



Appeal Decisions

Site visit made on 24 June 2014

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 15 July 2014

Appeal A Ref: APP/Q1445/A/14/2215801

67 Preston Street, Brighton, East Sussex, BN1 2HE.

- 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 Regency Property Partnership against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03445, dated 14 August 2013, was refused by notice dated 27 December 2013.
 - The development proposed is described as convert main house from offices to 1: one bedroom basement flat, 2: one bedroom top floor (third floor) flat and 3: five bedsits on ground/first/second floors (HMO).
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Appeal B Ref: APP/Q1445/E/14/2215800

67 Preston Street, Brighton, East Sussex, BN1 2HE.

- 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 Regency Property Partnership against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03446, dated 14 August 2013, was refused by notice dated 20 December 2013.
 - The works proposed are described as convert main house from offices to 1: one bedroom basement flat, 2: one bedroom top floor (third floor) flat and 3: five bedsits on ground/first/second floors (HMO).
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Decisions

1. The appeals are dismissed.

Main Issues

2. I consider the main issues to be:

a) whether or not it has been adequately demonstrated that the office floorspace use here is no longer economically viable and that the change of use is the only practicable way of preserving the listed building;

b) the effect of the proposal on the special architectural and historic interest of 67 Preston Street listed grade II, its setting and whether the works would serve to preserve or enhance the character or appearance of the Regency Square Conservation Area; and

c) whether the proposal would provide a satisfactory standard of accommodation for future occupiers.

Reasons

3. The property the subject of these appeals, 67 Preston Street, is an end of terrace building that comprises three storeys plus basement and attic space. It is listed grade II and located in the Regency Square Conservation Area on the eastern side of Preston Street, between its junctions with Regency Square and Regency Mews. The appeals relate only to that part of the building that fronts Regency Square and Preston Street and not to the rear three-storey back addition with the gabled roof. The property is currently vacant having last been used for office accommodation.
4. Preston Street is characterised by a rich mix of commercial uses at ground floor level with mainly residential over, whereas Regency Square and Regency Mews are predominantly residential with some hotel uses.
5. According to the list description number 67 (previously 21 Regency Square), along with numbers 22 to 25 Regency Square, probably dates from circa 1818. In my view, the building's special architectural and historic interest relates to the history of its development and use, its design and detailing and its setting as part of the terrace and Regency Square and Preston Street. Unfortunately, as I saw on the occasion of my visit, the building is in a state of disrepair and there have been previous extensive works to the interior which may well have resulted in the loss of many historic features including, amongst others, skirtings, doors, fireplaces, wall and ceiling finishes etc.
6. The appellant wishes to convert the existing offices (B1) to form two number one bedroom flats on the lower ground and third floors and a house in Multiple Occupation (C4) (HMO) on the ground, first and second floors, together with window restoration, new front door, ventilation pipes on the roof and associated works.

First main issue

7. The proposed change of use would result in the loss of office floorspace, which from the evidence I understand to amount to some 200 square metres or so.
8. Policy EM5 of the Brighton and Hove Local Plan (2005) (LP) advises that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for development, the premises are unsuitable and cannot be readily converted to provide different types of office accommodation, or where a change of use is the only practicable way of preserving a building of architectural or historic interest.
9. The policy goes on to set out what the Council considers to be determining factors when assessing redundancy. Along with other things these include the length of time that the premises have been vacant, the marketing strategy adopted, and the prevailing vacancy rate for the size and type of office in Brighton and Hove.
10. Other than a statement that the building has been vacant for several years, no evidence has been submitted, such as the details of any marketing exercise, to indicate that the office use is redundant or that the proposed change of use is the only practicable way of preserving this grade II listed building. Further, although I appreciate that some businesses, because of their IT needs, may prefer to be located in modern offices, equally there are many that prefer smaller traditional

office suites. In my judgement, the provision of toilets, kitchens and tea rooms can usually, with careful consideration, be incorporated into historic buildings such as this.

11. Accordingly, in the light of the lack of evidence, I can only conclude in respect of the first main issue that the proposal would result in the loss of office accommodation contrary to the aims of LP Policy EM5.

Second main issue

12. The drawings before me are limited to internal and roof plans and external elevations only. They neither show nor record the building's architectural detail, the extent of recently completed building works as opposed to original fabric or how the works might affect or better reveal the heritage asset. The design and access statement is formulaic, lacks detailed information and is not supported by a detailed description of the works or specification. In my opinion the application documentation neither illustrates nor describes the works proposed adequately. Were listed building consent and planning permission granted, it would be impossible for a contractor to (a) know from the drawings what precisely had been permitted or, (b) carry out the works without potentially adversely harming the integrity of the listed building.
13. Furthermore, and in any case, in the light of the inadequate information provided in support of the applications, I do not consider that I can make a satisfactory judgement as to whether or not the works would cause harm to the special architectural and historic interest of the building.
14. Accordingly, I find that to consider the proposed works without detailed drawings or an adequate specification would be to disregard the duties imposed by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (the Framework) which are reflected in the Development Plan policies to which I have been referred. This is particularly the case as they relate to the quality of development, the preservation of the fabric and setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas.

Third main issue

15. The Council states in its evidence, and this is not challenged by the appellant, that the bedsits located at the rear of the building would only be about 12.0 square metres or so inclusive of the kitchen area and circulation space around the entrance doors. Due to the limited floor area of the rooms, the proposed layout of the units, and the proposed location of the fireplaces and wall heaters, I agree that there would be limited scope for the introduction of necessary furniture to ensure that the bedsits would provide satisfactory living conditions for future residents.
16. Access to the third floor flat would be over the same staircase that would be used by the residents of the bedsitting rooms to access the communal bathroom. Overall I consider this to be an unsatisfactory arrangement that would be detrimental to the future residential occupiers' living conditions.
17. I note that the layout does not provide for any communal space such as a living room. While I agree with the Council that this would be desirable, bearing in mind the type of accommodation to be provided and the building's high density urban location, I am not persuaded that this alone is a determining factor in these

appeals. However, overall it adds weight to my concern that the proposed bed-sitting room accommodation would not be satisfactory.

18. The living room and bedroom of the proposed one bedroom flat at lower ground floor level would have outlook and means of natural light from two light wells. That serving the living room, the window of which would be wide in proportion to the width of the room and have a southerly aspect, would be about 1.5 metres deep and span the full width of the front facade of the building. Taking these considerations into account, I consider it would provide both an acceptable outlook and access to natural light. Indeed it would not be untypical of many such light wells in other similar urban locations.
19. The light well serving the bedroom would be much narrower, not so long and overshadowed by the entrance porch. Nevertheless, given the building's urban location and as it would serve a bedroom and not a main living room, I believe that it would provide both adequate light and, albeit limited, an acceptable outlook.
20. The Council contends that the intense use of the site has the potential to lead to noise and disturbance that would impact on the living conditions of future residents. As the development would need, along with other things, to comply with the requirements of building regulations, I believe that any concerns in this respect could adequately be addressed as part of the conversion works. I therefore do not share the Council's fear in this respect.
21. I have found the lower ground floor flat would provide for a satisfactory level of accommodation for future residential occupiers and issues of noise leading to possible disturbance could be adequately addressed. However, for the reasons given above, the level of accommodation for the occupiers of the bed-sitting rooms located to the rear of the building would be unsatisfactory. Accordingly, I conclude in respect of the third main issue that the proposal would provide a poor standard of accommodation contrary to the objectives of LP Policy QD27.

Other matters

22. The appellant has drawn to my attention concerns relating to problems emanating from a change of case officer and difficulties in meeting with officers to review matters. These issues are however not relevant to my consideration of the planning merits of these appeals.

Conclusions

23. The Government published its *planning practice guidance* on the 6 March 2014 and it applies from the date of publication. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusion.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should not succeed.

Philip Willmer

INSPECTOR