



Appeal Decisions

Site visit made on 9 September 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal A Ref: APP/Q1445/W/24/3357338

132 Kings Road, Brighton BN1 2HH

- 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 Mr Giuseppe Cardillo-Zallo, Rapido Services, against the decision of Brighton and Hove City Council.
 - The application Ref is BH2023/03417.
 - The development proposed is the erection of an additional storey to create 1no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation.
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Appeal B Ref: APP/Q1445/Y/24/3357340

132 Kings Road, Brighton BN1 2HH

- 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 Mr Giuseppe Cardillo-Zallo, Rapido Services, against the decision of Brighton and Hove City Council.
 - The application Ref is BH2023/03418.
 - The works proposed are the erection of an additional storey to create 1no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation.
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Decisions

1. Appeal A: The appeal is allowed, and planning permission is granted for the erection of an additional storey to create 1no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation, in accordance with the terms of the application, Ref BH2023/03417, and the plans submitted with it, subject to the conditions in the attached schedule.
2. Appeal B: The appeal is allowed and listed building consent is granted for the erection of an additional storey to create 1no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation, in accordance with the terms of the application, Ref BH2023/03418, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

3. An application for an award of costs in relation to each appeal was made by Mr Giuseppe Cardillo-Zallo, Rapido Services, against Brighton and Hove City Council. This application is the subject of a separate Decision.

Preliminary Matters

4. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated. I have used the description of development/works provided in the appellant's appeal form as this more accurately defines the proposal.
5. Subsequent to the Council making its decision, planning permission has been granted for 'Alterations to existing building including a roof extension, stone balustrade to front elevation and revised fenestration to both front and rear elevations'¹. I have taken account of this decision in my considerations.
6. The appeal proposal adjoins a Grade II* listed building, the grading indicating that this is a particularly important building of more than special interest. In line with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, under Section 72(1) of the Act I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Regency Square Conservation Area. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

7. The main issues are:
 - The effect of the proposal on the significance of heritage assets, including a Grade II* listed building (Appeal A and B); and
 - The effect of the proposal on the living conditions of adjoining occupants with particular regard to daylight and sunlight (Appeal A).

Reasons

Heritage significance (Appeals A and B)

8. The appeal building is a late 18th century, four storey building located on the seafront in Brighton. It accommodates a restaurant on the ground floor and residential apartments above. The adjoining building, No.131 Kings Road (No.131), is a Grade II* listed building (Ref.1381640). The list description mentions, amongst other things, that it is a terraced house dating from the early 19th century and has frontages to Kings Road and Regency Square. It describes the form and materials of the building together with its rich architectural detailing including bay windows and balconies and other attractive classical detailing. It mentions that the building was designed by Amon Henry Wilds for the Duke and Duchess of St Albans. In relation to this appeal, the building's significance is mainly derived from its age, function, architectural detailing and its historic associations.
9. No.131 is prominently positioned overlooking the seafront and Regency Square. Its corner location in a largely continuous range of buildings means that surrounding

¹ BH2024/02268

buildings, including the appeal building, have the potential to affect the way that it is experienced and appreciated.

