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# Appeal Decision

Site visit made on 9 October 2012

**by John G Millard DipArch RIBA FCI Arb**

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

**Decision date: 23 October 2012**

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## **Appeal Ref: APP/Q1445/E/12/2173445**

### **Flat 10, 18 Brunswick Place, Hove, East Sussex BN3 1NA**

- 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 Paul Maggs against the decision of Brighton & Hove City Council.
  - The application Ref: BH2011/02519 dated 31 August 2011 was refused by notice dated 26 October 2011.
  - The work proposed is removal of timber framed partition wall in living room, offsetting chimney breast in living room, repositioning of kitchen and adding en-suite to rear bedroom.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The National Planning Policy Framework (the Framework) was published on 27 March 2012 at which time a number of national policy documents, upon which the appellant and/or the Council may have relied, were cancelled. As my decision on the appeal must accord with the Framework, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from publication of the Framework which they consider to have implications for their cases. In reaching my decision I have taken full account of any such comments received within the allotted time.
3. As the works were carried out before the date of the application, I shall treat the application as having been made under the provisions of section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for their retention.

### **Main Issue**

4. The main issue in this appeal is whether the alterations preserve the listed building and any features of special architectural or historic interest it possesses.

### **Reasons**

5. The appeal property is the top floor flat in a 5-storey Grade II listed Regency terrace on the east side of Brunswick Place, within the Brunswick Town Conservation Area. The conversion of the former dwellinghouse to flats is said
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to have taken place in the late 1990s, at which time it is likely that the internal arrangement was as shown on the 'Existing' plan on drawing number 8734/1 dated October 2007. There appears to be no authoritative record of the original layout but, on the evidence available, it seems probable that it was not unlike the 1990s layout, save for the 20<sup>th</sup> century insertion of two bathrooms in the rear room of the main front block and the dividing into 2 rooms of what would almost certainly have originally been a single room in the rear wing, behind the staircase.

6. A key feature of such a layout, characteristic of 19<sup>th</sup> century terraces like this, was the existence of chimney breasts positioned more or less centrally on the long wall of each of the 3 principal rooms. Whilst these features still exist, the effect of the alterations carried out is that they no longer relate appropriately to the spaces in which they occur. As a result, their significance has been diminished to the extent that the historic plan form has been compromised and is no longer readily discernable. Adding to this harm is the loss of the dividing partition between the two front rooms which, although said by the appellant to have been of modern construction, clearly reflected the historic division of space and the resultant proportions and characteristics of the rooms within the building's topmost storey.
7. The appellant points out that the works involved no structural alterations or harm to the fabric of the building and suggests that the new arrangement provides a more practical layout. It is nonetheless the case that the interiors of listed buildings are often no less important than their exteriors. Indeed, the extant Planning Practice Guide to the former Planning Policy Statement 15 – *Planning for the Historic Environment* (the Practice Guide) notes, at paragraph 182, that the plan form of a building is frequently one of its most important characteristics and that internal partitions and other features are likely to form part of its significance.
8. It goes on to suggest that proposals to remove or modify internal arrangements will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations. Advice in the Practice Guide is consistent with that in the Council's adopted Supplementary Planning Guidance Note 11 – *Listed Building Interiors* (SPG11) which advises that alterations to listed buildings should respect the original plan form and work around it so that it remains clearly 'readable'. In more general terms, Policy HE1 of the adopted Brighton and Hove Local Plan 2005 (LP) seeks to ensure that alterations to listed buildings do not adversely affect their internal or external historic character.
9. Whilst the appellant may well find the amended layout more convenient, there is no doubt that the loss of the clear definition and spatial significance of original chimney breasts in the living room and rear bedroom, and the changes in the proportions of the rooms concerned, have materially impacted upon the character of the accommodation at this level, causing harm to the significance and special architectural and historic interest of the building.
10. Whilst noting the appellant's assertion that the alterations have had no impact on the fabric of the building, it appears to me that the previously existing partition or wall laterally dividing the two bathrooms from the living room was almost certainly part of the original building fabric and, in all probability,

follows through in the same alignment in all storeys of the building. Paragraph 179 of the Practice Guide states that the fabric will always be an important part of an asset's significance and that retention of as much historic fabric as possible is a fundamental part of any good alteration or conversion.

11. The alterations carried out in this case have resulted in the total loss of this partition or wall, in conflict with the Practice Guide's advice, and with LP Policy HE1, further detracting from the historic integrity and significance of the listed building.
12. In support of the alterations, the appellant has drawn my attention to 2 similar properties nearby where comparable alterations to their internal layouts are said to have been approved by the Council. The Council has confirmed, however, that in neither instance did the approved alterations relate to the topmost storey, in which circumstances I find that the cited instances offer little by way of support for the appellant's case.
13. For the reasons given above I am led to the conclusion that the alterations are inconsistent with the objectives of LP Policy HE1, SPG11 and the Practice Guide, causing unacceptable harm to the significance of the listed building as a designated heritage asset. In reaching this conclusion I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR

