



Appeal Decision

Site visit made on 18 November 2019

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

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/Q1445/Y/19/3235364

12 Royal Crescent, Brighton BN2 1AL

- 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 Kolinka Zinovieff against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/03785, dated 7 December 2018, was refused by notice dated 27 February 2019.
 - The works proposed are lightweight balustrading.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal concerns a listed building in a conservation area, I have had regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The works appeared to have been implemented at the time of my site visit. However, the installed balustrading and its layout differs from the drawings which accompanied the application, and which the Council considered in its determination. I have therefore determined the appeal on the basis of the proposed drawings.

Main Issues

4. The main issues are:
 - whether the proposal would preserve the building, listed grade II* for group value with the others in the crescent and any of the features of special architectural or historic interest that it possesses; and,
 - whether it would preserve or enhance the character or appearance of the East Cliff Conservation Area (CA).

Reasons

The listed building

5. This is a curved terrace of 14 tall and grand houses built at the turn of the C18, distinctive in views from the seafront for its gentle curve, the modelling of its ascending bays and stepped entrances, and the unusual tone of its walls clad in black, mathematical tiles.
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6. The front facade is encapsulated by a diminutive, almost continuous parapet at roof level, behind which run a variety of roof forms, largely unseen from street level, including flat, pitched, and pyramid, with ridges running across and along the terrace. The skyline from the front is notable for the chimney stacks on the party wall lines, set behind the long, curved parapet. The rear of the terrace is arranged orthogonally with short rear wings of varying height and dimensions, many of the houses retaining back gardens, and some with rear development enclosing the Mews behind.
7. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the roofscape of the building, in particular its silhouette, in close and mid-range views.

The effect of the works on the listed building

8. The high level roof of No 12 is flat. The front balustrade would be set back from the parapet of the roof, approximately to the position and ridge height of what the appellant speculates may have once been the edge of the original double valley roof, deliberately set away from the parapet by a flat roof to conceal it from frontage views. This positioning would limit the visibility of the front balustrade from street level. Indeed, I was only just able to see the highest tension wire of the installed balustrade, which has a similar set-back as that proposed, from the opposite side of Marine Parade with the naked eye, and from the beach the same wire was visible only with binoculars.
9. The very small diameter, tensioned cables of the front balustrade, with no handrail, would have limited visibility. Given their substantial set-back from the parapet, and the context of the roofscape of the building, which apart from the inconsistency of roof forms includes roof development, tv aerials, and raised stacks, some with steel ties, I find the front balustrade would have no ill-effect on the silhouette or roofscape of the building. It would have less prominence than the wire balustrade I saw on a neighbouring roof, which incorporates a solid handrail.
10. The flank balustrades are short runs between opposing chimney stacks on the party wall lines, concealed from views from the street by their position towards the centre of the building's roof. I could not see them from street level. As above, they do not appear out of place in the roofscape of the building or impinge on its silhouette to a harmful degree.
11. I acknowledge that the front and flank balustrades may be visible from the upper floor levels of development in neighbouring blocks. However, the cables would be thin, relatively few in number, without any handrails, and supported from the chimney stacks, the fixings into the render of which would not cause harm to fabric upon removal. These balustrades would have very little prominence. Given the lack of uniformity of form across the roof of the building, the development and structures already on it, the front and flank balustrades would not harm the significance of the roof of the building, or the architectural or historic interest of the building.
12. Notwithstanding this finding on the front and flank balustrades, from Royal Crescent Mews the rear balustrade would be visible in views from three quarters, from the north, east and west. Despite the limited visibility of the cable system, the corner stanchion would appear as an incongruous element in

the roofscape and its proximity to the rear parapet would increase its prominence.

13. I have taken into account that the context at the rear is less opulent than the front, with drain pipes and gutters, tv aerials, fixing clips and dishes on the building and telegraph wires running across the street in its foreground. However, these elements do not present the crowning prominence and intricacy of the rear balustrade. I note the reference to existing railings, but I have no details of these, except the temporary works on the roof which were to make safe its repair and which were of short duration. I acknowledge that the works would be reversible, and I appreciate the work undertaken to conserve the building. However, these factors do not mitigate the harmful effect above.
14. Therefore, because of the corner stanchion and the proximity of the cables to the rear parapet, the rear balustrade would be a prominent and detracting feature in the roofscape of the building which is distinctive for its generally clear encapsulating parapet line and either flat or pitched roofs. For this reason, the works would undermine the significance of the building and fail to preserve the special architectural interest of the grade II* listed building.

The effect of the works on the CA

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 East Cliff Conservation Area, to the distinctive settlement pattern and street enclosure of which the building form, roofscape, silhouette, materials and detailing of this building make a significant contribution.
16. The front and flank balustrades would be largely confined within the uppermost roof of the building and with very little visibility from the public domain, and featuring only in a limited number of views from surrounding buildings. The character and the appearance of the CA would be preserved, in accordance with the Act. Because of their benign nature and limited effect, the front and flank balustrades would cause no harm to the setting of surrounding listed buildings or the significance of the CA, and ensure their conservation as required by paragraphs 192-194 of the National Planning Policy Framework (the Framework).
17. However, the proximity and prominence of the rear balustrade would detract from the clear silhouette of the building and the legibility of the uppermost parapet as a horizontal terminating element between the building and the sky, a device which is shared by many buildings in the CA. While this effect would be too confined to directly affect the setting of the surrounding listed buildings, the architectural character and appearance of the CA would nonetheless be harmed.

Conclusion

18. I conclude that because of the prominence and proximity of the proposed rear balustrade to the rear parapet the works would fail to preserve the special architectural interest of the listed building as well as the appearance of the CA, contrary to the clear expectations of the Act.
19. Paragraph 193 of 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 and that any harm to the significance of a designated heritage asset should require clear and convincing justification. Although the degree of harm here would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory test is not met.

20. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special architectural interest of the grade II* listed building. It would 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