



Appeal Decision

Site visit made on 3 February 2014

by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/E/13/2205350

41 Marine Parade, Brighton, BN2 1PE

- 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 Stephen Bull against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01492, dated 12 May 2013, was refused by notice dated 16 July 2013.
 - The works proposed are window alterations, new external render finish and internal refurbishment works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed works on the special architectural or historic interest of the listed building.

Procedural Matter

3. The appeal works have already been carried out on site. However, I am making my decision on the basis of the above description and appeal plans submitted.

Reasons

4. The appeal site is a grade II listed building. Whilst it is now in use as a hotel, it was previously vacant. It forms the end unit of a terrace of similar four storey properties, with basements and rooms in the roof. Designed by Charles Augustin Busby, its stucco elevations, with decorative detailing and slate roof add to its Regency elegance. Elements such as its timber painted windows and doors, of traditional design and its decorative front portico, add to its significance. The original floorplan and hierarchy of grandeur, proportions and decoration, along with its historic fabric, are characteristic of the building period and an important element of its significance and special interest.
5. I have very limited information on the justification for, or nature of, works to strengthen the front portico or the floor to bedroom 4. Both would be likely to affect historic fabric. On the basis of the information provided, I cannot be assured that they would not adversely affect the special interest of the listed building.

6. The Council considers that the replacement of some windows, as outlined in the appeal application, is acceptable subject to the inclusion of a putty line as opposed to a timber bead and the replacement bottom sash on the third floor landing matching the top sash of that window. The Council has suggested conditions to ensure this. It has been confirmed that the previous windows were in a bad state of repair. The proposed windows would generally be of appropriate design and detailing, would improve the exterior of the listed building and its energy efficiency. On this basis, I have no reason to take an alternative view.
7. It has been confirmed that the opening between the new boiler room and the owner's bathroom at basement level was previously made and is indicated on the proposed floor plan. It is intended to block this up with a stud partition. Whilst this is a structural wall, as it was previously removed, I consider this approach would preserve the existing situation and no harm would result to the listed building as a consequence.
8. However, partitions to create small spaces such as the bathroom, boiler room and staff toilet, together, would create irregular shaped spaces that do not relate to the regular shaped service rooms previously evident. Brighton and Hove City Council Supplementary Planning Guidance Note 11: *Listed Building Interiors*, in providing advice regarding basement and service wings, indicates that basements, often used as service spaces, should not be considered unimportant simply because they lack obvious decorative features. These spaces played an important role in the history of the building and their relationship with the main house should be carefully considered. I consider that the proposed alterations would compromise the generally regular floorplan of the basement.
9. Opening up the proposed lounge and dining room would create a regular shaped space, and retain references to the original floorplan, in the small nib of the dividing wall and the two door openings which provided access into each room. On this basis, subject to a downstand within the opening, details of which could be dealt with by a condition, I consider that this would be acceptable.
10. However, the fireplace in the proposed dining room has been opened up and the fire surround restored. Whilst this is an advantage of the proposed works, a tiled hearth, in small module black and white tiles, that extends beyond the fireplace opening is proposed. I have no evidence before me to justify the material, or shape and size of the proposed hearth and its relationship to the fire surround. Neither do I have information to indicate what was there before. On this basis I cannot be convinced that it would be appropriate for one of the primary rooms within this listed building, and that it would not result in harm to it.
11. The proposed works would include removal of areas of lime plaster, where this is in a poor condition. However, I have no evidence to suggest where this approach is necessary or the condition of the plaster. Such an approach, would involve the loss of some historic fabric, which would be irreversible. For this reason, it would cause harm to the listed building. In the absence of justification, this would be unacceptable.
12. Covering the lathe and plaster with plasterboard, throughout the building, in the absence of justification, would unnecessarily conceal historic fabric,

particularly where covings would be covered. No further detail on this matter is provided. The insertion of modern downlighters, as a general approach throughout the listed building, would introduce a modern feature which would fail to pick up on the design traditions of the listed building and would result in harm to it.

13. The appellant confirms that few skirting boards, except in the stairs and landings, or cornices survive. This is not in dispute. However the introduction of skirting boards, as proposed, would result in a mixture of profiles and depths within the different floors of the building, which would confuse its historic layout. Further, in proposing to run the skirting and cornices around the proposed rooms, including the ensuites, rather than the original room shape, any true sense of the original room layout and proportions would be lost.
14. New doors have been proposed throughout the building. Those in the basement are modern, unpainted flush doors. Whilst doors in the secondary parts of the building, such as the basement, which were often not open to public view, would be less ornate, these modern insertions fail to accord with the listed building's traditional floorplan and layout. Whilst not a reason for refusal, I note Council concern regarding the doors on the top floor. These are unpainted panelled and moulded doors, similar to those on the remainder of the floors. It is indicated, for the same reason, that these doors, with decorative moulding are too ornate for secondary spaces, and on this basis, would confuse the original hierarchy of the listed building.
15. The remainder of the doors are unpainted panelled and moulded doors, of appropriate design for their position within the listed building. Even though some have glass panels, subject to the doors being painted, as was the tradition at the time of building, I consider that these would be appropriate.
16. All in all, I conclude that the appeal proposals would, together, fail to preserve the special architectural interest of the listed building. They would fail to accord with Brighton and Hove Local Plan (2005) Policy HE1. This promotes proposals that would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of a listed building. It would also be contrary to Brighton and Hove Supplementary Planning Guidance Note 11: *Listed Building Interiors* (SPG:11), which on page 4, indicates that any new layout must respect the original plan form and room proportions and SPG:13 *Listed Buildings-General Advice*, which sets out general principles for protecting listed buildings.

Public Benefits

17. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I find that any harm identified to the listed building, would, in the context of the significance of the heritage asset, be less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, that harm should be weighed against any public benefits of the proposal. I have noted that some of the works proposed would be advantageous in enhancing the significance of the listed building, notably the external finish, reroofing, refurbishment of some shutters, some removal of internal partitions to open up the front bedrooms in particular, opening up and refurbishment of the staircase, resurfacing of the frontage and

some energy saving measures such as insulation of walls. In addition, the proposed works would bring a previously vacant building, in need of repair, back into use with a reduced occupancy. However, together, they would not constitute the public benefits referred to in Paragraph 134 of the Framework required to outweigh the harm that would result to the listed building, as a consequence of the totality of the works proposed.

Conclusion

18. Those elements of the proposed works that I have found to be acceptable, subject to conditions, are not clearly severable from the remainder of the appeal proposal. For this reason I have not issued a split decision in this case. Therefore, for the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR