



# Appeal Decision

Site visit made on 25 August 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**1 October 2009**

## Appeal Ref: **APP/Q1445/A/09/2101956**

*16 Park Crescent, Brighton, East Sussex, BN2 3HA*

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Marina Ray against the decision of Brighton & Hove City Council.
- The application Ref. BH2008/02282 was dated 20 June 2008 and was refused by notice dated 6 October 2008.
- The development proposed is described as 'retrospective permission to reinstate rear lobby, demolished in 1964, to restore original footplate as shown on title plan'.

### Preliminary matters

1. The appeal property is listed Grade II\*. Listed Building Consent was granted by the City Council on 14 May 2008 for 'internal alterations associated with the conversion of the building from three flats to two flats' (ref. BH2007/02710). I have been provided with copies of the approved plans which show, in addition to this description of works, a new porch to the rear elevation with balustrade. Those drawings are, essentially, the scheme that is now before me in order to obtain planning permission for the same works.
2. The new porch/lobby shown on both sets of drawings has been erected and, whilst it differs in some respects to the approved drawings, the Council state they have no objection to the as-built structure. The balustrade has also been erected and this too differs from the submitted drawings; it is this aspect to which the Council's objection to the application for planning permission stems from.
3. I have therefore determined this appeal on the basis of seeking planning permission for the retention of a rear lobby (demolished in 1964) to restore original footplate, with balustrade above.

### Decision

4. I allow the appeal and grant planning permission for the retention of a rear lobby (demolished in 1964) to restore original footplate, with balustrade above at 16 Park Crescent, Brighton, East Sussex, BN2 3HA in accordance with the terms of the application (ref: BH2008/02282, dated 20 June 2008) and the plans submitted with it.

### Reasons

5. The front elevations to the Park Crescent properties have a good degree of consistency, which is also evident in the strong visual continuity seen in the railings to the street with their spearhead finials. The rear elevations of the

properties – fronting the communal garden – have evidently seen more alterations over the years. I agree with the Council that the reinstatement of the rear porch/lobby as-built is an appropriate change to the property that enhances the architectural interest of the terrace.

6. I saw that the garden walls to the properties in the Crescent are in varying states of repair, but the original railings largely remain and they are in a more florid design than the railings to the front elevations. This, again, gives a degree of visual continuity to the rear boundary walls of the properties. In contrast, I saw that at upper levels there is little consistency in the design, positioning, height or form of balustrade railings. The balustrade railings that have been installed at No. 16 are more ornate than some of the other railings at adjoining properties, but in my opinion the design and height reflect well the restrained exuberance of the original garden railings at the terrace, without unduly competing for visual prominence at the property or the wider terrace.
7. I am therefore satisfied that the works at the property are not harmful to the architectural and historic interest of the appeal property and the Park Crescent terrace, or to the character and appearance of the wider Valley Gardens Conservation Area within which the site lies. Thus, it accords with saved Policies QD1 and HE1 of the Brighton and Hove Local Plan 2005. I have allowed the appeal accordingly, and as the development has already been undertaken there is no need to attach conditions.

*C J Leigh*  
INSPECTOR