
Appeal Decisions

Site visit made on 11 November 2013

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 15 November 2013

Appeal A: APP/Q1445/A/13/2200060

'The Mesmerist', 1 - 3 Prince Albert Street, Brighton BN1 1HE

- 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 InnBrighton Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00815, dated 14 March 2013, was refused by notice dated 7 May 2013.
 - The development proposed is replacement of existing ground floor windows with bi-fold windows to North and bi-fold doors to East elevations.
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Appeal B: APP/Q1445/E/13/2200061

'The Mesmerist', 1 - 3 Prince Albert Street, Brighton BN1 1HE

- 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 InnBrighton Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00816, dated 14 March 2013, was refused by notice dated 8 May 2013.
 - The works proposed are replacement of existing ground floor windows with bi-fold windows to North and bi-fold doors to East elevations.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals this is the effect of the proposals on the significance of the listed building and its setting within the Old Town Conservation Area.

Reasons

3. The building is listed Grade II for its group value along with others in the terrace. Local Plan Policy HE1 on listed buildings requires proposals not have an adverse effect on the architectural or historic character and appearance of the interior or exterior of the building or its setting, with proposals reflecting the scale, design, materials and finishes of the existing building. This policy is in line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy QD10 seeks shop-fronts that respect the style, proportions, detailing, colour and materials of the

parent building and surrounding shop-fronts and buildings. The Council have published Supplementary Planning Document 02 "*Shop Front Design*" which states that thick, bulky mullions and transoms should be avoided except in some large scale frontages. With regard to the conservation area, the aims of Policy HE6 are consistent with Section 72(1) of the 1990 Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4. It appears from evidence supplied by the appellant that the building has undergone changes, probably even the rebuilding referred to. The arrangement of the shop-fronts appears traditional but may not be very old. As a result it is not possible to say that the proposed alterations would affect historic fabric. Paragraphs 128 and 129 of the National Planning Policy Framework make clear the need to identify the significance of the heritage asset. In this case, much of the significance of the designated asset of the listed building is its value as part of a group that defines the corner to the open space by the Town Hall and rounds the slight bend in Prince Albert Street to terminate at Black Lion Street. The location of this part of the building at that open corner position raises the significance of these shop-front windows and the corner panes between.
5. The present windows are attractive for their simplicity, through the use of slender mullions and their lack of openings maintains the flow of solid building around the prominent corner. The proposed thicker mullions would disrupt the proportions of the glazing and when open there is a risk of views across the corner reducing the beneficial effect of the building rounding the corner. Hence the proposal would cause harm to the proportions of the building and the group in which it stands, and as a result, would fail to preserve the character and appearance of the conservation area.
6. It does appear to be a fact that opening windows and doors have been used nearby, as set out by the appellant and Pizza Express as one example is very close. However, as detailed above, there are aspects of this corner location and the existing detailing of the mullions, that militates against a similar arrangement being successful on this part of the appeal building.
7. The proposal would fail the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990, and would not accord with the aims of the Local Plan policies and the Supplementary Planning Document previously cited, which are also material considerations in the listed building appeal.
8. With regard to the Framework, the harm to the two designated heritage assets is less than substantial in each case, and paragraph 134 states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The building is in a beneficial use, and appears, from third party representation, to be well attended. There would, as the appellant states, be some benefits to the vitality of the area through open doors and windows, although noise breakout would need to be controlled. On balance however, that benefit does not outweigh the harm identified. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR