



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: 23 September 2013

Appeal A Reference: APP/Q1445/A/13/2189903

6 Bartholomews, Brighton BN1 1HG

- 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 N Blencowe (Baron Homes Corporation) against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/03285, dated 12 October 2012), was refused by notice dated 10 December 2012.
 - The development proposed (as described in the application) is the change of use of first, second, third and fourth floors from disused offices to four self-contained flats.
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Appeal B Reference: APP/Q1445/E/13/2189912

6 Bartholomews, Brighton BN1 1HG

- 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 Mrs N Blencowe (Baron Homes Corporation) against the decision of Brighton & Hove City Council.
 - The application (reference BH2012/03276, dated 12 October 2012), was refused by notice dated 10 December 2012.
 - The works proposed (as described in the application) are internal alterations, including the installation of lightweight stud partitions.
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Decision

1. The planning appeal (Appeal A) is allowed and planning permission is granted for the change of use of first, second, third and fourth floors from disused offices to four self-contained flats at 6 Bartholomews, Brighton BN1 1HG, in accordance with the terms of the application, (reference BH2012/03285, dated 12 October 2012), subject to the conditions set out in the attached Schedule of Conditions.
 2. The listed building consent appeal (Appeal B) is allowed and listed building consent is granted for internal alterations, including the installation of lightweight stud partitions, at 6 Bartholomews, Brighton BN1 1HG, in accordance with the terms of the application, (reference BH2012/03276, dated 12 October 2012), subject to the conditions set out in the attached Schedule of Conditions.
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Main issue

3. The main issue to be determined in both these appeals is the effect of the proposals on the appeal building (which is a listed building).

Reasons

4. The ground floor of number 6 Bartholomews is currently occupied by an apothecary and the upper floors have recently been in use as offices, which have significantly changed the internal layout of the building, since it was first constructed. The upper floors have been occupied by squatters, however, and considerable malicious damage has been done to their interior.
5. Numbers 5 and 6 Bartholomews are listed (Grade II) as buildings of special architectural or historic interest. They are listed together as terraced houses and shops dating from the early nineteenth century, though number 6 has an additional attic storey that was added later in that century. They are constructed of brickwork, with stucco to number 6, topped by parapets.
6. The front elevation of the appeal building is an imposing feature in the streetscene, although the rear of the building is not readily visible from any public viewpoint and does not appear to be particularly attractive. The building stands in a prominent location, within the Old Town Conservation Area, in a busy commercial and tourist location at the heart of Brighton but near to the seafront.
7. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose 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 supports the aim of protecting heritage assets by putting them to viable use.
9. The Policies in the Development Plan do not have the same weight in respect of the application for listed building consent they do in respect of the application for planning permission. The Policies are relevant to both appeals, 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 relation to the planning merits of the proposed conversion, in principle, Policy EM5 of the Brighton & Hove Local Plan is particularly relevant.
11. The appeal site lies in a busy part of the centre of Brighton and the proposed residential use of the building would be suitable in planning terms, in principle, bearing in mind the location and the evidence that the spaces make poor quality offices. Moreover, the proposed conversion of the upper floors of the building would have no significant effect on the external appearance of the listed building, nor would it affect the setting in the Conservation Area. In short, the proposal would accord with Policy EM5 of the Local Plan.

