



Appeal Decision

Site visit made on 11 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/Q1445/W/25/3369410

62 Albion Hill, Brighton BN2 9NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Dragonfly Architectural Services Ltd against Brighton & Hove City Council.
 - The application Ref BH2025/00347 sought approval of details pursuant to condition Nos 3, 4, 8, 9 and 17 of a planning permission Ref BH2024/00507 granted on 6 June 2024.
 - The development proposed is renovation of existing public house (*sui generis*) including internal alterations to the existing first floor ancillary landlords / managers accommodation (*sui generis*) with part demolition and erection of ground floor and first floor extensions, replacement windows and doors, facade alterations, roof alterations including raising the roof ridge height and all associated works.
 - The details for which approval is sought are: Condition 3 (Materials), Condition 4 (Details of tiles to be reinstated or replaced), Condition 8 (Windows), Condition 9 (Doors), and Condition 17 (Tiles).
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Decision

1. The appeal is allowed and the details submitted pursuant to conditions Nos 3, 4, 8, 9 and 17 attached to planning permission Ref BH2024/00507 granted on 6 June 2024 in accordance with the application dated BH2025/00347 are approved.

Applications for costs

2. An application for costs has been made by Dragonfly Architectural Services Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matters

The Council's Position

3. In its Statement of Case the Council has said that had it been in a position to determine the appeal application it would have agreed the details for conditions 3, 8, and 9 of BH2025/00347 as sufficient details were submitted and the impact on the appearance of the elements subject of the conditions in relation to the appeal site, which is a non-designated heritage asset (NDHA), was acceptable. Having reviewed all of the submissions that have been made to me, I agree with the Council's conclusion and therefore there is no need for me to consider these matters any further in this decision.
4. In respect of the remaining conditions the Council has said that the submitted details are not acceptable and not agreed as they would diminish the architectural, design and artistic interest, the historic and evidential interest, and also the historic intactness of the building without sufficient evidence from appropriate expertise to

justify this harm, contrary to Policy CP15 of the Brighton & Hove City Plan Part One (2016) (CPP1) and Policy DM28 of the Brighton & Hove City Plan Part Two (2022) (CPP2).

Submission of Additional Information

5. Whilst the deadline for final comments on this appeal was 22 October 2025, on 30 October 2025 the appellant made a request to submit additional information that it said had not been available to it when submissions were made in relation to this appeal. I accepted this additional information on the basis that: (i) the content was not covered in evidence already received, whether from the appellant or the Council, and it had only come into the appellant's possession after the deadline for the submission of evidence and final comments; (ii) it was directly relevant to the matter; and (iii) accepting it would not disrupt the appeal timetable. I provided the Council with an opportunity to comment on this information and took account of both parties' submissions before making this decision.

Main Issue

6. The main issue is the effect of the proposal on the significance of the host building which is a non-designated heritage asset, specifically in respect of the removal of all tiles from the building's façade to enable building works to take place before the tiled façade is reinstated.

Reasons

7. The appellant's Heritage Statement (February 2024) explains that the special architectural interest of the host building, known as The Montreal Arms, is primarily derived from the historic and architectural character of its principal street elevations at ground floor level. It says that the tiled street frontage allows this building to be easily distinguishable as a former public house and to stand out visually in the street scene. In an enforcement appeal decision¹ relating to the appeal site, an Inspector also concluded that the glazed ceramic tiled finish is an important feature of the NDHA, an opinion with which I agree.
8. By way of a letter dated 9 February 2024 the appellant's building engineer summarised the building's condition, informed by a structural inspection undertaken in October 2022. It said that the complete overhaul of the building's external envelope would be necessary, and that the inherent weaknesses of bungaroosh construction, combined with the current state of disrepair and ingress of water, could mean that significant sections of the walls would need to be rebuilt to ensure structural integrity.
9. The Council has said that no new information or reports from any professionally qualified surveyor or heritage surveyors were submitted as part of the appeal application which proposes the removal of all tiles from the building's façades, only 'repeats' of the information that was considered as part of the approved application BH2024/00507 where it was envisaged that some tiling would be retained *in situ*.
10. However, by way of an email dated 2 June 2025 to the Council, the appellant provided a detailed explanation of why, in the context of the surveys that it had commissioned, the removal of all tiles was now its proposed approach. This

