



Appeal Decision

Site visit made on 24 May 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/B1415/Y/18/3205632

St. Clement's House, 29 Croft Road, Hastings, East Sussex TN34 3HJ

- 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 Alastair Hendy against the decision of Hastings Borough Council.
 - The application Ref HS/LB/17/000942, dated 10 October 2017, was refused by notice dated 12 January 2018.
 - The works are to paint the exterior grey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the works, described as painting the exterior grey, have been completed, the Council's reason for refusal is specific in identifying the painting of the walls of the building rather than any other element as causing the harm it identifies. The rear wall, which has a brick finish, has not been painted.

Main Issue

3. The main issue is whether the works preserve the Grade II listed building, St Clement's House, and any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

4. St. Clement's House forms one end of a terrace of tall houses set close to the footway, turning the sharp corner of the steeply rising Croft Road, which leads from the historic core of the town to the hillside above. It shares a similar architectural frontage to the other houses in the turning terrace. A narrow lane leads past its exposed flank to cottages on the hill behind it, from where the unadorned rear elevations of the terrace reveal bare brickwork, in contrast to the stucco on the front and flank elevation of the terrace, which have been incised to suggest coursed masonry.
 5. The full-height segmentally bowed front bay of St. Clement's House is crowned at first floor, like its neighbour, with a delicate, full-width balcony, tightly hugging the façade, under a gently-pitched canopy leaning on slender columns. A stone stair and metal balustrade lead from the back edge of the footway to a simple
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arrangement of recessed door and window openings. The houses on this side form an eclectic enclosure to the street, expressing the different building traditions of the centuries which span their development, which in this case is a 3-storey, stucco-faced, town house with an attic and basement, built around 1820.

6. Aside from any individual special architectural and historic interest, the group of houses on this side, Nos 5 to 35, has been recognised in the listing description. Their distinctive individual contributions to the character of the townscape and their collective architectural colour and texture in the street make a significant contribution to the special interest and significance of the Old Town Conservation Area (CA).

Effect of the works

7. In as much as the more public facades of the building, in contrast to the back walls left exposed in brickwork, have been finished in stucco, and incised to suggest the coursing of formal stonework, the almost black tone of the paint finish runs directly at odds with this resemblance feature, a prominent part of its historic significance.
8. The darker tone of the finish also diminishes the contrast in modelling from shadows cast on the recessed openings or under the projecting elements of the facades. This reduces the effect of depth in the layering of the street elevation and the plastic quality of the arrangement of its architectural elements.
9. Thus, the works fail to preserve the special historic and architectural interest of the listed building St. Clement's House, contrary to the clear expectations of the Act¹.

Other Matters

10. The appellant has drawn my attention to numerous painted buildings in the area. I do not have the details of the circumstances which led to any related consents or their listing descriptions, so I am unable to be sure their circumstances are parallel to the works in this case. Notwithstanding this, the front façade of 8 High Street is in brickwork rather than stucco; it is not comparable. 36 High Street has a dark tone, but its frontage contains what appears to be a timber shop front. The colour of the stucco of Regency Terrace is far lighter than the dark tone in this case. The other example buildings in the High Street have a brick façade or have a pale render finish. The Croft is finished in glazed brick rather than stucco. The buildings in All Saints Street have a boarded front and retain some white render or have a quite different architecture from this house.
11. These examples do not parallel the circumstances of this case. Many of the painted buildings in the area, as the example in George Street, appear to have some commercial use rather than exclusively residential use, they are located in the commercial section of the town, they tend to have paler tones than in this case, or their architecture and period of construction differ.
12. I acknowledge the historical photos of buildings, but they do not provide sufficient evidence as to what the tone of this building may have originally been. Similarly, while I note the record of paint finishes removed, without laboratory

¹ ¹ The Planning (Listed Buildings and Conservation Areas) Act 1990

analysis the decorator's letter does not confirm definitively the original finish of the building, merely that in the past it has been painted in grey as well as in paler tones.

13. I accept that the building has features which distinguish it from its adjoining neighbours. However, unity does not depend on facsimile; the contribution of the finish of this building to its significance and the significance of the group remains high, despite small dissimilarities between the buildings. I note that the previous paint finish may have been different to the adjoining buildings, but it appears it was far lighter than the present tone.

Planning balance

14. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets.
15. I have had regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, to the distinctive settlement pattern and street enclosure of which the colour and finish, materials and detailing of this building make a significant contribution. The finish has a conspicuously different tone to the other houses in this short section of terrace, Nos 29-35, which are far lighter and reflect the finish of stucco popular at the time of construction of either a self-coloured render or lime-based wash in a colour of a local or prestigious stone. It compromises the architectural unity of the houses in this section of terrace, Nos 29-35, which share a similar finish and colour, as well as the significance of the whole group Nos 5 to 35. It follows therefore, and especially given its prominence, that the architectural character and appearance of the CA has also been, incrementally, diminished.
16. Although the degree of harm in both cases would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory duties to preserve the listed building and the conservation area as required under sections 16(2) and 72(1) of the Act have not been met. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. The appellant has already carried out repairs to save the building from deterioration, and I note his intentions to secure its long term conservation. I acknowledge the strong representations in support of the works. However, this does not amount to a public benefit that flows from these works.

Conclusion

17. I conclude that the works fail to preserve the special historic and architectural interest of the Grade II listed building. They fail to satisfy the requirements of the Act, paragraph 192 of the Framework and the development plan policies insofar as relevant. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR