
Appeal Decision

Site visit made on 19 November 2019

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2020

Appeal Ref: APP/Q1445/Y/19/3233650

Basement Flat 8, Royal Court, 8 Kings Garden, Hove, BN3 2PF

- 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 Miss Nicola Dearnley against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01447, dated 15 May 2019, was refused by notice dated 27 June 2019.
 - The works proposed are internal alterations – conversion of existing vaults to habitable/storage spaces.
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Decision

1. The appeal is allowed and listed building consent is granted for internal alterations – conversion of existing vaults to habitable/storage spaces, at Basement Flat 8, Royal Court, 8 Kings Garden, Hove, BN3 2PF in accordance with the terms of the application Ref BH2019/01447, dated 15 May 2019 and the plans submitted with it, and subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) Notwithstanding the authorised plans, the works hereby permitted shall not take place until full details of the proposed works including 1:20 scale elevation and 1:1 scale profiles for the proposed store door joinery and opening rebate have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed details and retained as such thereafter.

Main issues

2. The main issues are whether the proposed works would preserve the Grade II listed building, and whether they would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The flat the subject of this appeal is a basement property within a former terrace of houses, built in the late 19th Century and later converted and altered to flats. The terrace is Grade II listed and is an imposing, grand terrace of town houses demonstrating the swagger and confidence of the late 19th Century resort town. The exterior of the original terrace buildings retain their imposing appearance due to the scale and quality of detailing, at a prominent position on the seafront. The building has been modified, including from the infilling of space in the open basement area, and the interior and plan form of the

basement flat has been notably altered from what would have been its original purpose as an area that serviced the house. The significance of the property as a designated heritage asset derives from this grand presence as Victorian housing, its architectural features and appearance, and the plan form that demonstrates how the properties were intended to function.

4. The appeal site lies within the Avenue Conservation Area. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The Avenues Conservation Area sees grand Victorian housing fronting streets close to the seafront. The imposing appearance of the property contributes positively to the Area.
5. The proposed works would see the application of a tanking system and plaster skim coat to three vaults at the basement. Permeating water would then channel to existing drains in the vaults. I saw at my site visit that the vaults are currently predominately plastered with only parts still being unfinished brick, and that the vaults are all in a poor state of repair; plaster and other parts of the vaults were evidently suffering heavily from the high amount of damp I could see. Whilst I saw that one vault was in partial use as a store, I could readily appreciate that the poor condition of the vaults mean that little beneficial use is likely and, further, it was apparent their condition is most likely to deteriorate further.
6. The tanking and plastering of the vaults would have little effect on the appearance of the vaults, due to their current predominately plastered appearance. The two vaults in the south east of the property have a vaulted ceiling, and this form would be retained.
7. The two south eastern vaults would also be connected to the basement flat through the re-opening of an existing connection, which I saw has been closed with modern blockwork. The amalgamation of the vaults within the living area of the flat is a change to the floorplan of the dwelling: the vaults would no longer be utilitarian storage areas, but an extension to the living space with the covered floor. However, as noted earlier, the floorplan of the listed building and the basement flat has already been much altered, with evidence of the original service function in the basement area having diminished. This further change to the layout of the flat – through the reopening of a former opening – would not be harmful to the interest of the property.
8. The works would therefore preserve the building's special architectural or historic interest, and so satisfy the statutory duty set out in s16(2) of the Planning (Listed Building and Conservation Areas) Act 1990. Paragraph 193 of the National Planning Policy Framework says that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. In light of the above I conclude the works in this instance would not harm the significance of the Grade II listed building and so would not be in conflict with the Framework. Furthermore, the tanking and plastering of the vaults would be beneficial to the condition of the property.
9. Thus, the works would not be in conflict with the Framework, and would be consistent with Policy HE1 of the Brighton and Hove Local Plan (2005) and Policy CP15 of the City Plan Part One (2016), which seek to ensure heritage

assets and conserved and enhanced. The works would also preserve the character and appearance of the Conservation Area.

10. I note the references by both main parties to other examples of approved schemes in the City, and the Council informs me why consent was granted in each instance. For the reasons given, it is my finding in this appeal that the proposed works would not be any harm to the heritage asset. The appeal is therefore allowed. I have attached the Council's suggested conditions requiring the submission of detailed drawings of the works, to which the appellant has raised no objection, in order to ensure adequate detailing of the proposed joinery.

C J Leigh

INSPECTOR