



Appeal Decisions

Site visit made on 28 July 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal Ref: APP/Q1445/W/19/3242854

Palmeira Mansions, 29 Church Road, Brighton BN3 2FA

- 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 Ms A Stoner of Spurpoint against the decision of Brighton & Hove City Council.
- The application Ref BH2019/02279, dated 30 July 2019, was refused by notice dated 9 October 2019.
- The development proposed is change of use from B1(a) offices, to form two flats at lower ground floor and second floor; and maisonettes at ground floor & first floor; and refurbishment of existing third & fourth floor mason-netter along with the provision of bin and bicycle store and outdoor space.

Appeal Ref: APP/Q1445/Y/19/3242856

Palmeira Mansions, 29 Church Road, Brighton BN3 2FA

- 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 Ms A Stoner of Spurpoint against the decision of Brighton & Hove City Council.
- The application Ref BH2019/02280, dated 30 July 2019, was refused by notice dated 9 October 2019.
- The works proposed are change of use from B1(a) offices, to form two flats at lower ground floor and second floor; and maisonettes at ground floor & first floor; and refurbishment of existing third & fourth floor mason-netter along with the provision of bin and bicycle store and outdoor space.

Decision

1. Appeal A and appeal B are dismissed.

Preliminary Matters

2. As the proposal relates to a listed building and a site located within a conservation area and the setting of other listed buildings, I shall have special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I note that planning permission has previously been granted for the change of use of the building to residential units. The appellant suggests there are issues with the approved layout such that they indicate those works and development would not be implemented. I have considered the appeals on their individual merits.

Main Issues

4. The buildings at Palmeira Mansions are Grade II listed and within the Brunswick Conservation Area. Consequently, the main issues in both appeals are whether the proposed works and development would preserve the listed building or its setting or the special architectural or historic interest (or significance) which it possesses and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

5. Palmeira Mansions comprises an Italianate terrace of properties that were originally constructed as houses but are now mainly sub-divided into flats or in office use. They comprise four storey properties with additional space within the roof and lower ground floor, although the attics of properties at the other end of the terrace have been extended with a full additional floor. There is a gabled centrepiece to the top of the middle property in the terrace.
6. No. 29 is in use as an office on ground, first and second floors, with a maisonette at third and fourth floor. The lower ground floor is currently derelict. The layout comprises the main circulation areas to one side, behind the front door and including the main staircase between floors. This would have extended from the lower ground floor to the rooms within the roof. The stairs to the lower ground floor have been removed. The ground and first floors would have provided the most important rooms, which would have been reflected in their size and decoration. At some point this has been separated from the circulation areas with a secondary staircase between them. The third and fourth floors would have contained bedrooms. Apart from the lower ground floor, the rooms contain many of their original features, such as skirtings, picture rails, fireplaces and chimney breasts. To the rear is an outrigger projection that contains secondary accommodation, such as bathrooms and kitchens.
7. The arrangement of the internal spaces that continue to reflect their original use as a single dwelling with some features contemporary with its age that are located within it contribute to the significance of the listed building.
8. The front of the building faces over the open space on Church Street linking via Palmeira Square and Adelaide Crescent to the seafront. These open spaces comprise public green areas, with mature trees, surrounded by substantial mansion blocks of a classical Georgian or Italianate character and appearance. Consequently, the significance of the Conservation Area as a heritage asset is its arrangement of buildings and their relationship to the open spaces they enclose. Palmeira Mansions contributes to that significance.
9. The mature trees in the open space outside the building restrict views of the building to some extent, particularly the roof. The roof is also not visible in closer views as it is hidden by the parapet at the front of the building. Similarly, the front elevation at lower ground floor is largely hidden by the road and pavement to the front of the building.
10. The proposal would result in the conversion of the building to four flats and maisonettes. The lower ground floor would be converted into a single dwelling. The remainder of the sub-division at that level broadly reflects the existing layout, although the stairs that have been removed would be reinstated (albeit

without access to the ground floor above). This would reinstate a part of the building that has been lost, such that it would provide a modest benefit in contributing toward the significance of the listed building. The existing front door and window to this floor would be retained in the front elevation. Whilst re-locating the front door under the front steps may be a more traditional arrangement, this would preserve the significance of the existing building.