12. Hence, the main issue in this case is the effect of the proposals on the appeal building itself, specifically on its interior. It is not realistic to suppose that the building could be restored to its original use as a townhouse and the proposed works are required to facilitate the proposed change of use of four floors of the building (above the ground floor), to create four studio flats.
13. The proposed alterations would make use of the current layout as far as possible, for obvious practical and economic reasons. Essentially, the works comprise the introduction of internal partitions to provide residential accommodation, in particular the creation of shower rooms and kitchens within each of the four flats. Other changes would be needed to execute the project as a whole, including the insertion of new ventilation ducts to discharge at the rear elevation of the building. The front room on the top floor has an unusually high ceiling and high window cills that make it very uncomfortable for modern use. It is proposed that a suspended floor should be inserted into the front part of the new flat on this level (the bedsitting room), to improve the habitability of the dwelling unit.
14. The proposed changes would have only a limited impact on the historic qualities of the appeal building, since extensive changes to the interior of the original building have already been made. In themselves, neither the new partitions nor the new suspended floor would significantly undermine the historic or architectural qualities of the building. On the other hand, the new partitions would be necessary to create the residential units while the suspended floor at attic level would be needed to provide that living space with windows reasonably related to the floorspace (because the window cills are exceptionally high in relation to the existing floor level).
15. Although the works involved would be significant, the evidence that has been presented (and an inspection of the premises) leads to the conclusion that they would, indeed, be necessary to achieve a conversion to residential units, making an appropriate use of the historic building. Nor am I persuaded that the alternative ideas for the internal layout, suggested by the Council, would be practical or advantageous in fact.
16. As submitted, the scheme drawings do not provide full details of the proposed conversion works. In order to ensure that the scheme as a whole would achieve a good standard of design, it would be necessary for detailed project drawings to be prepared of the whole of the new studio flats (including stairs and other ancillary areas). This, however, is a matter that could be dealt with by conditions. A number of conditions have been suggested by the local planning authority (without prejudice to their main arguments in the case) but I am convinced that the objectives of those conditions could be achieved by imposing fewer but more general conditions, requiring the submission of details to define the alteration scheme as a whole.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the contribution that the appeal scheme would make to the provision of residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the project would not be in conflict with the Development Plan, in principle, and that the need for more detail to be provided in due course can

properly be dealt with by suitable conditions. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions.

18. Conditions are necessary, to define the planning permission and listed building consent and to ensure that quality is maintained. In relation to the listed building consent, a condition is required to ensure that suitable details of the proposed internal works are submitted, approved and executed, in due course. Moreover, extensive repairs are needed to the main staircase and other secondary elements, while there is a need for a coherent interior scheme to be created (with consistent cornices, picture rails and skirting boards where appropriate).
19. In the light of these considerations, and without prejudice to the generality of the condition, the submitted details will need to include details of the stairs, doors, joinery, ventilation ducts, fire insulation and noise insulation. A similar condition is not necessary or appropriate in relation to the planning permission, since the works would be carried out to the interior of the building, with only a very minor effect on its external appearance.
20. In relation to Appeal A (the appeal for planning permission), additional conditions are suggested by the Council. The appellant has not objected to conditions relating to Ecohomes standards but it has not been shown, in this particular case, that such a standard is necessary (in the terms set out in Circular 11/95 or in the context of Policy SU2 of the Local Plan, which is expressed in general terms). Nor has it been shown that it would be reasonable for residents of the proposed new studio flats should be deprived of the right to apply for residents' parking permits. On the other hand, it is both necessary and reasonable for conditions to be imposed to ensure that satisfactory facilities are provided for cycle parking and for the provision of refuse and recycling facilities, as indicated in the submissions.
21. The Council also propose that additional "mitigation" works should be required, such as the reinstatement of chimney breasts, but I am not persuaded that such measures are necessary to make the development or works acceptable, in view of the justification for them, in any case.
22. 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.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A (the Planning Appeal)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 1962/1B (as existing);
 - drawing number 1962/2C (plans and section);
 - drawing number 1962/3A (site location plan);
 - drawing number 1962/4A (block plan);
 - drawing number 1962/5A (details);
 - drawing number 1962/6A (elevations).
3. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans (marked "store 1" on drawing number 1962/2C) have been completed and made available for use by occupants of the flats and visitors. They shall be retained and used for no other purpose thereafter.
4. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities as shown on the approved plans (marked "store 2" on drawing number 1962/2C) have been completed and made available for use by occupants of the flats and visitors. They shall be retained and used for no other purpose thereafter.

Appeal B (the Listed Building Consent Appeal)

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 number 1962/1B (as existing);
 - drawing number 1962/2C (plans and section);
 - drawing number 1962/3A (site location plan);
 - drawing number 1962/4A (block plan);
 - drawing number 1962/5A (details);
 - drawing number 1962/6A (elevations).
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. Without prejudice to the generality of this condition, the submitted details shall include details of the stairs, doors, joinery, ventilation ducts, fire insulation and noise insulation.

