



# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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**Decision date:**  
**21 October 2010**

## Appeal Ref: APP/Q1445/E/10/2127690

### The Brighton Forum, 95 Ditchling Road, Brighton BN1 4SB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application to vary a condition attached to a listed building consent.
- The appeal is made by Topcentre Limited against Brighton & Hove City Council.
- The application Ref BH2009/03073 is dated 14 December 2009.
- The application sought listed building consent for internal alterations and refurbishment of the gallery to form smaller self-contained office units without complying with a condition attached to listed building consent Ref BH2006/03576 dated 6 February 2007.
- The condition in dispute is No 3 which states: *The partitioning to the corridors and the entrance doors to the units shall be of clear glazing in an oak frame system which shall not be covered over or obscured in any way.*
- The reason given for the condition is: *So as to ensure that the development is carried out in its entirety and to secure the preservation and enhancement of the Listed Building in accordance with policy HE1 and HE4 of the Brighton & Hove Local Plan.*

### Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

### Decision

2. I allow the appeal and vary listed building consent Ref: BH2006/03576 dated 6 February 2007 by removing Condition No 3 and replacing it with the following condition:-
  - 3 The partitioning to the corridors shall be of clear glazing in an oak frame system which shall not be covered over or obscured in any way.

### Preliminary Matters

3. As the appeal falls to be determined under section 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990, only the conditions which were attached to the original listed building consent (Ref: BH2006/03576) are before me for consideration.
4. The application sought the removal from condition 3 of the words "*and the entrance doors to the units*" as the appellant wishes to retain the solid oak faced doors with small vision panels that have already been installed. The Council has indicated that, had the appeal not been lodged, it would have refused listed building consent on the ground that solid doors fail to preserve the special architectural and historic interest of the heritage asset.

## Main Issue

5. The main issue in this appeal is whether removal of the requirement for entrance doors to the units to be full glazed would harm the special architectural or historic interest of the listed building.

## Reasons

6. The reason given in the decision notice for imposing condition No 3 is framed in somewhat general terms. The purpose behind the condition, however, is explained more fully in Section 5 of the officer's delegated report on application Ref: BH2006/03576, which notes that the main interest in this attic floor is in its exposed and elaborately detailed roof structure, which the report likens to that of a great medieval hall. Whilst regretting the need for the space to be divided, on financial viability grounds, the Design and Conservation Officer goes on to say, *"However, it is important to ensure that the visual impact of the partitioning is minimised, that the timber roof structure is left exposed and that some sense of the original space and view of the roof timbers is retained along the central corridor"*.
7. The condition was thus imposed and initially accepted by the appellants. They accordingly went ahead with the works but subsequently became aware, apparently when it was too late to change to another partitioning system, that the system they had selected and were installing, whilst ostensibly satisfying the condition, could not be supplied with appropriately fire rated fully glazed doors. It was at this stage that the appellants sought listed building consent to vary condition 3 to enable solid oak doors with small vision panels to be used.
8. Having granted consent for the space to be sub-divided only on the basis that the whole of the corridor partition, including the doors, would be fully glazed, the Council was reluctant to accede to the requested variation and officers appear to have themselves set about researching suitable glazed doors. Whilst at least one source of such doors was identified, the doors concerned were rejected by the appellants on technical grounds. The Council remained reluctant to agree the requested variation to condition 3, however, and continued to look for a solution more in line with the condition.
9. In the meantime, tenants were said to have been waiting to occupy some, at least, of the units and, in order not to unreasonably delay completion of the work, the appellants went ahead and installed the solid timber doors for which consent was still awaited.
10. Whilst I appreciate and support the Council's desire to minimise the impact of sub-dividing the space, I saw at the site visit that, whilst more or less unrestricted views of the upper part of the roof structure were possible above the corridor partitions, the plasterboard ceilings and inter-office partitions severely restricted views of the lower sections of the trusses, which could only be seen within individual office areas, from where there was no sense of appreciation of their context or of the space as a whole. This situation would not be improved by replacing the solid doors with fully glazed ones.
11. What I also saw at the site visit was that, whilst the corridor partitions were fully glazed, and notwithstanding the requirement of condition 3 that the

glazing should not be covered over or obscured in any way, Venetian blinds were fitted between the glass panes. With all the blinds closed, which was the situation for the duration of my visit, there were no views from the central corridor into the office areas so that not only could the lower parts of the roof trusses not be seen but appreciation of the space as a whole was severely restricted.

12. Because of what I saw, I have considered the requested variation to condition 3 in the context of two different scenarios. In either case, it is clear that the doors, whether glazed or solid, represent only about 20% of the surface area of the partitions. If the glazing to the partitions presently installed were to be kept permanently unobstructed, as is required by condition 3, I am satisfied that solid doors would not materially diminish appreciation of the interior of the listed building as a whole from within the corridors. On that basis, it would be my conclusion that the condition could be safely varied without detriment to the building's special interest.
13. In the alternative, the presence and use of the Venetian blinds leads me to believe that occupiers of the offices need a degree of privacy. With this in mind, if the blinds were to be retained, replacing the solid doors with fully glazed ones would not, on its own, sufficiently open-up views beyond the central corridor to create that "*sense of the original space and view of the roof timbers*" that justified imposition of the condition in the first place. Again, therefore, retaining the solid doors would not materially impact upon the ability to appreciate the interior of the building as a whole so that varying the condition would not detract from the building's special interest.
14. On the evidence before me I am satisfied that the whole of the partitioning has been installed without significant damage to the historic fabric of the building and in a manner that is totally reversible. The long-term value of the building as a heritage asset has thus been preserved, in line with Government objectives for protecting the historic environment as set out in Planning Policy Statement 5 – *Planning for the Historic Environment*. Whilst the splendour and majesty of the space cannot be fully appreciated with the partitioning in place, I am not persuaded that simply replacing the solid oak faced doors with fully glazed ones would improve this situation in any appreciable way. I can therefore find no justification for retaining the disputed words in condition 3 and conclude that the condition should be varied in the manner sought.
15. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be allowed and the disputed condition varied.

*John G Millard*

INSPECTOR

