
Appeal Decision

Site visit made on 12 October 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/Q1445/Y/21/3272265

Flat 5, 22 Palmeira Square, Hove BN3 2JN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr F Inglis against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/00080, dated 11 January 2021, was refused by notice dated 5 March 2021.
 - The works proposed are described as internal alterations involving the removal and relocation of under-stairs cupboard door, insertion of a timber framed glass partition and internal glazed door on the 2nd floor to provide a separate entrance to Flat 5.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the works would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses.

Reasons

3. Flat 5 occupies the third and fourth floors of 22 Palmeira Square, which in turn forms part of 18-30 Palmeira Square. The latter, together with attached railings, is the Grade II listed building in this case, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
4. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its mid-C19th date, its scale and formal terraced design, as too its historic layout, fabric and details.
5. No 22 presumably originated as a single dwelling, but underwent subdivision in the past to provide a flat on each of its 5 floors. Though this limits the extent to which the building can now be experienced as a whole, the staircases remain open.
6. As is typical, the design and construction of the staircases reflects the relative status of the floors that they serve. In this regard the robustly constructed and ornamented principal staircase extends only as far as the second floor landing.

At this point a part glazed partition, now lacking doors, subdivides the landing, separating off the well of a top-lit timber staircase which serves the floors above. Though more modest than the main staircase this is nonetheless also of elegant design, the details of which include an open string, a hardwood handrail finished with an ornate coil at the base, and a smoothly contoured soffit providing swept curves to the underside of the stair. Though the latter is partly obscured by a modern understairs cupboard, the landing space otherwise remains open, assisting appreciation of the design and form of the staircase. In view of the above I find that the timber staircase is a feature which makes an important positive contribution to the special interest and significance both of No 22, and to the listed building as a whole.

7. The works would see a timber framed glass partition and door inserted within the second floor landing space serving the timber staircase. It would be fixed to the understairs cupboard and fitted to the profile of the soffit above, would run roughly parallel with the main section of the first flight, and turn at the stair end. The proposed partition would as such directly compromise the openness of the landing. The effect would be quite unlike that of the existing partition, and would be accentuated by the reasonably tight fit and narrow gap left between it and the stairs.
8. Viewed from both the landing and the stairs, the proposed partition would appear as an obviously intrusive feature. Its heavy framing would not directly complement the design of the stairs, and would obscure its detailing, including that of the ornate stair end. Moreover, the presence of the proposed partition would limit the extent to which the overall form of the staircase remained capable of appreciation. In this regard the fact that the screen would include glazed panels would do little to mitigate the harm caused. The proposed partition would as such be an incongruous and unsympathetic insertion, the harm caused by which would be increased in cumulative terms viewed in combination with the understairs cupboard.
9. The appellant states that the partition could be removed, and that the works are therefore reversible. This would not however alter the occurrence of the harm identified above, whose duration would lack any fixed end date. In this regard the theoretical potential to remove the partition in the future does not justify the harm that its addition would cause.
10. It is apparent that by providing a barrier, the proposed partition would further limit circulation around the building. However, insofar as both the main stairs and the timber staircase would remain fully accessible to the occupants of the upper floors, the harm caused would be limited.
11. In view of my findings above, the works would fail to preserve the special interest of the listed building, contrary to the expectations of the Act. The harm caused to the significance of the listed building would be less than substantial, and such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
12. The principal reason for installing the partition would be to secure access from the second to the upper floors. This would in turn secure the access between accommodation at third and fourth floors, the flats on which have been amalgamated. In the first instance any benefit would be to the occupants of the amalgamated flat, and thus would be private rather than public.

13. The appellant however further claims that by securing the access the works would also secure the optimum viable use of the building, or at least that part of the listed building to which the scheme relates. Clearly, the lack of secure access between the third and fourth floors is an inconvenience to the occupants. Amalgamation of the flats on the third and fourth floors however occurred in the absence of secure access, and the amalgamated flat is currently occupied. That being so I see little reason to believe that the amalgamated flat would fail to attract an occupant in the future. In any case, I have been provided with no detailed evidence related either to viability or to alternative uses, which in this case might reasonably include 2 separate flats. For this and the above reasons, I attach very little weight to the appellant's claim.
14. The scheme would generate work related to the manufacture and installation of the partition. The benefits of this to the broader economy would however be negligible. As such the harm that would be caused by the proposed works would not be outweighed by public benefits. This indicates that the appeal should be dismissed.
15. For the reasons outlined above I conclude that the scheme would not preserve the special architectural or historic interest of the listed building. It would thus fail to satisfy the requirements of the Act, heritage policy set out within the Framework, and, insofar as it is relevant, conflict with Policy HE1 of the Brighton and Hove Local Plan 2005, and Policy CP15 of the Brighton and Hove City Plan Part One 2016, which each broadly support the above.

Other Matters

16. The site is located within Brunswick Town Conservation Area (the Conservation Area), within which there is a statutory duty to pay special attention to the desirability of preserving or enhancing character or appearance. Given that in this case the works would be wholly internal and would have no external expression, the character and appearance of the Conservation Area would not be affected.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR