
Appeal Decisions

Site visit made on 23 March 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal A: APP/Q1445/W/20/3263639

41 Egremont Place, Brighton BN2 0GB

- 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 Steve Pates against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02467, dated 27 August 2020, was refused by notice dated 6 November 2020.
 - The development proposed is single storey rear extensions and internal alterations.
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Appeal B: APP/Q1445/Y/20/3263646

41 Egremont Place, Brighton BN2 0GB

- 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 Steve Pates against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02468, dated 27 August 2020, was refused by notice dated 6 November 2020.
 - The works proposed are single storey rear extensions and internal alterations.
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Decisions

1. I dismiss both appeals.

Main Issue

2. The building is Listed Grade II and in both appeals the main issue is the effect of the proposals on the architectural or historic significance of the building and its setting within the Queens Park Conservation Area.

Reasons

3. Local Plan Policy QD14 sets out general requirements for extensions and alterations, including with regard to the nature of the property. Policies HE1, HE3 and HE6 concern respectively listed buildings, their setting and conservation areas. Policies CP12 and CP15 of the City Plan Part One detail requirements for urban design and heritage. The Council have supplied copies of the Supplementary Planning Documents '*09 Architectural Features*' and '*12 Design Guide for Extensions and Alterations*'.
4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires

special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
6. The premises are part of a terrace with some variety along the front as to the design of the bay windows among other features, and there have been areas of change to windows and architectural features. Overall, the terrace is a pleasing composition which contributes positively to the character and appearance of the conservation area.
7. To the rear however there has been greater change with the setting altered by the modern wall and car park and change to the configuration of the dwellings themselves. The 2-storey closet wings remain intact on the appeal property, and the 2 to the south, while to the north there is the large additional mass of an extension and roof terrace. Generally, the higher roof profile remains as originally. As a result, the extant closet wing and rear main house wall on number 41 is a feature of architectural and historic significance.
8. The proposal is to replace an existing poor quality part-width, single-storey lean-to extension with one slightly longer and built to a better standard with a metal roof. There is already a beam supporting the rear wall of the closet wing over a wc, and that arrangement would remain over a utility room. There is no objection to this replacement extension at the greater length, but it is clear from the drawing that an increase in width is proposed. Whilst the plan at drawing 101B indicates that the masonry would follow the line of the closet wing, the rear elevation at drawing 102B shows it projecting north of that line; this affects the roof arrangements to be considered later.
9. The other part of the proposal is to form a dining room extension attached to the rear house wall and spanning between the closet wing and the boundary with number 40. The effect on that neighbouring building would not be harmful due to the alterations that have occurred there. But, whilst the narrow window opening to the kitchen would be retained, only lowered at the cill to form a door, the extension would project beyond the rear wall of the closet wing and the roof would form a valley with that of the replacement lean-to.
10. This degree of addition would severely disrupt the understanding of the closet wing's relationship with the main house and would visually confuse the roofscape at low level, amalgamating the 2 slopes rather than keeping them separate. This overlap together with the increased width of the rear projection appears to have led to use of metal at the abutment of a greater width than merely a flashing, reducing the appearance of transparency. The depth proposed and the roof junction would cause harm to the architectural and historic significance previously identified. The depth of garden is not the determining aspect of this finding.
11. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

12. The appellant puts forward benefits from the proposal in allowing him to remain in the dwelling should he be confined by health considerations to the ground floor at some time in the future. A shallower dining room is said to be little more than a corridor between the kitchen and the utility room, although there is another route already opened-up through the hall.
13. There would be public benefits in reducing reliance on services in the event of ill-health, but not all dwellings are capable of adaptation in any event, and the listed nature and relatively unaltered rear elevation of this property present difficulties. The balance in this case is that the harm is not outweighed by the public benefits, which appear conjecture at present anyway, and that the Development Plan and national policies, together with the statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 lead to a conclusion that for the reasons given above both appeals should be dismissed.

S J Papworth

INSPECTOR