10. The appeal building is located within the Regency Square Conservation Area. I noted that the area is primarily characterised by 18th and 19th century grand residential terraces and formal squares mainly set out on a strongly defined grid pattern. The height, stature and rich detailing of many of the buildings reflects the area becoming a fashionable seaside resort linked to the popularity for sea bathing and royal patronage. The significance of the Conservation Area, in relation to this appeal, is mainly drawn from the character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. Within the area, I saw that there was a common use of segmental bays, balconies, verandas and parapets, although buildings appeared to have been developed in small groups, often resulting in marked differences in height and other detailing. Given the straightness of the roads and open aspects there are long views along the streets and the skyline.
11. The appeal building is prominently sited within the conservation area. It has a distinctive bow frontage with heavy parapet and despite some unsympathetic alterations including a first-floor glazed veranda, modern shopfront, UPVC windows and loss of its ornate balustrade, it retains a degree of historical and architectural interest. It therefore makes a positive contribution to the character and appearance of the conservation area and has a close visual unity and architectural relationship with No.131 alongside.
12. The Council mention that Astra House (Nos.133-134 Kings Road) on the western side of the appeal building is designated as a locally listed building. Little information has been provided to explain the building's significance or its potential status as a non-designated heritage asset. Nonetheless, I am satisfied that the imposing presence of this building and its unified architectural design means that it makes a positive contribution to the character and appearance of the conservation area.
13. The proposal would involve the erection of an additional, flat-roofed upper storey to create a two-bedroom flat with a roof terrace to the frontage set behind a stone balustrade. The structure would have a lightweight, contemporary appearance with glass sliding doors to the frontage. Associated alterations include the installation of a lift and stairwell to the rear, and revised fenestration. The recent planning permission, referred to above, has approved the stone balustrade to the front elevation and the revised fenestration which will reinstate important, missing architectural features, and I see no adequate reason to come to a different view. The Council's concerns in relation to heritage significance primarily relate to the visual effect of the glass frontage to the additional storey. These concerns are shared by other individuals and organisations including The Georgian Group, a statutory consultee in relation to heritage.
14. The proposed additional storey would be set back from the front elevation behind the bow frontage and roughly in line with Astra House but further recessed alongside No.131. Given the substantial set back, together with the screening effect of the parapet and proposed balustrade, I am satisfied that even with a glass frontage, the proposed extension would be largely hidden from public view. Any glimpses of it would be minimal and it would not appear out of place on the building

or in relation to the adjoining buildings. Furthermore, it would assimilate with the rich and varied skyline of buildings along the sea front. Nor would it cause harm to the original form or architectural interest of the building. Furthermore, the proposed detailing of the junction with the listed building alongside, which is also the subject of the listed building consent application, would appear acceptable and cause no harm to its historic fabric, subject to appropriate conditions.

15. Therefore, taking all elements of the proposal into account and the matters raised, I find that, in relation to Appeals A and B, the proposal would have no harmful effect on the significance of the Grade II* listed building, the conservation area or to the adjoining locally listed building. It would therefore meet the requirements of the Act and the Framework. It would also comply with Policy CP15 of the Brighton and Hove City Plan Part 1 (2016) (BHCP1) and Policies DM26, DM27 and DM28 of the Brighton and Hove City Plan Part 2 (2022) (BHCP2) which seek to support the policy objectives of the Act and the Framework.

Living conditions (Appeal A)

16. The Council's concerns primarily relate to the potential loss of light to the rooms of some residents in Astra House. Although the proposed extension would immediately adjoin a blank elevation to the gable of Astra House, there are east-facing windows immediately to the rear. The Council's officer report mentions that the daylight to these windows is mainly sourced from the east, which would not change. It is also noted that the taller building of No.131 already impacts on the light to this elevation of Astra House creating a very limited angle for sunlight to reach the east-facing windows. Furthermore, the officer mentions that the eastern elevation is largely in shadow from midday onwards. A small number of windows at the second-floor level are identified which could be impacted for a short period of time in the middle of the day during winter months when the sun is lower in the sky. However, the officer concludes that there would only be a very minimal impact on sunlight to these east-facing windows arising from the proposal, and that overall, it would not result in a harmful impact in relation to daylight and sunlight.
17. The appellant has submitted a daylight and sunlight study with the appeal (Base Energy). This report concludes that all receptors tested, including the habitable windows in Astra House, would meet the minimum requirements in accordance with BRE guidelines and would only experience a negligible impact in terms of daylight and sunlight. The Council appears not to have raised any objection to the findings of this document, and taking account of all matters raised, I see little reason to conclude otherwise.
18. I therefore consider that, in relation to Appeal A, the proposal would have no harmful effect on the living conditions of adjoining occupants with particular regard to daylight and sunlight. It would therefore comply with BHCP2 Policy DM20 and the Framework which seeks to ensure that development does not result in an unacceptable loss of amenity to nearby residents.

