



Appeal Decision

Site visit made on 27 April 2011

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 17 May 2011

Appeal Ref: APP/Q1445/E/11/2145225

14 Eaton Gardens, Hove BN3 3TP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vigcare Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/02768, dated 26 August 2010, was refused by notice dated 8 November 2010.
 - The works are internal alterations.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council has drawn my attention to a ramp and external pipes, the works are described as internal alterations, and I have dealt with the appeal accordingly.

Background

3. The appeal building is a late-Victorian villa which is set in a large garden within the Willett Estate Conservation Area. It was extended and converted to a nursing home some time around 1957. Some subsequent alterations were permitted by the Council, and further alterations were carried out for which the Council has no record. The building was listed in Grade II in 1989, and it is listed, in addition, for its group value with 3 and 8 Eaton Gardens. Most of the works in this appeal have been carried out.

Main issue

4. The main issue is the effect that the works have on the special architectural or historic character of the listed building.

Reasons

5. The Council has not raised concerns about the Conservation Area or the buildings listed for their group value in their reasons for refusal. I see no reason to disagree. The application drawings show works to the basement, ground floor and first floor, but not to the second floor. The repair and re-decoration of the second floor is included in the schedule of works.
6. Policy HE6.1 of Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) states that the applicant should provide a description of the significance of the heritage assets affected. The level of detail should be

- proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. The application included a brief heritage statement, annotated floor plans and a schedule of works. However, the information about the building, before and after the works took place, lacks clarity and detail. The application was not accompanied by a study of the building identifying the original structure and features where they had survived, or the phases of alterations that had taken place over the years. The Council has put in photographs taken during the works, and some historic plans.
7. PPS5 Policy HE7.2 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset, and the value that it holds for this and future generations. The Council's statement of significance identifies the special interest of the building as a late-Victorian villa with large principal rooms, high ceilings, and rich ornamentation. It also assesses the hierarchy of detailing which reflects the status and use of the different parts of the original villa. It recognises the contribution of features, such as the fireplaces, panelled doors and cornices, to the special architectural interest of the listed building.
 8. The building had been converted to a nursing home before it was listed for its special architectural or historic importance. A south extension had been added, and, amongst other things, the interior alterations included the subdivision of a number of rooms. These works did not preserve the large rooms which contribute positively to the architectural interest of the original villa. However, they were carried out before the building was listed, and thus, they are to be treated as part of the listed building.
 9. The drawing for the nursing home conversion includes the removal of many of the historic fireplaces. Some of these fireplaces had remained in place, albeit that some were encased, after the conversion was carried out. Those features that were in place when the building was listed are part of the listed building, which it is important to preserve. Little information was put to me about the nature and timing of the other alterations, which were carried out after the conversion to a nursing home and before the works in this appeal.
 10. From the drawings and the representations, before the works in this appeal took place, the basement and first floor front north rooms had not been subdivided, and only a small fire protection lobby had been built in the ground floor front north room. The servants' stairs were not interrupted. These spaces were important to the special architectural interest of the listed building because they preserved its plan form, which is one of its most important characteristics.
 11. The works in this appeal include the subdivision of the basement front north room which was the kitchen, into a kitchen, a boiler room, and an extension to the basement corridor, as well as the removal of the door from the corridor to the kitchen. The partitions which now subdivide the former kitchen, and the removal of the door, harm the plan of the listed building, and, thus, the character of this important room. The partitions for en-suite bathrooms in the ground floor and first floor front north rooms also harm the historic plan. Because the resulting rooms and spaces are poorly proportioned and irregular in shape they fail to preserve the ordered plan of the listed building. The partition walls and a door which have been added at ground floor level interrupt the servants' staircase, and harm the former open character of the

- stairs, especially from the basement to the ground floor. The loss of historic doors also fails to preserve the plan, including the door to the first floor front middle room from the landing, which has been blocked up, and this harms the character of the room and the landing.
12. The appellant has drawn my attention to other alterations where modern partitions have been removed. Some, such as those in the first floor rear north room, where a partition has been removed and a modern door has been blocked up, have a neutral impact on the historic plan. Others, including the removal of the walls between the first floor and ground floor rear middle and south rooms, and in the ground floor front south room, would appear to have been part of the nursing home conversion, and thus they were part of the listed building. The Council may not object to the loss of these partitions, but the new partitions for en-suite facilities in these rooms, which have taken their place, do not better reveal the significance of the heritage asset. They harm the historic plan form, and thus, the character and proportions of these parts of the listed building.
 13. With regard to the plan, the positive aspects of the scheme are substantially outweighed by the negative ones. The works include the inappropriate subdivision of rooms and the loss of doors, which fails to preserve the plan form of the listed building.
 14. Furthermore, the works have also caused a loss of historic fabric and features. In particular, these include the loss of part of a historic wall with a decorative recess in the ground floor rear north room, and the removal of the west wall of the first floor rear middle and south rooms. From the Council's photographs, the lower ceiling in the adjacent corridor to the west of the latter rooms has concealed the historic cornice, which is now unrelated to the east wall of the corridor. This has caused a considerable loss of the heritage asset's significance.
 15. The Council's photographs also show that fireplaces, including those in the ground floor main entrance hall and in the first floor front middle room, were exposed during the works. Whilst these features of the listed building may have formerly been encased, their subsequent encasement or removal fails to better reveal the significance of these heritage assets. The Council's evidence shows that other fireplaces were removed; one from the first floor front north room and one from the first floor rear south room. Some of the historic tiling in the basement corridor remains, but in the kitchen much of the historic wall tiling identified in the Council's photographs has been removed or tiled over with modern tiles.
 16. The works also included the installation of some services which were not shown on the drawings. These include the radiator in the ground floor main entrance hall in front of the encased fireplace, which has an incongruous appearance, and the radiator in front of the panelling below the window in the ground floor rear north room, which harms the positive contribution of this feature to the special interest of the listed building.
 17. The appellant's schedule of works includes repairs and reinstatement, including works to architraves, skirtings, and cornices. However, some of the ceiling roses are stated to be made from mouldings taken from a building in Lansdowne Place, and no evidence has been put to me to show that these would be appropriate for this listed building. The replication of similar ceiling

- roses in several different rooms fails to respect their individual character, and the hierarchy of spaces within the listed building.
18. From what I have said above, the works have also caused the loss of historic fabric and features which are important to the special architectural interest and character of the listed building. This is contrary to the guidance in the *Historic Environment Planning Practice Guide* to PPS5 which states that the fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new.
 19. Policy HE9.1 of PPS5 states that once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Loss affecting any designated heritage asset should require clear and convincing justification. The appellant says that the works to the building have resulted in a less intensive use of the listed building than the former nursing home. However, the works have caused substantial harm and insufficient substantial public benefits have been put to me that justify the loss of significance to this heritage asset. Whilst the Council had permitted the conversion of 10 Eaton Gardens to flats, it is not a listed building, so its circumstances differ from the works before me, which I have dealt with on their merits. I have had regard to my colleague's appeal decision ref APP/Q1445/F/05/2001891.
 20. In conclusion, the works harm, and thus they fail to preserve, the special architectural character of the listed building. They are also contrary to national policy in PPS5 and the guidance in the accompanying *Historic Environment Planning Practice Guide*, as well as saved Policies HE1 and HE4 of the *Brighton & Hove Local Plan 2005*, and the guidance in the *Listed Building Interiors Supplementary Planning Guidance SPG^{BH} note 11*.
 21. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR