



Appeal Decision

Site visit made on 4 February 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/Q1445/F/23/3324902

14 Montpelier Crescent, BRIGHTON, BN1 3JF

- The appeal; is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Richard Elson against the listed building enforcement notice issued by Brighton & Hove City Council.
 - The enforcement notice was issued on 30 May 2023.
 - The contravention of listed building control alleged in the notice is the attachment of solar panels to the rear wall of a Grade II* listed building.
 - The requirements of the notice are to:
 - Remove the unauthorised solar panels from the rear wall of the Listed Building.
 - Make good the revealed wall and return the Listed Building to its former appearance before the unauthorised work took place.
 - The period for compliance with the requirements is 4 (four) weeks.
 - The appeal is made on the grounds set out in section 39(1)(e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The appeal on ground (e)

2. The ground of appeal is that listed building consent ought to be granted for the works and therefore the main issue is the effect of the works on the special architectural and historic interest of the listed building.
3. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
4. Policy CP15 of the Brighton and Hove City Plan Part One (the LP Part One) relates to heritage and sets out the Council's aim to conserve and enhance the city's historic environment giving the greatest weight to designated heritage assets and their settings. Where proposals are promoted for their contribution to mitigating climate change, the public benefit of this will be weighed against any harm which may be caused to the significance of the heritage asset or its setting.
5. Policy DM27 of the Brighton and Hove City Plan Part Two (the LP Part Two) relates specifically to listed buildings. A listed building should be retained in viable use and good repair. Proposals involving the alteration, extension, or change of

use of a listed building will be permitted where they would not harm the special architectural or historic interest of the building, having particular regard to, among others:

- a) The exterior of the building, its design, construction, fabric, finishes and architectural features.
- e) Any group value the building possesses.
- h) The design quality of any proposed additions.
- i) The use of materials which are appropriate historically, functionally and aesthetically.
- k) The potential reversibility of any alterations.

Where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet the requirements set out in the Framework, having regard to the significance of the listed building/s affected.

6. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
7. The building is Grade II* and was first listed in 1952. It is also situated in the Montpelier and Clifton Hill Conservation Area. It is listed as a group with 7-31 Montpelier Crescent which form one of the main set-piece developments within the Conservation Area. This grand group of houses was built between 1843 and 1847 by the prominent local architect Amon Henry Wilds. The terrace comprises three storeys over a basement level with a painted stucco finish and parapet which obscures the roof. The houses are arranged in a concave crescent and are grouped in two ways; the houses at the ends are grouped in blocks of 3; the houses in the middle are in blocks of 2; the centre of each block is brought forward and while the wings set back serve to link one block with another; in general view the crescent presents itself and 10 projecting pedimented fronts, those to the outer, 3-house type being broader than the inner ones; most of the considerable alterations and additions that have taken place are in recessed parts of the fronts.
8. The crescent is set back from the road behind front gardens and the green space which forms the crescent is the primary setting for the buildings. Typically, the rear elevations are plainer than the frontages and most, including the appeal property, have projecting outriggers. Some of the properties have been altered and extended over time; mainly at the lower levels. Nos 13, 14 and 15 all have three storey outriggers that are either original or early extensions. The rear elevation of the appeal property displays proportions, materials and details typical of the period in which it was built. The grand façade, its original and surviving plan form and its key architectural features contribute to the building's significance which is reflected in its being Grade II*.
9. The solar panels are physically attached to the fabric of the building using brackets and screws, covering a significant proportion of the rear elevation of the three-storey outrigger. From outside of the property the panels are not visible from the

front elevation but are visible from neighbouring properties to the rear and from the immediate vicinity.

10. I find it unusual that the panels have been fixed to the rear wall itself but in this case, they are fixed to the rear wall of the Listed Building and the matt black panels have a completely different finish to the existing painted render. The panels have transformed the building's appearance, resulting in a projecting black elevation which uncomfortably frames the white painted window frames. The dark colour of the panels is not typical or traditional to Regency and Victorian stucco.
11. Consequently, the alteration that has taken place has resulted in a visually intrusive and highly discordant rear elevation that gives the outrigger undue prominence and disrupts the cohesive character of this group of listed properties and their subordinate rear elevations. The solar panels constitute a modern and incongruous addition to the historic building affecting the historic proportions of the building and the special architectural and historic interest.
12. Furthermore, the panels appear directly against the historic fabric of the building, which is an important feature integral to the significance of the listed building. As such they are an incongruously modernising feature, contrasting inappropriately with the existing historic fabric and at odds with the building's historic character and appearance, thereby resulting in harm to its significance. The fixtures into the external wall are also harmful to its fabric.
13. I can see that although the panels can relatively easily be reversed, they are of some considerable permanence. The Framework advises that when considering the effect of works on the significance of designated heritage assets great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration of those assets. Given the degree of harm to the rear elevation of the historic building I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the works, which includes securing the optimal use of the building. The appellant contends that the solar panels contribute to climate change mitigation targets to which the Council attaches weight. However, the public benefits would make a small contribution towards mitigating the effects of climate change. As such, they would not outweigh the harm identified to the listed building (and to which great weight must be given). Consequently, I conclude that the public benefits advanced in support of the appeal do not outweigh the harm to the significance of the designated heritage assets. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policy CP15 of the LP Part One and Policy DM27 of the LP Part Two.

Conclusion

15. I have taken account of the evidence submitted by the Appellant, including the wider historic context of the building, environmental and sustainability matters and concerns about the way the Council has dealt with this specific matter. However, none of those arguments persuade me that the harm to the designated historic asset is justified. For the reasons given above, I conclude that the appeal should be dismissed.

A A Phillips INSPECTOR