Other Matters

19. I have taken account of other representations made, including a petition signed by a number of individuals. Whilst many of these points have already been addressed in the main issues above, several additional matters have been raised, including structural concerns, services, disturbance from construction, loss of privacy and

additional noise. The appellant advises that the new structure would be of lightweight construction and there is little information to suggest that it could not be suitably constructed or that it would threaten the structural stability of adjoining buildings. Disturbance from construction is a temporary matter and to be expected of most developments. The Council has not raised significant concerns relating to privacy and noise and there is little compelling evidence to conclude otherwise. I have carefully considered these, and other matters raised, and the evidence submitted, and they do not outweigh or alter my conclusion on the main issues.

Conditions

20. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and to accord with the advice in the Framework and Planning Practice Guidance. In relation to both appeals, in addition to the standard time limit condition, a condition requiring the development/works to be carried out in accordance with the approved plans is necessary in the interests of certainty.
21. In relation to Appeal A, a pre-commencement condition is required to ensure that a construction environmental management plan is approved to ensure highway safety and to protect local amenity. Conditions are required to secure the detailing and appearance of the balustrade to ensure that it replicates the historic detail. Conditions are also required to approve facing materials, the design of replacement windows, construction details and to control external fixings to safeguard the significance of heritage assets.
22. A condition is required to ensure that a privacy screen is installed on the roof terrace to protect the living conditions of adjoining occupants. Conditions are also required to ensure the satisfactory storage of refuse as well as to make efficient use of water and to secure energy efficiency.
23. In relation to Appeal B, a condition is required to ensure that the junction of the extension hereby approved causes no harm to the historic fabric of the adjoining listed building.

Conclusion

24. The proposal would accord with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that both appeals should be allowed.

G Bayliss

INSPECTOR

Appeal A: Schedule of conditions for Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with: Location Plan, Block Plan 112/150/07, Proposed Floor Plan 112/150/04C, Proposed Elevation North and South 112/150/05C, Proposed Sections East and West 112/150/06C.
- 3) No development including any demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the proposed development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - (iv) Details of hours of construction including all associated vehicular movements;
 - (v) Details of the construction compound;
 - (vi) A plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP.

- 4) The works to the balustrade hereby permitted shall not be commenced until elevation and section drawings at a 1:20 scale, and 1:5 scale, plus detailed specifications of the construction, materials and finish of the balustrade have been submitted to and approved in writing by the Local Planning Authority. The balustrade shall match the original balustrade in terms of materials, design, parapet level, shape and corncicing, as far as is evident from historic photographs. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
- 5) Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - i) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used);
 - ii) samples of all cladding to be used, including details of their treatment to protect against weathering;
 - iii) samples/details of all hard surfacing materials;
 - iv) samples/details of the proposed window, door and balcony treatments;
 - v) samples/details of all other materials to be used externally.

The development shall be carried out in accordance with the approved details and maintained as such thereafter.

- 6) Notwithstanding the details on the drawings hereby approved, the roof terrace hereby approved shall not be first brought into use until details of a privacy screen to the western side of the terrace, has been submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to first occupation and retained thereafter.
- 7) The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
- 8) The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
- 9) No replacement of the existing windows shall take place until full details of all new sliding sash windows to the frontage, and all other windows, and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The replacement windows to the frontage shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- 10) Any works to the flank walls of the adjoining listed building, at no. 131 Kings Road, shall comply with the Method Statement in respect of the proposed attachment to the listed building, received on the 27 March 2024. All works of making good of the flank walls of the listed building shall match the existing materials of the walls in that property, in its mortar colour, texture, composition, lime content and method of pointing.
- 11) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
- 12) The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.

Appeal B: Schedule of conditions for Listed Building Consent

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with: Location Plan, Block Plan 112/150/07, Proposed Floor Plan 112/150/04C, Proposed Elevation North and South 112/150/05C, Proposed Sections East and West 112/150/06C.
- 3) Any works to the flank walls of the adjoining listed building, at no.131 Kings Road, shall comply with the Method Statement in respect of the proposed attachment to the listed building, received by the Council on the 27 March 2024. All works of making good of the flank walls of the listed building shall match the existing materials of the walls in that property, in its mortar colour, texture, composition, lime content and method of pointing.