¹ APP/Q1445/C/22/3298802

included additional justification that was not set out in the surveys that had been considered as part of BH2024/00507, for example in respect of the building's regulatory compliance and energy performance.

11. Nevertheless, the Council has maintained that insufficient details were submitted to support the removal of all tiles, that it is not satisfied that the appellant's reports offer enough confidence that total tile removal is the only option, that further expert assessment is needed to justify the removal of all the tiles, and that the impacts of the proposed works on the NDHA are not acceptable. However, I have not been provided with any specific explanation as to why I should conclude that the appellant's evidence is inadequate or cannot be relied upon, or to justify the commissioning of any additional assessments. I also note that there is no other evidence before me that would support any suggestion that the appellant failed to provide suitably-expert information to justify its proposed approach.
12. Having reviewed the aforementioned report and letter along with the appellant's email of 2 June 2025, and taking a proportionate approach having regard to the significance of the asset, I find that they are sufficiently comprehensive to inform a decision relating to Conditions 4 and 17. They clearly describe the manifold issues with the existing structure, the need to address issues with the walls which are the substrate for the façade tiling, and a range of practicalities associated with such works. On the basis of this information, I find it reasonable to conclude that the methodology proposed by the appellant would be an appropriate way to proceed with these works, that is: to record the tiles on the façade before removing them, to store them, and then return them to their original position alongside replica tiles to replace those which have been lost or which cannot be reasonably salvaged / re-used. Such an approach would also avoid unintentional damage that could occur to tiles if they were left *in situ* during building works.
13. Paragraph 216 of the National Planning Policy Framework (the Framework) states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
14. Whilst the removal of all tiles would cause some harm to the significance of the NDHA, principally due to the loss of historic intactness, I do not find the removal of all the existing tiles prior to other works taking place, followed by a programme of tiling reinstatement, would undermine the rationale or reasons for listing. It is clear that the future of the asset as a whole, which is currently not suitable for habitation, depends on extensive interventions, and the overall approach suggested by the appellant appears to present a means by which a long-term future for the host building can be secured, thus also ensuring that the NDHA's architectural, design and artistic interest, as well as its positive contribution to the street scene, will endure.
15. Overall, whilst there may be some harm to the significance of the NDHA, I find this to be a very small degree of harm. However, the desirability of securing the longer-term future of the NDHA is a consideration which outweighs the harm that I have identified.
16. Therefore, I conclude that the details submitted in respect of Conditions 4 and 17 are acceptable and that the appeal application complies with CPP1 Policy CP15, CPP2 Policy DM28 and the Framework which together say that informed and

balanced judgements should be made in respect of alterations to NDHAs and which seek to conserve and enhance the historic environment in accordance with its identified significance.

Other Matters

17. Although the Council has referred to enforcement proceedings in respect of the appeal site, has said that unlawful works have previously taken place, and that the current condition of the appeal site has in part been caused by deliberate actions, none of these relate to the merits of the approach to works proposed by the appellant pursuant to the relevant conditions. Therefore, these are not matters that I can take into consideration in determining those conditions. Similarly, whilst reference has been made to a separate application for the variation of Conditions 4 and 17 which was refused by the Council, each application must be assessed on its own merits.
18. Suggestions have also been made in respect of the appellant's motivations for pursuing the approach set out in the appeal application. However, in the absence of any evidence in that regard, it is not a matter to which I attach any weight.

Conclusion

19. For the reasons given above the appeal should be allowed.

P Burley

INSPECTOR