
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 A: APP/M3835/W/21/3271111

6 Liverpool Terrace, Worthing BN11 1TA

- 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 Djilali Cheddidi against the decision of Worthing Borough Council.
 - The application Ref AWDM/1370/19, dated 23 August 2019, was refused by notice dated 28 October 2020.
 - The development proposed is described as conversion of property from offices (B1) into 4 flats (C3).
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Appeal B: APP/M3835/Y/21/3271116

6 Liverpool Terrace, Worthing BN11 1TA

- 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 Djilali Cheddidi against the decision of Worthing Borough Council.
 - The application Ref AWDM/1369/19, dated 23 August 2019, was refused by notice dated 28 October 2020.
 - The works proposed are described as conversion of property from offices (B1) into 4 flats (C3).
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the appeals together, except where otherwise indicated.
4. I have edited the descriptions of development/works in the banner headings above, removing unnecessary reference to previous schemes.

Main Issue

5. The main issue is the effect of the scheme on designated heritage assets, and more specifically whether it would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses, and

whether it would preserve or enhance the character or appearance of South Street Conservation Area (the Conservation Area).

Reasons

6. 6 Liverpool Terrace forms part of 1-12 Liverpool Terrace. The latter 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.
7. Insofar as it is relevant to the appeals the special interest and significance of the listed building resides in its early C19th date, its scale and the quality of its formal terraced design, as too its historic internal layout, fabric and details. Here I appreciate that the list description extends little further than the front elevation, however this is because its primary purpose is to identify the building.
8. As is typical, No 6 features a later closet wing at the rear which is accessed off the staircase. Similar features can be seen on other parts of the terrace. The history of use and alterations otherwise clearly varies between different parts of the terrace, and in the case of No 6, this involved conversion to office use at some point in the past.
9. Conversion appears to have entailed generally modest alterations, with most change restricted to the upper floors. The internal layout, plan form and circulation indeed remain largely intact, and notably so in relation to the principal rooms on the ground and first floors. As such No 6 is in a relatively good state of preservation. That said, a prolonged period of disuse including an apparent lack of proper heating and maintenance has led to mould growth and some localised collapse of ceilings.
10. The scheme would involve the subdivision of No 6 by floor. This would entail the relocation and/or blocking of original doorways, the formation of lobbies at ground and first floor levels, and the construction of a 'curved extension' linking the closet wing to the rear rooms. Taken both individually and collectively, these works would have a significant impact on the historic fabric, plan form and circulation of No 6.
11. The shape and identity of individual rooms would be compromised by changes in the location of doorways and the formation of lobbies, and this would be accentuated in some cases by changes in the handing of doors and the insertion of substantial built-in storage units. The distinction between the historic dwelling and the later closet wing would furthermore be eroded, with a wholly atypical means of access introduced between. The adverse impacts would be greatest on the ground and first floors, which are otherwise the most well preserved at present. In each regard the historic character and intactness of the interior would be harmfully diminished. Subdivision in the manner proposed would additionally impede the ability to experience the interior of No 6 as a whole, further increasing the harm caused.
12. The extent to which building regulations requirements would give rise to additional impacts on the fabric and character of the interior has been subject of some consideration. However, few explicit details have been provided, either

in form of a specification or on the plans. In this regard the use of intumescent finishes could potentially have a reasonably low impact. It is however likely that any increased compartmentation between the proposed flats would have marked physical and visual effects on the floors and ceilings. In the absence of any clear or specific details, I can only assume that such effects would accentuate the harm I have identified above.

