



Appeal Decision

Site visit made on 24 September 2013

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 10 January 2014

Appeal Ref: APP/Q1445/A/13/2198757

7 Waterloo Street, Hove, East Sussex BN3 1AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Sir Ronald De Witt against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/00256 is dated 25 January 2013.
 - The development proposed is a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney.
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Appeal Ref: APP/Q1445/E/13/2198762

7 Waterloo Street, Hove, East Sussex BN3 1AQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Sir Ronald De Witt against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/00511 is dated 14 February 2013.
 - The development proposed is a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney.
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Application for Costs

1. An application for costs was made by Sir Ronald De Witt against Brighton and Hove City Council and is the subject of a separate decision.

Decisions

2. The appeals are allowed and planning permission and listed building consent are granted for a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney at 7 Waterloo Street, Hove, East Sussex in accordance with the terms of the applications, BH2013/00256 and BH2013/00511, subject to the following conditions which relate to both decisions:
 - 1) The development/works hereby permitted shall be begun before the expiration of three years from the date of this decision.
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- 2) The development/works hereby permitted shall be carried out in accordance with the following approved plan: PL01A.
- 3) Notwithstanding the submitted details, no development/works shall take place until revised details of the proposed window and door have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) The materials used in the external surfaces of the alterations hereby permitted shall match those of the existing building.

Main Issues

3. The main issues are the effect of the proposal on the significance of the heritage assets; whether it would preserve the special architectural and historic interest of the listed building; and whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

4. Both the planning and listed building appeals are against the failure of the Council to reach a decision.
5. The property is a listed building that lies within the Brunswick Town Conservation Area. Its period design positively contributes to, and is reflective of, the character and appearance of the wider area. The front of the property faces Waterloo Street which is one of a small number of roads that run directly towards the sea. These roads are of considerable importance to the conservation area and the curved elements of the frontage and its detailing reflects the high status and importance of the elevations that face these roads.
6. The side elevation of the property faces Lower Market Street. This is a road which does not include the grandeur of the frontages of Waterloo Street but the properties nevertheless exhibit period forms and detailing. They are important to the cohesive and broadly uniform character and appearance of the conservation area. The side elevation of this property is highly detailed and adds significantly to the quality of the building overall. The upper parapet detailing is clearly secondary to the more imposing frontage design but it emphasises the importance and quality of this elevation which is also prominent in views from Waterloo Street.
7. The rear addition, which is the subject of this appeal, is separated from the main side elevation by a recess and it is much lower in height. From Waterloo Street, this element forms a visual link between the main side elevation and the frontage of the property beyond. Its parapet detailing is much less ornate and relates only to its frontage. The screening effect of the main building ensures that the pitched roof behind the parapet is barely visible.
8. In longer views from the west, this rear element of the property similarly provides a visual link between the higher buildings. More of the angled roof behind the parapet is visible but it remains largely screened. It appears as an entirely subservient feature that is viewed against the setting of the higher rear elevation of the main building. This includes a rear parapet which screens views of the main pitched roof beyond.

9. In closer views, the dual pitched roof and central valley of this small rear element are clearly evident from the street. The angled roof and chimney stack represent the rear elevation and it is only the position of this dwelling on a corner that results in them being in clear public view. Although of importance to the form and character of the building overall, the lack of a return parapet, to match that of the main rear elevation, does indicate the lesser importance of this element.
10. Notwithstanding the clearly greater importance of the main part of this building, the proposal would nevertheless result in the loss of the original historic form of this small area of roof. The significance of this listed building would be harmed and the special architectural and historic interest would not be preserved. In terms of the advice within the *National Planning Policy Framework*, the harm would be 'less than substantial'. The *Framework* requires that the harm be balanced against the public benefits of the proposal.
11. The appearance of the valley roof does not present an attractive finish to this rear elevation. Its appearance is entirely at odds with the neat lines of these period properties. The existing front facing parapet ensures that, to some extent, it harmonises with the more important elements of the property. The revised parapet would continue the frontage parapet to the sides and would be more reflective of the character and appearance of the property overall. It would result in a more attractive and more unified appearance. The proposed repair of the chimney would be a further enhancement.
12. Although generally there would be little public benefit to the alteration of rear elements such as this, that have a limited wider visual impact, in this case the rear elevation is within the public realm. It does not currently benefit from the detailing that generally hides pitched roof forms and unifies the public appearance of these period properties. In these particular circumstances, I find that the introduction of a parapet to the rear elevation would enhance rather than preserve the existing appearance of this property. Given the relative importance of this element to the building overall, it would also enhance its character.
13. The works would be sympathetic to the appearance of the property overall and would result in improvements with regard to the street scene. The proposal would enhance the character and appearance of the conservation area. The *Framework* is clear with regard to the desirability of new development making a positive contribution to local character and distinctiveness and this proposal gains support in this regard.
14. Overall, I have found that the proposal would result in harm to the significance of this listed building and although it would relate to only this small rear element, it would not preserve its special architectural and historic interest. The harm would be 'less than substantial'. I afford great weight to the asset's conservation and the *Framework* requires that the harm be balanced against the public benefits of the proposal.
15. The works would significantly improve the appearance of the property when viewed from Lower Market Street. This would result in the enhancement of the character and appearance of the conservation area which is also a heritage asset. Given the nature of this rear addition, although finely balanced, I find

the public benefit of the improved overall appearance of the property and the enhancement of the conservation area to be sufficient, in this particular case, to outweigh the harm that would result to the listed building. The proposal would overall, satisfy the heritage requirements of the *Framework*.

16. Policy HE1 of the Brighton and Hove Local Plan 2005 (LP) accepts changes to listed buildings if they would not have an adverse effect on the architectural and historic character and appearance of the building and its setting; would respect the scale, design, materials and finishes of the building; and would preserve its historic fabric. The historic form of the roof of this small rear element would be lost although the roof tiles are clearly not original. I have had regard to the scale of this impact on the architectural and historic character of the building overall. The works, including the repaired chimney, would enhance the appearance of the property and the new materials, that would be visible, would match those of the main building. On balance, despite the loss of the historic form, the proposal would satisfy the policy's overall objectives.
17. As the character and appearance of the conservation area would be enhanced, the proposal would not conflict with Policy HE6. The reinstatement of the chimney would gain some support from its detailed requirements.
18. Policy QD14 similarly requires high standards of design. The design has been carefully considered to respect the character of the building. This policy, together with Policy QD27, also seeks to protect neighbouring residents. Although there would be an increased potential for noise, the walls, together with the position of neighbouring windows, would ensure that living conditions within adjoining accommodation would not be unacceptably harmed. These limited works would not result in any significant changes with regard to light or outlook for nearby residents.
19. The Council have produced a supplementary planning document *SPD 09: Architectural Features*. This advises that roofs of historic buildings are often their 'crowning glory' and an integral part of the overall design. This roof is clearly not the crowning glory of this property. The SPD explains that locally, many buildings have a double pitched roof with a central valley and the retention of this original roof form is important even if not publically visible. It advises that roofs of historic rear extensions should be retained and refers specifically to the removal of pitched roofs to form roof terraces.
20. The SPD suggests that such alterations may not only result in the loss of the original roof form but may also require the fixing of guardrails and result in the introduction of other paraphernalia into the historic roofscape. This design has avoided the concerns with regard to railings and other high-level additions but the loss of the original roof form would clearly conflict with the guidance. Although the SPD describes itself as a draft, it has been the subject of public consultation and was approved by the Council in 2009. It accords with the general requirements of LP Policy HE1 and can therefore be afforded considerable weight.
21. The Council's *Supplementary Planning Guidance Note: Roof Alterations and Extensions* does not go into detail with regard to this type of development but it does advise that alterations to the roof of a listed building will not be

accepted if the special architectural or historic interest of the building would be harmed. It suggests that a building's historic roof structure and form should be retained. The proposal conflicts with this guidance. This document was approved by the Council in 1999 and relates to former Local Plan policies. I afford it less weight than the SPD but its objectives are not significantly different to those of the more up to date guidance.

22. I fully acknowledge the concerns of the Council's Heritage Officer and the conflict with the detailed guidance of the SPD. The Heritage Officer has also raised concerns with regard to the detailing of the new door and the replacement window. I share these concerns, particularly with regard to the false glazing bars, but generally, these details would not be acceptable for a property of this nature. I am satisfied however that a condition requiring more appropriate details, would overcome this concern.
23. The proposal would provide an outdoor seating area for this large property. It has also attracted some local support and in particular, I note the resolution of the Council that the applications would have been supported. I acknowledge the conflict with the Council's guidance and the views of their professional experts. I have found that the proposal would overall, satisfy the heritage requirements of the *Framework*. I also conclude that on balance, the benefits of the proposal would outweigh both the concerns raised and the conflicts with the supplementary guidance. I therefore allow the appeals.
24. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. New plans would be necessary to achieve satisfactory detailing for the window and door as described above and I have required that all the works match the existing to ensure that they would have a satisfactory appearance.

Peter Eggleton

INSPECTOR