



Appeal Decisions

Site visit made on 25 June 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal A: APP/Q1445/W/24/3339312

Port Hall, 170 Dyke Road, Brighton BN1 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Katy Havelock against the decision of Brighton & Hove City Council.
 - The application reference is BH2023/02814.
 - The development proposed is restore a gothic folly wall; rebuild a modern rear conservatory including a replacement roof structure with rooflights; reopen an internal door between living room and former chapel; new first floor bathroom; and, reintroduce two period wall nibs between kitchen and parlour.
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Appeal B: APP/Q1445/Y/24/3339332

Port Hall, 170 Dyke Road, Brighton BN1 5AA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Ms Katy Havelock against the decision of Brighton & Hove City Council.
 - The application reference is BH2023/02815.
 - The works proposed are restore a gothic folly wall; rebuild a modern rear conservatory including a replacement roof structure with rooflights; reopen an internal door between living room and former chapel; new first floor bathroom; and, reintroduce two period wall nibs between kitchen and parlour.
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Decision

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

Preliminary Matters

3. As the appeal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, known as 'Port Hall and attached walls' (Ref: 1380458), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. Port Hall is a Grade II listed building, which dates back to the early 19th century. It is a two storey dwelling, which has a crenelated parapet. Attached to one side of the building is a former chapel, which has stain glass doors and windows. On the opposite side of the building to the chapel is a Gothic flint wall, which dates back to the mid-19th century, which has 3 openings and a statue of St Francis.
6. Based on my site visit and the evidence before me, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of early 19th century domestic and sacral architecture. The building's timber frame, its historic fabric, its religious symbology, use of traditional materials and its distinctive character all make important contributions in these regards.
7. The proposal seeks to rebuild the existing conservatory, including removing the existing glazed roof and replacing it with rolled lead. Two new rooflights would be added to the roof of the conservatory. The appellant advises that the external wall structures would be maintained. While the conservatory dates back to the late 19th century, it appears from the evidence before me that its windows and glazed roof were installed in the early to mid-20th century.
8. The conservatory is a later addition to the building, which is utilitarian in design and contains some more modern fabric. However, it is still of some date and contributes to the historic evolution of the listed building. I observed on my site visit that the existing doors and windows are rotten. The external roofing material was not visible as it was covered by a tarpaulin. The conservatory is in a poor condition and its current state detracts from the special interest of the listed building.
9. I appreciate that the proposal seeks to replicate the high level triangular side window and the walls would be rendered to match the existing. However, the proposed reduction in the extent of glazing and the change in roof material would significantly alter the character of this part of the building, diminishing its historic legibility as a conservatory. Although lead is a traditional roof material, I find that the presence of rooflights would harmfully disrupt the appearance of the roof slope, which is highly visible from the adjacent private road.
10. I observed on my site visit that the slates on the chapel roof have been covered with a plastic fibre overlay finish. This finish detracts from the special interest of the listed building. The plastic fibre finish has been stuck onto the existing slates and I concur with the appellant that it is unlikely to be able to be removed without damaging the slates. New slates are proposed for the roof of the chapel, along with two new rooflights. Although not specified on the plan, the appellant's Design, Access and Heritage Statement states that the new slates would be located over the existing.
11. There is insufficient information before me to demonstrate how the new slates would be attached to the existing roofing material and the impact the new rooflights would have on the historic fabric of the chapel roof. While there are currently two rooflights on the other roof slope, the proposed rooflights would be far more visible to users of the private road and would harmfully disrupt this currently uninterrupted roof slope. Although, the traditional slate tiles would

enhance the special interest of the listed building, retaining the existing slates beneath and any loss of historic fabric to the chapel roof would be harmful to the special interest of the listed building.

12. An internal door between the living room and chapel was blocked up and made into a storage cupboard in the mid-20th century. The internal route into the chapel is now via an enclosed corridor. The proposal seeks to install a double door in the place of where the storage cupboard is currently located, in order to improve the circulation between the living room and the chapel.
13. The appellant advises that the living room wall dates back to the mid-19th century. Although this wall does not appear to be original, it is of considerable age and forms part of the evolution of the listed building. Although some of the fabric in this area is modern, the provision of a wider doorway would result in the loss of historic fabric. There is no compelling evidence before me why a double door is necessary, as a single door would also improve circulation, while having a lesser impact on the historic fabric. As the room layout would be maintained, I do not find that the proposal would harm the plan form of the listed building. However, I find that the loss of historic fabric would be harmful to the special interest of the listed building.
14. The appellant advises that the existing bathroom dates from the early to mid-20th century. I inspected the fixtures and fittings in the bathroom during my site visit and found them to be modern 20th century additions of limited heritage significance. The proposal seeks to replace these with period bathroom fixtures and fittings, which are appropriate in design. However, there is limited information before me on the effect of the proposed works on historic fabric, including the staircase and the significance of the circulation space, which would be reduced in size to accommodate the enlarged bathroom. As a result, I cannot be certain that this element of the proposal would preserve the special interest of the listed building.
15. The proposal seeks to replicate the external mosaic pattern within the hallway and the existing stain glass fanlight design above the new double door. In the future, it is not clear how one would differentiate between the historic fabric and the replicas, which would undermine the legibility of the listed building.
16. Consent was previously granted to remove the partition walls between the kitchen and the parlour¹. The appellant advises that the wall nibs were meant to be retained but were removed during construction works. While their location is shown on the proposed floor plan, there is very little information before me on the details of the proposed nibs; how they would be attached; and, the impact of such works on historic fabric. Consequently, there is insufficient information before me to demonstrate that this part of the proposal would preserve the special interest of the listed building.
17. The Council does not object to the restoration works to the Gothic folly wall, subject to a condition. Based on the evidence before me and my site visit, I have no reason to reach a different view to the Council on this part of the proposal and find that this part of the scheme would preserve the special interest of the listed building.

¹ Application refs: BH2015/01503 and BH2015/01502

18. Overall, for the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building.

Other Matters

19. The support from a neighbouring resident and the Conservation Advisory Group has a neutral effect on my decision and does not outweigh the harm identified above.
20. I acknowledge that consent has previously been granted to refurbish the conservatory, which included some loss of historic fabric, replacement glass and a new doorway in the north elevation. However, the consented scheme sought to retain the position of the door and the size of the windows on the elevation facing the road. It also proposed a glazed roof. Consequently, I find the consented scheme to be materially different to the appeal scheme. While the appellant advises that suitable frames and glazing could not be found in order to implement the consented scheme, there is limited evidence before me of what options have been explored. I therefore give this argument limited weight in my decision.

Public Benefits, Heritage and Planning Balance

21. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should require clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
23. The proposal would improve the circulation space within the building. The proposed works to the conservatory would improve its usability throughout the year and increase privacy for the occupant. It would also allow more natural light to pass through the 18th century stain glass windows. The appellant also considers that the proposal would increase the longevity of this part of the building when compared to a fully glazed conservatory. However, there is limited evidence before me in respect to this. Nevertheless, these are solely private benefits.
24. The appellant states that the proposal would improve the thermal efficiency of the building and ensure that the historic fabric, including stain glass windows to the rear of the chapel are protected. It would also prevent water ingress to the listed building and adjacent property. The appellant states that the relocation of the boiler, electricity meter and water tank would be an enhancement. The conservatory is currently in a poor condition and detracts from the special interest of the listed building. The proposed works to the conservatory would tidy up this part of the site, which would be a public benefit.
25. However, there is no compelling evidence before me to suggest that the appeal scheme is the only option available for achieving these benefits and that an

alternative scheme could not be devised that would better preserve the special interest of the listed building. Consequently, I give these public benefits limited weight in my decision.

26. There is also no compelling evidence before me to suggest that the use of the building as a dwelling would cease in the absence of the proposal. As a result, I do not find the proposal necessary to secure the viability and long-term conservation of the building. Furthermore, there is no substantive evidence that the proposal is necessary in order to secure the optimum viable use of the asset.
27. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal.
28. Overall, there would be limited public benefits from the proposal. Consequently, in attributing great weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm. Given the above, I conclude that, on balance, the proposal would fail to preserve the special interest of the listed building and would fail to satisfy the requirements of the Act and paragraph 203 of the Framework.
29. Furthermore, the proposal would conflict with Policies CP12 and CP15 of the Brighton & Hove City Plan Part One, March 2016 and Policies DM18, DM21, DM27 and DM29 of the Brighton & Hove City Plan Part Two, October 2022. These policies among other things seek to conserve and enhance the historic environment, giving the greatest weight to designated heritage assets and that proposals are well designed.
30. The proposal would also conflict with the Council's Architectural Features Supplementary Planning Document, December 2009 (SPD 09). SPD 09 among other things seeks to preserve features that contribute to a building's architectural or historic importance. It also seeks to minimise the effect of proposals on historic fabric.

Conclusion

31. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

A James

INSPECTOR