair to the top of the building would be major benefits. The layout and size of the resulting rooms would be acceptable and would take account of the listed nature of the building and the constraints of the floor plan.
19. Whilst not required in the balance in order to conclude that the appeals should be allowed, the fact that the Council is unable to demonstrate a 5 year supply of housing land adds further weight in favour of the grant of permission and consent, which would further the aims stated in paragraph 59 of the Framework to boost significantly the supply of homes. For the reasons stated above it is concluded that both appeals should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions Appeal A, Planning Permission

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved details, 2995/3/01A, /02A, /03A, /04A, /05A, /07A, /09A, /10A, /11, /12 and /13
- 3) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10 showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.
- 4) No part of the residential accommodation hereby approved shall be occupied until the cycle and refuse storage facilities shown on drawing 2995/3/11 have been provided and the facilities shall be retained available for the use of residents thereafter.
- 5) No development shall commence until a hard and soft landscaping scheme including measures for the protection of existing trees and proposals for boundary treatments, together with a programme for its implementation have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme.
- 6) No development shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the development.
- 7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.
- 8) No development shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken strictly in accordance with the details approved.

Schedule of Conditions Appeal A, Planning Permission

- 1) The works hereby approved shall be commenced before the expiration of three years from the date of this consent.
- 2) Notwithstanding any indication to these matters on the approved plans, all replacement windows and doors shall be timber and large-scale elevation and cross-section drawings at a scale no smaller than 1:10

showing their arrangement, section sizes, profiles and arrangement within the existing reveals of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement and shall thereafter be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

- 3) No works shall take place until detailed information and drawings regarding the protection of historic features and how they will be incorporated into the proposed new wall, ceiling and floor finishes, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.
- 4) No works shall take place until details and drawings of all new or replacement internal joinery, including doors, door linings, architraves, beading and skirting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.
- 5) No works shall take place until a Construction Method Statement detailing arrangements for the delivery and storage of materials and removal of waste, temporary works to safeguard the building, and measures to protect adjoining residents and the public from dust and noise, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the demolition and construction phase of the works.
- 6) Prior to the manufacture and installation of the new staircase to number 13, full details of the method of construction and finish including all handrails and balustrades, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.
- 7) No work shall be carried out to the front or rear elevations before full details of the proposed decorative scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken strictly in accordance with the details approved.
- 8) No works shall take place until full details of the proposed ventilation, soil pipe and rainwater systems to be installed in or on the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be undertaken strictly in accordance with the details approved.