

Appeal Decisions

Site visit made on 26 January 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 15th February 2016

Appeal A

Appeal Ref: APP/Q1445/W/15/3136949

Flat 3 41 Sussex Square, Brighton, East Sussex, BN2 1GE

- 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 Ms Phillipa Allam against Brighton & Hove City Council.
 - The application Ref BH2015/02655, is dated 20 July 2015.
 - The development proposed is rear single storey extension and internal alterations to flat.
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Appeal B

Appeal Ref: APP/Q1445/Y/15/3136942

Flat 3 41 Sussex Square, Brighton, East Sussex, BN2 1GE

- 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 Ms Phillipa Allam against Brighton & Hove City Council.
 - The application Ref BH2015/02656 is dated 20 July 2015.
 - The works proposed are rear single storey extension and internal alterations to flat.
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Decisions

1. The appeals are dismissed.

Procedural Matter

2. The appeals relate to the failure of the Council to determine the proposals within the prescribed period. Although the Council subsequently issued decision notices refusing the applications, these were issued after the appeal was lodged.

Main Issues

3. The main issues for both appeals is the impact of the proposals on the special architectural and historic interest of the Grade I listed building, known as 41 Sussex Square and the impact of the proposal on the character and appearance of the Kemp Town Conservation Area.

Reasons

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic
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interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of that area. Saved Policy HE1 of the *Brighton and Hove Local Plan 2005* seeks to resist development which would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of an historic building, or its setting. This policy reflects the statutory duties defined in the Act. The Council's Supplementary Planning Guidance Notes 11 and 13 also provide detailed guidance on the care and adaptation of listed buildings.

5. 41 Sussex Square is a Grade I listed building. The listing describes it as an early 19th Century terraced house and it is listed as part of Nos 41-50 Sussex Square. Along with Arundel Terrace, Chichester Terrace, Lewes Crescent and The Esplanade, the terrace forms part of an important group of buildings developed by Thomas Read Kemp in the early 19th century and which make up Kemp Town. The property also lies within the Kemp Town Conservation Area. No 41 sits at the end of the terrace. It is constructed in brick in Flemish bond with three storeys and a basement. The front façade of the terrace is almost uniform, and retains much of its original symmetrical appearance. The side elevation, which is clearly visible from Eastern Road, carries through some of the elements of the frontage but is in part unpainted. It has scattered fenestration and steps down to a low service range. The significance of the heritage asset is largely derived from the elegant and intact frontage, and from its position as part of a unified group, which is an important and well preserved example of an attractive Georgian townscape.
6. The property has been converted into flats and some internal alterations to the original fabric of the building have been undertaken over time. In the case of No 3 these include the erection of a partition wall to create a bedroom, and alterations to the range to the rear to include a small flat roofed addition with rear facing patio doors which occupy a large proportion of its rear façade. The proposal comprises an enlargement to the existing second floor addition with the inclusion of a parapet roof and alterations to the fenestration, and various internal remodelling works.
7. The internal works comprise the provision of a new opening to the wall between the living room and the existing bedroom and the blocking up of the existing doorway between these rooms. I have been provided with very limited information in relation to the historic floorplan for the building. However, it is clear from the cornicing and position of windows that the front and rear of the first floor would have comprised distinct and separate spaces with the room to the front providing a more separate formal area with views over the square. The proposals include the removal of a large section of the dividing wall between the front and rear rooms resulting in the loss of some historic fabric. Although the original wall would still be evident, the creation of a large opening would result in a more open plan arrangement between the former spaces. This loss of the original cellular plan form would result in less of a formal distinction between the function and character of each separate room and this would erode some of the remaining historic character of the building.
8. The proposals also include the removal of a partition wall to the bedroom to facilitate its change to a kitchen. This appears to be a reinstatement of part of the original plan-form and would allow the existing cornicing to be viewed in its entirety. I note that the Council have no objection to this element of the works and I concur that the removal of this wall would not, in itself, harm the historic

character of the building. Nevertheless, I am concerned that the proposal provides limited information in relation to how the servicing for the kitchen is to be incorporated within the existing fabric of the building. Based on the information before me I cannot therefore be assured that the resulting space could adequately accommodate a kitchen without an unacceptable impact on the fabric of the building. With this in mind, I cannot accept that the proposed works to facilitate it, which would include the provision of double doors from the hall, as well as the removal of the partition wall, can be considered acceptable in principle.

9. The existing rear addition has large patio doors, which dominate the rear elevation of the structure, and appear incongruous when viewed beside the smaller windows on the original building. The extension proposed would replace the doors with a smaller window and would result in a significant enlargement of this rear addition, the width of which would reflect the width of the closet wing behind. However, the increase in depth would distort the stepped appearance of the side profile and the increase in the bulk of the addition would result in it forming an overly prominent feature which would further detract from the original composition of the rear elevation and thereby cause harm to architectural interest of the Listed Building. This harm would extend to the terrace as a whole given that the appeal property is listed for its group value.
10. The side of the property is clearly visible from Eastern Road and from the rear from Arundel Place. From these public vantage points the impact of various additions on the composition of the original rear elevation is clearly apparent. Extensions of varying sizes now project from the original rear façade, some of which are two storey in height. The rear elevation of the terrace therefore has a less formally composed appearance than the front façade and this forms part of the established character of this part of the Conservation Area. The existing flat roofed addition to Flat 3 at second floor level is prominently visible within these views, due to its position adjoining Eastern Road. Nevertheless, despite the existence of other larger extensions nearby, the bulkier form of the proposed extension would form an overly prominent and uncomplimentary feature when viewed in its elevated position in long range views along Eastern Road and as a result would also fail to enhance the character of the Conservation Area.
11. I therefore conclude that the proposal would fail to preserve the special architectural interest of the listed building and would also fail to preserve or enhance the character or appearance of the Kemp Town Conservation Area. The harm identified would affect only relatively small parts of the listed building and only a limited part of the Conservation Area when considered as a whole. The harm caused to these heritage assets would thus be less than substantial. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
12. The proposal would provide enhanced, more usable accommodation for the appellant as a family home. This is primarily a private benefit, although,

insofar as it represents an improvement to the general housing stock it also represents a limited public benefit. The proposal would also remove the existing extension, but as the replacement proposed is itself unacceptable, this is a matter to which I attribute no weight. Consequently I conclude that the limited benefits that would arise would be insufficient to outweigh the harm the proposal would cause to the special architectural and historic interest of the Grade I listed building, or to its significance as a heritage asset, or to outweigh the harm that would arise to the appearance of the Conservation Area. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework and with Policy HE1 of the Local Plan which seeks to resist development which would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of an historic building.

13. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeals be dismissed.

A Jordan

INSPECTOR