Appeal Decisions

Site visit made on 2 April 2007

by Philip Wilson DipArch DipTP RIBA MRTPI

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

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Date: 9 May 2007

Appeal Ref: APP/Q1445/A/06/2017155
8 Medina Terrace, Hove, East Sussex BN3 2WL

- 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 Ms K Martin against the decision of Brighton & Hove City Council.
- The application Ref: BH2005/06265, dated 12 September 2005, was refused by notice dated 11 January 2006.
- The development proposed is partial removal of fourth floor pitched roof and replacement with top floor open plan room.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Appeal Ref: APP/Q1445/E/06/2017156 Listed building.
8 Medina Terrace, Hove, East Sussex BN3 2WL

- 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 Ms K Martin against the decision of Brighton & Hove City Council.
- The application Ref: BH2005/06266, dated 10 November 2005, was refused by notice dated 11 January 2006.
- The works proposed are partial removal of fourth floor pitched roof and replacement with top floor open plan room.

Summary of Decision: The appeal is allowed, and listed building consent is granted in the terms set out below in the Formal Decision.

Procedural Matters

1. The appeal building is included in Grade II of the statutory list of buildings of special architectural or historic interest. In considering the effect of the proposals on the listed building, I have had regard to the duty imposed by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This duty requires special consideration to be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

2. As the appeal building is within the Cliftonville Conservation Area, I have also had regard to the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In determining both appeals, I have taken into account advice on buildings and areas of special architectural or historic interest contained in Planning Policy Guidance note 15 *Planning and the Historic Environment* (PPG15).

3. My decisions on the appeal proposals are based drawings 05479/PA20 and 05479/PA/021. An amended version of drawing 05479/PA20, revision A, forwarded to me after the site inspection includes additional descriptive notes but does not appear to materially alter the proposals. A revised version of drawing 05479/PA/010 was sent to me after the site inspection (05479/PA/010a). It is the version referred to in the Council's notices of its decisions and appears to supersede the original drawing. I have taken it into consideration for the purposes of my decisions.

Main Issues

4. The main issues in both appeals are first, whether the development and works proposed would preserve the special interest of the listed building and, secondly, whether the development and works proposed would preserve or enhance the character or appearance of the Cliftonville Conservation Area.

Planning Policy

5. In refusing planning permission and listed building consent, the Council alleges conflict with policies HE1, HE6, QD1 and QD14 of the Brighton and Hove Local Plan 2005. No conflict is alleged with strategic planning policies.

6. Policy HE1 supports alterations, extensions or changes of use of a listed building only when there would be no adverse effect of the architectural and historic character of the interior or exterior of the building and only where proposals would respect the scale, design, materials and finishes of the existing building and would preserve its historic fabric. Policy HE6 requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area. The policy sets out criteria that proposals will be expected to satisfy. They include a requirement that there should be no harmful impact on the townscape and roofscape of the conservation area.

7. Policy QD1 requires all development to be of a high standard of design, taking into account scale, height and detailing. Policy QD14 lists criteria that proposals for extensions and alterations to buildings will need to satisfy. They include a requirement that the extension or alteration be well designed and detailed in relation to the property to be extended, and in relation to adjoining properties and the surrounding area. Local plan policies are supported by supplementary planning guidance on roof alterations and extension, SPG Note 1. I have taken this guidance into account in reaching my decisions.

Reasons

First Main Issue

8. The list description includes a reference to previous alterations to the attic storeys of houses that make up the terrace and to their conversion into flats. No 8 Medina Terrace remains a single dwelling with 4 floors above a basement. Its position gives it particular prominence in relation to the remainder of the terrace and the seafront promenade. It is difficult to determine the original roof form of houses within the terrace as, with the possible exception of No 6, roofs appear to have been rebuilt or remodelled. These changes have, in my opinion, had only a limited effect on the architectural character of the terrace.

9. The present attic rooms of 8 Medina Terrace appear to have been formed in the recent past through reconstruction of the former roof. I saw no features of obvious architectural

interest, either internally or externally. The proposed replacement accommodation at this level would, in my opinion, be no more prominent than the existing roof. Although of modern design, I am satisfied that it would respect the outward form and character of the listed building.

10. Given that the roof of the appeal property does not, in common with most others in the terrace appear to be original, there is, in my opinion, considerable scope for a modified roof form, within the architectural parameters of the terrace as a whole. The appeal proposals have, in my opinion, been sensitively conceived and detailed. I do not accept, as the Council argues, that the combination of flat and pitched roofs proposed would significantly affect the character of the existing building or the terrace of which it is part. Accordingly, I conclude that the special interest of the listed building would be preserved and that no conflict arises with the objectives underlying local plan policies HE1, QD1 or QD14.

Second Main Issue

11. The conservation area in this case extends well back from the seafront promenade and includes many buildings, terraces and groups of buildings of good architectural character. As a listed building, and by reason of its prominence, Medina Terrace makes a significant contribution to the special architectural and historic interest of the conservation area. In that I have concluded that the special interest of the listed building would be preserved by the appeal proposals, it follows that its contribution to the conservation area would be no less than at present. I therefore conclude that the appeal proposals would preserve the character and appearance of the Cliftonville Conservation Area, in accordance with the main objective of local plan policy HE6.

Conditions

12. The Council has indicated conditions it would wish to see attached to any planning permission or listed building consent that might be granted. I have considered these in the light of Circular 11/95 advice. Although the application is generally informative on materials and finishes, for the avoidance of doubt I consider it necessary to attach to the listed building consent I intend to grant a condition requiring details of these to be approved by the Council. As the appeals are linked, I see no reason for duplicating the condition in the planning permission I propose to grant.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

Formal Decisions

Appeal Ref: APP/Q1445/A/06/2017155

14. I allow the appeal, and grant planning permission for partial removal of fourth floor pitched roof and replacement with top floor open plan room at 8 Medina Terrace, Hove in accordance with the terms of the application, Ref: BH2005/06265, dated 12 September 2005, and the plans submitted with it, subject to the development hereby permitted being commenced before the expiration of 3 years from the date of this permission.

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15. I allow the appeal, and grant listed building consent for partial removal of fourth floor pitched roof and replacement with top floor open plan room at 8 Medina Terrace, Hove in accordance with the terms of the application Ref: BH2005/06266, dated 10 November 2005 and the plans submitted with it, subject to the following conditions:

    1. The works for which consent is herby granted shall be commenced before the expiration of 3 years from the date of this consent.

    2. No works shall commence before details and samples of the materials – including colour of render, paintwork or colourwash – to be used in the construction of the external surfaces of the works for which consent is hereby granted have been submitted to and approved in writing by the local planning authority. Thereafter the works shall not be undertaken other than in accordance with the details approved.

Philip Wilson

INSPECTOR