
Appeal Decision

Site visit made on 13 June 2016

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 20 June 2016

Appeal Ref: APP/Q1445/F/15/3139447

Ground Floor Retail Unit, Clarence House, 30-31 North Street, Brighton BN1 1EB

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Bashir Karimi against a listed building enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 22 October 2015.
- The contravention of listed building control alleged in the notice is the installation of two bright plastic fixed awnings and the installation of hooks and battens to the North Street elevation of the building at ground floor level.
- The requirements of the notice are:
 1. Completely remove the 2no awnings attached to the front elevation of the building at ground floor level.
 2. Remove all exterior fixings, hooks and battening from the front elevation and make good to match the existing listed building.
- The period for compliance with the requirements is One (1) month after the notice takes effect.
- The appeal is made on the grounds set out in section 39(1) (c) & (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the listed building enforcement notice is upheld.

Background and significance

1. The premises are located in North Street, a prominent commercial street in Brighton Town Centre within the Old Town Conservation Area (the CA). Clarence House is a solid stucco fronted former inn constructed in about 1785. The main entrance is located centrally and this is reached by external steps leading up to a porch flanked on either side by pillars. To the west of the entrance is an archway leading to the former yard of the inn and balancing this feature to the east is a ground-floor shop unit. The alleged works are confined to this element of the building.
2. The building was listed Grade II in 1971 and its significance is as the last example of the large inns that used to line North Street. The building has a classic simplicity typical of late 18th century hotels, with discreet ornamentation and symmetry.
3. The two canopies subject of the notice have been erected within the shop front and comprise rigid plastic canopies attached to a light metal frame. That frame in turn appears to be screwed directly into the top of the fascia, while below and to either side the frame is attached to what appears to be square profile

metal tubing which is screwed to the front of the building. To the east or left hand side of the canopy is a wooden batten and various hooks. These latter features appear unrelated to the canopies but are subject of the allegation.

Appeal on Ground (c)

4. This ground of appeal is that the works enforced against do not constitute a breach of listed building consent because the alterations do not affect its character as a building of special architectural and historic interest. Under this ground, the merits of the alleged works are not relevant, thus the question before me is whether the works undertaken materially affect, either negatively or positively, the special architectural or historic interest of the listed building.
5. In this case the appellant appears to be relying on a single sentence that says "The awnings are not attached to the building itself only the window frames". He also says that the awnings do not affect the character of the building but gives no reasons. As I have noted in my preliminary observations the 2 canopies are physically attached to the front elevation of the building at several points. Similarly the battens and hooks are screwed into the principal elevation. As a matter of fact the windows themselves are part and parcel of the listed building. Hence in either case, the works have occurred and the question is whether or not these works materially affect the character of the building.
6. In this context the building as a whole should be considered. As I have noted Clarence House is a solid, discreetly ornamented building which presents a robust and prominent face to the street scene. The canopies, by reason of their flimsy appearance, colouring and materials, together with their prominent location and their protrusion into the street are highly visible to the 'man in the street' and thus affect its architectural composition and balance. The hooks and battens are also visible and intrusive, albeit to a lesser extent, because they are on the front elevation.
7. In these circumstances I conclude that the works are a breach of control because they materially affect the special architectural and historic interest of the listed building. Consequently the appeal on ground (c) does not succeed.

Appeal on Ground (e)

8. I have already concluded that the installation has a material effect on the appearance of the listed building; under this ground it is necessary to consider whether that effect preserves the building, its setting or any features of special architectural or historic interest which it possesses. There is a similar requirement to consider the effect on the character and/or appearance of the CA.
9. The appellant simply repeats the comments made in respect of Ground (c) and in these circumstances there is no cogent evidence before me to support this ground. Nevertheless I shall consider the merits of the works and because the Council have submitted evidence in support of their case, neither side would be disadvantaged by my doing so.
10. I saw that the canopies and other works are alien features attached to the front of the listed building and because of the imposing architectural form of Clarence House and its symmetry such clutter and flimsy structures are particularly incongruous in this high quality setting. In these circumstances I

find that the works have harmed the historic character and significance of the listed building. I also find that the poor quality and inappropriate canopies harm the character and appearance of the CA and this effect is exacerbated by the prominent location and intrusion into the street picture caused by the works. I saw that Clarence House and the subject shop front form a focal point for views along Bond Street, a street busy with shoppers at the time of my visit.

11. I find that the works result in harm but this is less than substantial harm as defined in the National Planning Policy Framework¹ (the Framework). In these circumstances such harm may be outweighed by demonstrable public benefits. However the appellant has not provided evidence of any public benefit, nor is there any suggestion that the canopies have an impact on the viable use of the building. In these circumstances the harm, by reason of clutter and incongruous additions, is not outweighed by any demonstrable public benefits.
12. The Framework also says that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Both the listed building and the CA are designated heritage assets. Whilst the harm that arises is less than substantial, the addition of poor quality clutter is harmful to the special architectural and historic interest of Clarence House, its setting and to the character and appearance of Old Town Conservation Area and this undermines their significance.
13. The *Brighton and Hove Local Plan* (BHLP) says that the city is renowned for its Regency stucco architecture. BHLP Policies HE1 and HE6 seek, amongst other matters, to ensure that development respects local context and character. In this case that character comes from the Regency character of Clarence House and its locally important contribution to the evolution of the City, by reason of the survival of an inn constructed in a defining period during the development of the fashionable resort. It therefore has historical importance to the character of the CA. BHLP Policies HE1 and HE6 policies predate but are consistent with the Framework and thus should be given full weight. They are material considerations that also weigh against the grant of listed building consent.
14. I therefore conclude that the effect of the works does not preserve the host building or its features of special architectural or historic interest and is contrary to national and local policy aimed at the protection of listed buildings. I also conclude that the works fail to preserve the character and appearance of the CA. In these circumstances the appeal on ground (e) fails.

Decision

15. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is not granted for the works carried out in contravention of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Sukie Tamplin

INSPECTOR

¹ National Planning Policy Framework: Paragraph 134

