



Appeal Decision

Site visit made on 10 June 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th of June 2025

Appeal Ref: APP/U1430/Y/24/3357121

22 Marina Court Avenue, Bexhill, East Sussex TN40 1BN

- 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 Laura and Paul Heath against the decision of Rother District Council.
 - The application reference is RR/2024/1554/L.
 - The works proposed are internal alterations to create a new ensuite bathroom with accessibility.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework and I am satisfied that no party has been prejudiced by my approach.

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, known as 'Numbers 4-22 (even) and attached railings, Marina Court Avenue' (Ref: 1072606) and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The listed building is a single storey terrace property, which has a basement. It is sited in a prominent position, adjacent to the seafront. It was constructed between 1903 and 1907 by various architects in a Moghul style. The appeal relates to 22 Marina Court Avenue (No. 22), which is a ground floor, end of terrace property. No. 22 was built in 1906 by Arthur Blackford and is constructed of red brick in Flemish bond. There is a minaret on the corner. The appeal property has a spacious entrance hall and good sized rooms. The building features modern 20th century windows.
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 20th century domestic architecture in a Moghul style. The building's pleasing architectural design, its simple plan form and its association with the Maharajah of Cooch Behar, who is alleged to have died in No. 22 in 1911 make important contributions in this regard. While the appellant states that there is no evidence that the Maharajah was laid out to rest at the appeal property, it is included in the evidence before me by the Council and it forms part of the listing description. Although this does not affect the architectural interest of the listed building, it contributes towards its historic interest.

7. The proposal seeks to provide an ensuite with WC, which would occupy a corner of the master bedroom and the adjacent study. A new opening would be provided between the two rooms to facilitate the proposal. The proposal would provide accessible facilities that would help the occupant maintain their independence. While No. 22 has been subject to various alterations since it was originally constructed and the ground floor and basement have been separated into two flats, it is still possible to appreciate the historic layout and plan form of the appeal property.
8. The appellant has suggested that the proposal would not harm the listed building given its small size and because it would not be visible from the public realm. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Although the interior of the building is not referenced in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
9. The proposed ensuite would subdivide both the master bedroom and the study, which would harmfully alter the spacious proportions of these rooms and would erode the historic plan form of the listed building.
10. The removal of the existing shower and the relocation of the cupboard would help to improve the spatial character of the study and would better reveal the fireplace. However, any benefit in this regard would be outweighed by the provision of the new ensuite and the relocation of the cupboard directly in front of the door, which would harmfully erode the sense of spaciousness and spatial character of this room. As a result, I find no benefit in this regard.
11. The soil vent pipe would run through the cupboard within the study. This part of the proposal would not affect the character of this room. However, there are limited details before me on how the soil vent pipe would be boxed in under the window, which has the potential to diminish the special interest of this room. There is also limited information in respect to any external pipework, which is proposed for the front elevation of the building. Such pipework would be visible from the public realm and has the potential to erode the special interest of the listed building.
12. I appreciate that the skirting board and coving would continue around the new ensuite. Furthermore, the proposed door to the ensuite would replicate the historic door to the master bedroom. Nonetheless, the proposal would require a new opening within the wall, which would result in the loss of existing fabric. There is no compelling evidence before me that the wall, skirting boards and coving, which would be removed are later additions.
13. The proposal seeks to replace an existing window with a white painted metal window that would be fitted with obscure glass and would tilt open. There are

limited details of the proposed window before me. Given that the existing window is of no historic merit, should this appeal be allowed, in this case, details of the replacement window could be required by condition.

14. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of this appeal.

Other Matters

15. The Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (the Equality Act) identifies that age is a relevant protected characteristic for the purposes of the Equality Act. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I turn to this matter further below.
16. While the appellant states that other properties in the terrace have had ensuite bathrooms installed, there are limited details of the circumstances of the other schemes before me and I therefore give them limited weight in my decision.
17. The appellant states that the works would be reversible and the original plan form could be reinstated. However, the appellant is applying for a permanent consent, which would also result in the loss of existing fabric. I therefore give this argument limited weight in my decision.

Public Benefits, Heritage Balance and PSED

18. Paragraph 212 of 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 213 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the appeal scheme results in less than substantial harm; however, this should not be equated with a lesser planning objection and is still of considerable importance and weight.
19. Where a scheme leads to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing the asset's optimum viable use.
20. The proposal would provide accessible ensuite facilities, which would enable the occupant to maintain their independence within their own home, which is a social benefit. However, there is no compelling evidence before me to demonstrate that this is the only way to deliver the facilities. I observed on my site visit that a small cloakroom has been inserted into the master bedroom, which is smaller in size than the proposed ensuite; has not required a new opening within the wall; and, is reversible. While I note that it does not provide a new bath or shower, in combination with the existing shower in the study, I find it to be a less harmful alternative when compared to the appeal scheme.
21. 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 as a

public benefit. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.

22. Overall, there would be limited public benefits from the proposal. Consequently, I find that there would be insufficient public benefits arising from the proposal to outweigh the harm that would be caused.
23. Given the above, I conclude that, on balance, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. The proposal would fail to satisfy the requirements of the Act and the historic environment policies of the Framework. The proposal would conflict with Policy EN2 (iii) of the Rother Local Plan Core Strategy September 2014 and Policy DHG9 (ii) of the Council's Development and Site Allocations Local Plan December 2019. These policies among other things seek to preserve the historic built environment, including features, fabric and materials and that alterations to existing dwellings respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling.
24. I have had due regard to the PSED, but the unacceptable effect of the proposal outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristic of age and advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

25. For the above reasons and having regard to all other matters raised, including the PSED, I conclude that it is proportionate and necessary to dismiss the appeal.

A James

INSPECTOR