



Appeal Decision

Site visit made on 19 August 2013

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

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

Decision date: 20 September 2013

Appeal Reference: APP/Q1445/E/13/2190761

10 Camelford Street, Brighton BN2 1TQ

- 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 Mr and Mrs R Miles against the decision of Brighton & Hove Council.
 - The application (reference BH2012/02708, dated 30 August 2012), was refused by notice dated 14 November 2012.
 - The works proposed are "replacement of rear ground floor sash window with French doors and Juliette (sic) balcony".
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Decision

1. The appeal is allowed and listed building consent is granted for the replacement of a rear ground floor sash window with French doors and a Juliet balcony at number 10 Camelford Street, Brighton BN2 1TQ, in accordance with the terms of the application (reference BH2012/02708, dated 30 August 2012), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed works on the appeal building and its setting.

Reasons

3. Number 10 Camelford Street is one of a terrace of houses, constructed of painted brickwork with a tiled roof. It dates from the late eighteenth century and is listed (Grade II) as a building of special architectural or historic interest. It is located in a narrow street which is primarily residential and has retained much of its historic character. Camelford Street itself is set with a number of historic buildings and is located in the East Cliff Conservation Area though, in some cases, the rear parts of other properties in this part of Camelford Street have been much altered over the years.
 4. At the rear, number 10 Camelford Street has the benefit of a very small garden space which is separated from more modern development, beyond, by a high boundary wall. This garden is located at lower ground floor level, with the main living room at ground floor level, related to the street at the front. The rear elevation of the building retains its general form though it has been the
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- subject of some alterations and has a rather modern “feel”, as does the refurbished interior of the dwelling.
5. The proposed works would have no effect on the front elevation of the building and the streetscene would remain unaltered. The works would, however, alter the fabric of the building itself and would, obviously, have an effect on the appearance of the building from the rear.
 6. The proposed works would involve the removal of an existing window and the enlargement of the opening, to allow for the installation of French doors and a Juliet balcony. The opening would be wider than the existing window and would be of an overall height to suit the new French doors. On the rear elevation, the change in the shape and appearance of the window would be reinforced by the installation of a Juliet balcony, with a necessary railing to make the opening safe.
 7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
 8. That statutory framework is reinforced by the ‘National Planning Policy Framework’, especially at Section 12, which also points out the desirability of putting heritage assets to viable modern uses.
 9. The Policies in the Development Plan do not have the same weight in respect of applications for listed building consent as would be the case in respect of an application for planning permission. The Policies are material considerations, nevertheless, and the Development Plan includes specific Policies aimed at protecting the historic environment, notably Policy HE1 of the Brighton & Hove Local Plan.
 10. In this case, evidently, the proposals would have no effect on the streetscene, while the proposed change to the rear of the building would have no material impact on the setting of the building itself or on the character or appearance of the Conservation Area more widely.
 11. The proposal drawings are lacking in suitable detail in respect of the balcony railing itself but, nevertheless, the proposal would alter the listed building itself, involving the removal of a modest portion of the historic fabric and changing the appearance of the building. Thus, the scheme could not be said to “preserve” the building itself, in its current form. The project would, however, enhance the attractiveness and usefulness of the dwelling, as such, by introducing more light and by providing the main living room with a more direct link to the open space at the rear of the building.
 12. The benefit of the project would be limited, but the harm to the listed building would be very limited indeed, especially bearing in mind the character of the rear parts of the properties in the immediate vicinity of the appeal site. The proposals would not detract from the architectural qualities of the building, nor would they undermine its historic qualities, which would still be evident. Externally, the scheme would not be out of keeping with changes that have

already taken place to the rear elevations of buildings in this part of Clarendon Street.

13. In short, I am persuaded that the benefits of the scheme outweigh the objections to it and that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way, without prejudice to their main arguments in the appeal. Thus, I have imposed conditions to define the consent and to ensure that quality is maintained, requiring the production of detailed drawings in due course.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved drawings:
 - Drawing no. 001: Existing Plan and Elevation;
 - Drawing no. 101: Proposed Plan and Elevation;
 - Sketch drawing no. SK-1;
 - Site Location Plan.
3. No works shall be commenced until samples of the materials and drawings (at appropriate scales) of the construction details to be used in the construction of the new works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details, using the approved materials.