



Appeal Decision

Site visit made on 22 April 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 4 May 2021

Appeal Ref: APP/Q1445/Y/20/3264463

Flats 7 and 9, 22 Lewes Crescent, Brighton BN2 1GB

- 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 Christopher Goss against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/01418, dated 13 May 2020, was refused by the Council by notice dated 23 September 2020.
 - The works proposed are installation of Passenger Platform Lift linking Flats 7 and 9. Installation of shower room and toilet in Flat 9, with associated alterations.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade I and the main issue is the effect of the proposal on the architectural or historic significance of the building. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan do not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. These duties are reflected in Policies HE1 and HE4 of the Brighton & Hove Local Plan and Policy CP15 Brighton & Hove City Plan Part One. The Supplementary Planning Guidance Note 11: *'Listed Building Interiors'* is also a material consideration.
3. 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, and at Grade I this asset is of high importance.
4. The red-line site area is shown as being numbers 20, 21 and 22 Lewes Crescent, and the entrance and postal address is number 22. That part of the building contains a passenger lift serving the upper floors. Both Flat 7 and Flat 9 directly above it span over numbers 20 and 21 with an opening through the former party walls and a non-original cross passage. The 1946 plans provided by the Council and the photographs in the Design and Access Statement give evidence of a stairway in number 20, said to have been removed and floored over as part of alterations in the 1970s. These mainly affected the rear rooms,

- but there is an *en-suite* bathroom intruding into the bedroom in number 20, and similarly in Flat 9 where the changes have been more profound.
5. Due to these previous interventions there is limited historic fabric, original room layouts or architectural significance to the rear of the cross passage. The historic and architectural significance of the building resides very much in the front elevation as it addresses the open space of the Grade II Listed park and garden of the Kemp Town Enclosures, and the front rooms since the *en-suite* in Flat 7 is not full height, allowing the cornice to run above.
 6. Given the stated aim of amalgamating the use of the 2 flats, there is compelling evidence to allow the reinstatement of a stairway, although the precise design would need to take account of the later rear addition. The proposal is however to insert a through-floor platform lift with associated changes to bathrooms or storage. The Structural Engineer refers to the possible re-use of trimming joists from the former stairway to provide the route through the floor for the lift, but it is apparent from the 1946 drawings that the location of the proposed lift is not coincident with the location of the former stairway and its trimmed floor opening.
 7. It is accepted that to achieve that coincidence in location, a more thoroughgoing reordering of the bathrooms would be required, but the result would be a more honest and less intrusive intervention, and would allow circulation routes and rooms to more nearly match the original layout even if the means of access is required to be a lift as opposed to a reinstated stair.
 8. The conclusion is that the proposed insertion of the lift and associated works would cause harm to the architectural and historic significance of the Grade I listed building, contrary to local and national policy, statute and Guidance cited above.
 9. Having regard to the previous works and the existing presentation of the rear parts, 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.
 10. The amalgamation of the 2 flats by a lift is stated to be in order for the occupiers of number 7 to remain as residents notwithstanding reduced mobility and the need for live-in care. This aim is fully in-line with that of 'lifetime homes' and would relieve pressure on public social care resources, but the essentially transient needs of a particular occupier carry limited weight in the balance against the longer-term aims of preserving listed buildings. The existence of a passenger lift between the floors, albeit outside the private areas of the flats, further reduces the weight that can be attached to any essential need for an accessible route.
 11. Part of the change proposed would allow the *en-suite* intrusion to the front bedroom to Flat 7 to be removed, leaving only a door between, which is shown on the 1946 layout as the entry from the stairwell. That is a public benefit to the significance of the listed building and could be secured by condition. In addition, there would be an element of reversibility and a condition could seek proposals prior to the work being carried out in the first place.

12. To conclude, the proposal would cause harm to the fabric of the building and to the plan form and architectural significance, albeit previously altered, and does not show sufficient consideration of the original layout. Whilst there would be some public benefits, and more than just a private preference to remain in this dwelling, they do not outweigh the harm identified, having regard to the level of listing. There is no evidence that the optimum viable use as dwellings would be placed in jeopardy for the want of the proposed works. For the reasons given above the appeal should be dismissed.

S J Papworth

INSPECTOR