11. The ground and first floor flat would result in a two bedroom flat utilising the existing secondary staircase between the floors. The ground floor would provide two bedrooms, with an en-suite bathroom beneath the stairs accessed through a new door from the front room into that space. A second shower room would be provided by subdividing the rear room with an additional door leading to the hallway. That shower room would appear as an insertion as it would be constructed below the picture rail. Nevertheless, this subdivision would significantly harm the proportions of this room and the arrangement of this internal space.
12. At ground floor, the rear outrigger would provide a study with access to the courtyard garden at the rear. At first and second floors the doors to the rooms in the outrigger are proposed to be closed from the half landings and this would alter the relationship between the main building and the outrigger. At first floor, there are steps within the existing kitchen in the outrigger up to a door into the rear room of the main building. That room would be renovated to provide a further bathroom to this flat. This would be replicated at second floor, removing the door from the half landing on the stairs, with new stairs within the room and a new door into what is now the rear room. This would result in moderate harm to the relationship between the room in the outrigger and the main building.
13. The main rear room at second floor would be subdivided to provide a bedroom and passage to the new bathroom entrance. This would alter the proportions of the room. The door between the stairs and the front room would be closed and a new door would be formed into the new passage from the front room. Consequently, there would be considerable harm to the arrangement of the internal spaces of the building and hierarchy and relationship of the rooms on this floor.
14. The third and fourth floors would be converted into a single three bedroom flat. Changes to the third floor would be minimal, including removal of partitions within the outrigger to form a bathroom, closing of the door between the front living room and kitchen, and a new door in an existing opening. The fourth floor contains two bedrooms that have matching cast iron fireplaces and bell presses. It is unclear whether these fireplaces and bell presses are to be retained, although I note that a bed is shown in front of the fireplace in bedroom 2. The layout of this floor would be altered to provide a bathroom and storage room at the front, with the door to what is shown as bedroom 2 being moved. The changes to the internal layout would be minor so would result in very limited harm to the arrangement of the internal spaces of the building.
15. The main change at fourth floor is the removal of the present Velux window that is located above the door into the front storage area and stairwell. The neighbouring building at 31 Palmeira Mansions also has a rooflight in a similar position to the existing and there are other rooflights within the Conservation Area. The development and works would result in two rooflights lower on the

roof than the existing to serve the bathroom and storage room. Being lower on the slope of the roof would mean they would be less visible than the existing rooflight from Church Road and Palmeira Square. However, they would still be visible in longer views, particularly when the trees are not in leaf, and would not reflect the position of the rooflight in the neighbouring property. Consequently, the rooflights would appear incongruous on the front roofslope of this the building.

16. The works proposed, in particular the velux windows and subdivision of the rear rooms at ground and first floors, along with the cumulative effect of the works proposed, would result in material harm to the layout and external appearance of the building. There are modest benefits from the proposal in terms of reinstating some original features, such as the staircase in the lower ground floor, and providing a beneficial use to the building. Nevertheless, overall the works and development would harm the significance of the building and of the Conservation Area as heritage assets.
17. For these reasons, I conclude that on balance the proposed works and development would harm the listed building and the special architectural and historic interest which it possesses and would not preserve or enhance the character or appearance of the conservation area. As such, it would be contrary to Policies CP12 and CP15 of the Brighton and Hove City Plan Part 1, Policies QD14, HE1, HE4 and HE6 of the Brighton and Hove Local Plan and paragraphs 189-194 of the National Planning Policy Framework (the Framework) that seek to conserve and enhance the city's historic environment and built heritage with well designed alterations to buildings. Development or works should not adversely affect the architectural and historic character or appearance of listed buildings and should preserve or enhance the character or appearance of the conservation area.
18. The Framework advises at Paragraph 193 that, when considering the impact of proposed works and development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 195 of the Framework, the harm to the listed building and Conservation Area is nevertheless a matter of considerable importance in this case.
19. Paragraph 196 of the Framework establishes that, where a proposal would 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. The proposal would provide a viable use to the building with the addition of four dwellings to the supply of housing within the context of a lack of deliverable housing sites. However, there is a previous planning permission and listed building consent for the same number of dwellings that indicates there are other means of providing this number of dwellings on the site, such that this public benefit carries only modest weight. The reinstatement of the stairs between the lower ground and ground floor would be a modest public benefit in contributing toward the significance of the listed building. Taking these factors into account, both individually and cumulatively, the public benefits are minimal and cannot outweigh the identified harms to the listed building and conservation area.

Other matters

20. The Council have confirmed that there is not a five year supply of deliverable housing sites within the district. In such cases, paragraph 11 of the Framework states that the policies which are most important for determining the application are out-of-date. As a result, planning permission should be granted unless the application of policies in the Framework that protect assets of particular importance, such as heritage assets, provide a clear reason for refusing the development proposed. I have concluded above that the effects of the proposal on heritage assets would provide a clear reason for refusing the development.

Conclusion

21. For the above reasons and taking into account all other matters raised, I conclude that the appeals should be dismissed.

AJ Steen

INSPECTOR