



Appeal Decisions

Site visit made on 16 April 2012

by John Papworth DipArch(Glos) RIBA

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

Decision date: 23 April 2012

Appeal A: APP/Q1445/E/11/2165065

First floor flat, 74 Marine Parade, Brighton, East Sussex BN2 1AE

- 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 BJB Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00127, dated 20 December 2010, was refused by notice dated 23 June 2011.
 - The works proposed are internal alterations to relocate kitchen and form a two bedroom flat which currently is a one bedroom apartment.
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Appeal B: APP/Q1445/A/11/2165036

First floor flat, 74 Marine Parade, Brighton, East Sussex BN2 1AE

- 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 BJB Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00126, dated 20 December 2010, was refused by notice dated 24 June 2011.
 - The development proposed is internal alterations to relocate kitchen and form a two bedroom flat which currently is a one bedroom apartment.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals the main issue is the effect of the proposals on the architectural or historic interest of the listed building and its setting within the East Cliff Conservation Area.

Reasons

3. At the time of the Council's decision and the parties' submission to this Appeal, Central Government guidance on heritage matters was contained in Planning Policy Statement 5 "*Planning for the Historic Environment*". This document was superseded by the National Planning Policy Framework on 27 March 2012 and section 12 "*Conserving and Enhancing the Historic Environment*" now provides such guidance. There remain the requirements of Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Local Plan policies cited by the Council appear consistent with both statute and the latest national guidance. For those reasons it is considered that there is no detriment to either party's case in proceeding to this decision without the

need for further comments on the Framework. The Council has published Supplementary Planning Guidance '*Listed Building Interiors*' which states the importance of original plan form.

4. Considering first the internal works to the front room; this is a fine space dominated by the sea-front window. The introduction of the kitchen would have little more effect than furniture, it would not connect to walls or ceiling, and the connection to the floor, which is carpeted in any event, would be minimal. There would be questions over the routeing of services to be considered, which are not detailed on the submitted drawings. The work to the screen between this room and the rear would also be of little effect, there being a second door in place at present. The window proposed to light the kitchen end however would detract from the qualities of the space and erode the dominance of the front window.
5. The existing kitchen would have more harmful works carried out though. The object is to form a second bedroom in the property and since the existing single bedroom has an *en suite* bathroom only, there is also a need to form a family shower-room. A further stated benefit is that the entrance to the flat would be into the corridor rather than straight into a kitchen. Fire escape would be through a protected route rather than the kitchen, a possible seat of a fire, but there is a detector in that location. An apparent effect of the placing of the new bedroom is a need to provide sound insulation from above, achieved through the erection of a lowered ceiling. These works combined have a detrimental effect on the spatial qualities of the room and would obscure or seriously erode the worth of architectural features such as the chimney breast and the ceiling mouldings, and would harm the proportions of the space.
6. The new window to the front room is also the subject of the planning application where it would be seen as an additional window to the Marine Gardens elevation, but clearly also part of the Marine Parade view. Here there are blind windows, recessed in the masonry and rendered. Looking at the skirtings inside there is no visible evidence of this having been a window, with no sign of the internally recessed panel below a former window nor of the architrave around it. The conclusion is that those each side of the central entrance and stair were deliberately blind to relieve an otherwise blank wall. Although there is already one window on the floor above, the addition of one further window would upset the composition of the elevation in this prominent location within the conservation area.
7. Either singly or cumulatively, the proposals for the window and the works to the rear room would fail to preserve that which is of interest in the listed building and the conservation area, but the harm to the designated heritage assets would be less than substantial as set out in paragraph 134 of the Framework. However, whilst there are benefits in the formation of a second bedroom, family accommodation and the corridor, it has not been shown that these benefits are sufficient justification for the harmful works or that a two bedroom unit is the optimum viable use.
8. These works would fail to accord with the statutory tests or the aims of Local Plan Policies QD14 and HE1 on alterations generally and to listed buildings in particular and would not follow the advice in the Council's Supplementary Planning Guidance or in national policy. Whilst there are some benefits as set out, the balance of the decision is that these are insufficient to outweigh the harm. The work to provide a free-standing kitchen in the front room could be

carried out so as not to cause harm but questions remain over the method of servicing the unit without such harm occurring and therefore it is not considered right to allow that item of work in isolation without the other benefits accruing. For the reasons given above it is concluded that the appeals should be dismissed.

S J Papworth

INSPECTOR