13. The scheme would include replacement of a crude timber staircase which runs between the pavement and basement. Similar timber or metal staircases are seen on other parts of the terrace, but these are not original features. Indeed, the access to that at No 6 has been provided by cutting through the railings. Here, as elsewhere, the narrow dimensions of the area mean that the staircase is set uncomfortably close to the basement window, and it thus appears as a clearly intrusive feature. Replacement rather than permanent removal of the staircase would perpetuate the harm that its unsympathetic positioning causes. Such harm would not be entirely new, but design changes mean that it would be differently expressed. In this regard the provision of a metal staircase incorporating stone treads would appear alien in character, and would not complement the historic architecture of the frontage.
14. As noted above, the closet wing is a later addition. It does not identically match the closet wings added to other parts of the terrace, but its rectilinear form and placement adjacent to the stairwell is nonetheless both distinctive and typical. In the same way as provision of access into the closet wing from the rear rooms would be directly at odds with historic convention, so too would be the embellishment of the closet wing in order enable such access. In this regard the curved extension would be a clearly atypical feature that would as such appear immediately incongruous.
15. Other more minor alterations proposed include the replacement of previously replaced windows at the front and rear. Though the provision of more sympathetic designs would bring the potential for modest enhancement, the use of double glazing would not complement the single glazed windows otherwise present. Here I note that the Council has raised no objection. However, whilst this and some other aspects of the scheme therefore appear to be uncontentious, this does not alter my findings of harm above.
16. Reference has been made within the submissions to works approved in other parts of the terrace. However, as outlined above, the history of individual components of the terrace varies, particularly insofar as this relates to their interiors. So too therefore does their sensitivity to change. As such there is no reason to consider that works which may be appropriate in one part of the terrace should necessarily be considered transferable to another. I have therefore assessed the scheme on its own merits.
17. In view of my findings above, the scheme would fail overall to preserve the special interest of No 6 and the contribution it makes to that of the listed building as a whole. This would be contrary to the expectations of the Act, and the harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight.
18. The listed building is also located within the Conservation Area. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic layout of the part of the town centre it covers, and the collection and interrelationship of historic buildings and spaces that it contains, both public

and private. Within this context Liverpool Terrace is a both prominent and distinctive historic feature within the streetscene, which in each regard makes positive contribution to the character, appearance and significance of the Conservation Area.

19. Though many of the proposed works would be internal, the curved extension and replacement staircase would each be visible externally. Views of the curved extension would be available from the yard space to the rear, but public visibility would be limited to the upper floor levels. A much clearer view of the staircase would be available from the pavement. By causing harm to the significance of the listed building capable of being perceived from spaces within it, the scheme would in turn cause some limited harm to the contribution that the listed building makes to the character, appearance and significance of the Conservation Area as a whole. The harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight.
20. Having identified less than substantial harm above in relation to both the significance of the listed building and Conservation Area, it is necessary to weigh such harm against the public benefits of the scheme.
21. The development would provide 4 one-bed flats within an accessible location. In this regard the Council currently lacks a demonstrable 5-year supply of deliverable housing sites (5YHLS). The exact level of current shortfall is unclear as the evidence with which I have been provided is somewhat dated. This evidence nonetheless indicates that the shortfall is likely to be of significant size.
22. In this context, the scale of the contribution that 4 additional units would make both towards addressing the shortfall, and boosting housing supply more generally, would be small. So too therefore would any linked benefits to the broader economy generated both during and post-conversion. As such, the public benefits of housing provision attract limited weight in favour of the scheme.
23. The scheme would see No 6 reused and repaired. This could be considered a heritage benefit. I note however that conversion of No 6 back to a single dwelling was approved as long ago as 2016. For reasons unknown the scheme was never implemented, thus accounting for a large part of the period that No 6 has stood disused and deteriorating. Moreover, the parties agree that use of No 6 as a single dwelling would be less harmful than the subdivision proposed. I have not been provided with specific details of the 2016 scheme, however I too share the view that use as a single dwelling would represent the 'optimum' use of No 6. That being so, and given the lack of any evidence relating to comparative viability, I attach little weight to the heritage benefits of reuse and repair in the context of the appeal scheme.
24. In view of my findings above, the harm that would be caused by the scheme would not be outweighed by public benefits. This indicates that the appeals should be dismissed.
25. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets, failing to preserve the special architectural or historic interest of the listed building, and failing to preserve or enhance the character or appearance of the Conservation Area. In

relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy 16 of the Core Strategy 2011, which amongst other things states that buildings which represent the historic character of Worthing should be maintained, preserving and enhancing existing assets. With regard to both Appeals the scheme would otherwise fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Other Matters

26. In view of the Council's 5YHLS position, my attention has been drawn to the 'tilted balance' set out in paragraph 11 of the Framework. Having regard to footnote 7 of the Framework however, my findings in relation to heritage policy provide a clear reason for refusing permission. That being so, the tilted balance does not apply.

Conclusion

27. The scheme would cause unacceptable harm to designated heritage assets, and in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR