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## Appeal Decision

Site visit made on 1 September 2014

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

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

**Decision date: 18 September 2014**

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**Appeal Ref: APP/Q1445/E/14/2216232**

**13 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 Chris Cage against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04286, dated 12 December 2013, was refused by notice dated 11 February 2014.
  - The works are "Replacement of existing opening roof light to West / rear elevation with new 'Cabrio' opening roof light. (Retrospective)."
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The appeal building is a mid-terrace house within the terrace at 8 to 19 (consecutive) Camelford Street which is listed in Grade II. It is also situated within the East Cliff Conservation Area. The works for which listed building consent is sought have been carried out. However, the appellant's photographs show relevant parts of the appeal building before the works took place, so I shall take those photographs into account.
3. The Council was not represented at the site visit. As it was necessary to see the interior of the listed building and to view its exterior from private land, I carried out the site visit in the company of the appellant as an Access Required Site Visit. The Council was given the opportunity to object to this procedure by 17 September 2014 by The Planning Inspectorate. As the Council did not object, I shall proceed to make my decision.
4. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* does not apply to decisions on applications for listed building consent, since in those cases there is no statutory requirement to have regard to the provisions of the Development Plan. The relevant Development Plan policy reflects the thrust of the statutory requirements, and I shall deal with it as a material consideration.

### Main issue

5. The main issue in this appeal is whether the works preserve the special architectural or historic interest of the listed building.

## Reasons

6. The listed building includes the 2-storey plus basement and attic appeal building, which is a Georgian house with a tiled pitched roof and a small front dormer. It previously included a fairly modest Velux-type roof light which largely respected the form, scale and alignment of the rear roof slope. Thus, the simple historic form of the appeal dwelling was preserved. Because most of the nearby buildings in the terrace include a variety of rear dormers and roof extensions, the rear roof slope of the appeal building allowed the historic roof form of the buildings in the terrace to be appreciated. This made it all the more important to preserve.
7. The previous roof light did not have the typical central mullion of some traditional roof lights, but the light that it would have let into the interior would have preserved much of the historic character of the attic floor. Thus, the rear roof slope with the former roof light contributed in an important way to the special architectural interest of the listed building, and it contributed positively to the significance of the heritage asset as a terrace of historic dwellings.
8. Due to its substantial scale, contemporary form, and siting close to the eaves, the existing 'Cabriolet' roof light is an incongruous addition. Because it has significantly eroded the important rear roof slope, it unacceptably damages the historic character of the appeal building. Its configuration when open, including the balcony, and the projection of the opening lights above the roof plane, draws attention to its discordant appearance. The addition of central mullions would not outweigh this harm.
9. As heritage assets are irreplaceable great weight should be attached to their conservation. Whilst the appellant says that the present roof light was installed to increase the amount of daylight and ventilation in the dwelling, these changes erode the historic character of the interior of the listed building. Furthermore, because the existing opening is larger than that for the previous roof light, historic fabric including parts of roof timbers may have been lost.
10. From the evidence put to me the appeal building was built as a single dwelling house, it is still in use as such, and there is no suggestion that this would not be the optimum viable use for this part of the heritage asset. Whilst the rear roof slope is not widely visible in public views, the damaging effect of the existing roof light can be seen by the occupiers of nearby buildings and their grounds, and the works would erode the appreciation of the historic interior for future occupiers, so that is not a good reason to allow these injurious works.
11. For all of these reasons the works cause great harm to the listed building. Whilst in terms of the *National Planning Policy Framework* (Framework) that harm is less than substantial, no public benefits have been put to me to outweigh that harm. Moreover, insufficient clear and convincing justification has been put to me to show that the works are necessary to preserve the listed building, or to achieve the optimum viable use of this part of the heritage asset which is significant as a historic terraced house.
12. As the appeal building is in a conservation area, I am also required to take account of section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended which states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that

area. The street pattern and historic buildings within the Conservation Area contribute positively to its appearance and character related to the historic development of Brighton as a seaside resort which it is desirable to preserve, and to its significance as an area of historic townscape related to the sea. Because the works harm the historic appearance and character of the listed building, and they unacceptably erode the significance of the appeal building as a Georgian dwelling, they also fail to preserve or enhance the character or the appearance of the Conservation Area.

13. Although the appellant says that the Council's officer did not make a site visit before the Council made its decision, this does not effect the determination of this appeal, which I have dealt with on its merits and in accordance with its site specific circumstances and my statutory duties.
14. I therefore consider that the works fail to preserve the special architectural interest of the listed building. They are also contrary to Policy HE1 of the *Brighton & Hove Local Plan 2005* which reflects the thrust of the statutory duty with regard to listed buildings, and the Framework, which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR