



Appeal Decision

Site visit made on 21 January 2013

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 25 January 2013

Appeal Ref: APP/Q1445/A/12/2182010

Flat 1, 100 St Georges Road, Brighton BN2 1EA

- 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 Mr M Burnard-Epstein against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00199, dated 24 January 2012, was refused by notice dated 10 July 2012.
 - The development proposed is single storey extension above existing flat roofed ground floor.
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Decision

1. I dismiss the appeal.

Reasons

2. The premises are within the East Cliff Conservation Area and the main issue is the effect of the development on the character and appearance of that area and the setting of a listed building. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the same Act requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policies HE3, HE6 and QD1 of the Local Plan seek the same ends and are generally consistent with Section 12 of the National Planning Policy Framework. Policy QD2 seeks good design.
3. There is a history of comments, amended and additional details, and resulting updated comments from the Council's Conservation Officer. The changes to the windows and cornice are noted. The low shop extensions to the west of the site are part of the historic development of the area and although of varied visual quality and they obscure some original architectural features of the houses to the rear, they contribute to the character of the conservation area. The shop-front on the appeal site is however a negative feature of the area, being low, poorly detailed and awkwardly placed across the corner in a prominent position at the change in direction of the road.
4. The main building is described as a later addition to the listed Bloomsbury Place and is rectangular and subservient in design and size to the terrace. The proposed extension has been designed to follow the architectural treatment of the host building, number 100, and would itself be subservient to number 100 and be partly obscured in views from the west by the dividing wall with number

101. However, the additional bulk and height of the rearward projection would undermine the significance of the listed terrace, adding a poorly related building more closely within its setting than is the present shop. One feature of the shop is its low height and unassuming, albeit negative, presence in relation to the listed building and the wider area, and the addition of the further storey, no matter the improvements in detailing, would impose a discordant and over large building in this situation.

5. The harm is however less than the level of substantial harm set out in the Framework, but is nevertheless real and serious. Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The removal of the illuminated sign carries limited weight as it is stated to be unauthorised, although removal would be a certainty with the development. The repainting of the property is a benefit that could be secured by condition, but as the Council say, redecoration as periodic maintenance is to be expected and choice of colour may not be a significant extra cost when that time comes. No significant benefit has been found in the proposed upper floor redeeming the present situation as set out above.
6. In conclusion, the proposal is unacceptable in its effect on the character and appearance of the conservation area and on the significance of the listed building and its setting. No benefits have been identified sufficient to outweigh the harm. The proposal is hence contrary to the aims of Local Plan Policies HE3, HE6, QD1 and QD2, and advice in national guidance, and fails the statutory tests in the 1990 Act. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR