
Appeal Decision

Site visit made on 16 April 2024

by H Butcher BSc (Hons) MSc PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/B1415/Y/23/3328614
24 White Rock, Hastings TN34 1JY

- 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 Laughton Haddock against the decision of Hastings Borough Council.
 - The application Ref HS/LB/22/00586, dated 14 July 2022, was refused by notice dated 3 March 2023.
 - The works proposed are described as: "Retrospective approval for the rebuilt rear extension following damage caused by cliff fall".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for planning permission and listed building consent for the proposed works was made to the Local Planning Authority and permission for both was refused. An appeal has been made only in relation to the refusal to grant listed building consent. I can therefore only consider this appeal on the basis it was made.
3. Listed building consent is required for all internal and external works that have the potential to affect the special architectural or historic interest of a listed building or structure. The evidence refers to the erection of a new retaining wall in the cliff face to the rear of the property. However, this would not fall for consideration under a s.20 appeal.
4. As the appeal relates to a listed building consent I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

5. The main issue is whether the proposed works would preserve the listed building or its setting or any features of architectural or historic interest which it possesses.

Reasons

6. 24 White Rock is one half of a pair of three storey houses, dating from c. 1800, which are listed Grade II¹. Much of the architectural and historic interest of the property can be best appreciated from the front elevation, where, for example, the segmental bowed bay window with 3-light sashes with glazing bars, and the 1st floor canopied balcony with iron balustrade, all of which is mirrored in the adjoining property, can be appreciated.
7. Nevertheless, some of the architectural and historic interest of the property also derives from its original fabric such as its traditional windows. These are important as they can hold interest in terms of the architectural fashions, social changes, and technological advancements of their time.
8. The works for which listed building consent is sought have already been carried out. They include a first-floor extension which, on the evidence before me, is wholly new rather than a replacement of an existing extension. According to the submitted plans and evidence it appears a first-floor window to the dining room, of traditional proportions, was removed to provide access to the first-floor extension. The appellant has not disputed this. I cannot be satisfied, therefore, on the evidence before me, that these works have not resulted in the loss of a traditional window and historic building fabric.
9. The works in question are wholly screened from any public views due to the height and proximity of the cliff face and surrounding buildings. Furthermore, only very limited private views exist from the immediate neighbouring properties given the enclosed nature of the rear of the property. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the building can be gained. Considering my findings above these works do not preserve the architectural and historic interest of the building by virtue of the loss of a traditional opening and its surrounding historic fabric. I give this harm considerable importance and weight.
10. The harm I have found would be 'less than substantial' in the terms set out in the National Planning Policy Framework (the Framework) at paragraph 208 given its localised nature and siting. As set out in the Framework this harm must be weighed against the public benefits of the proposal. The appellant has not put forward any specific public benefits but does refer to predominantly private benefits such as an improved living space through the creation of a kitchen at first floor. I therefore find that the public benefits do not outweigh the harm.
11. The Council's Conservation Officer refers to harm to the setting of listed buildings. The setting of the appeal building, and adjacent listed buildings, is primarily associated with the frontages of these properties given that they form a recognised group of listed buildings (as noted in the list description 16-24 White Rock) that form an important part of the historic seafront of Hastings. On the evidence before me, therefore, I therefore find no harm to setting from the proposed works.
12. The Council also raise concern over the scale, proportion, height, and massing of the extensions but do not elaborate in any detail as to how this is harmful to

¹ List entry number: 1286616

the architectural or historic interest of the listed building. Whilst larger than the previous rear extension they remain subservient in size. I therefore find no harm in this regard.

13. The materials used in the first-floor extension in particular are not similar to, nor sympathetic, visually, to the materials in the host building. This matter could, however, be dealt with by way of condition.
14. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan. Nevertheless, I have had regard to the relevant development plan policies referred to by the Council in respect of the protection of the historic environment.

Other matters

15. Given the extremely limited views of the rear of the property I find that the works preserve the character and appearance of the White Rocks Conservation Area. The Council similarly did not raise any specific concerns in this respect.
16. The appellant refers to various works at neighbouring properties. However, each appeal is determined on its own merit.

Conclusion

17. For the reasons given above I conclude that the appeal should fail.

Hayley Butcher

INSPECTOR