



# Appeal Decisions

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by **John Papworth** DipArch(Glos) RIBA

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

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**Decision date:**  
**7 November 2008**

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## **Appeal A: APP/Q1445/E/08/2081562** **Flat 2, 33 Adelaide Crescent, Hove BN3 2JJ**

- 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 Polly Borland & John Hillcoat against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00071, dated 2 January 2008, was refused by notice dated 31 March 2008.
- The works proposed are rear extension at first floor.

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## **Appeal B: APP/Q1445/A/08/2081522** **Flat 2, 33 Adelaide Crescent, Hove BN3 2JJ**

- 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 Polly Borland & John Hillcoat against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00068, dated 2 January 2008, was refused by notice dated 28 February 2008.
- The development proposed is rear extension at first floor.

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## **Decision Appeal A**

1. I dismiss the appeal insofar as it relates to the rear extension and the associated works to the rear addition. I allow the appeal insofar as it relates to the internal works to the stair and kitchen enclosure and grant listed building consent for the removal of the kitchen enclosure and associated making good, and the works to the rear stair and associated changes to floors and walls, at Flat 2, 33 Adelaide Crescent, Hove BN3 2JJ in accordance with the terms of the application Ref BH2008/00071, dated 2 January 2008 and the plans submitted with it so far as relevant to that part of the works hereby permitted subject to the following conditions:
  - 1) The works hereby authorised shall begin not later than three years from the date of this consent.
  - 2) No works shall take place until full details of the proposed works to the rear stair, landings, doors and other joinery items and finishes have been submitted to and approved by the local planning authority, to include 1:20 sample elevations and full-size joinery profiles. The works shall be carried out only in accordance with the approved details.
  - 3) No works shall take place until full details of the proposed works to remove the kitchen enclosure and reinstate finishes have been submitted to and approved by the local planning authority, to include 1:20 sample

elevations and full-size joinery profiles. The works shall be carried out only in accordance with the approved details.

### **Decision Appeal B**

2. I dismiss Appeal B.

### **Main Issues**

3. The main issue in both appeals is;
  - The effect of the proposals on the historic or architectural interest of the listed building and its setting within the Brunswick Town Conservation Area.
4. and in Appeal B only;
  - The effect of the development on the living conditions of residential occupiers with particular regard to light and outlook.

### **Reasons**

#### *Listed Building*

5. I concur with the view expressed in the "*Building History and Impact Assessment*" submitted with the applications, that the proposals fall into three sections, the works to the kitchen alcove, those to the rear stair and study and the provision of the rear extension and associated alterations to walls and plan form. Dealing with the first part, I see no reason to withhold listed building consent for these works; they are beneficial to the layout and understanding of the rooms and remove an inappropriate low ceiling, exposing the cornice to the dividing wall. The fact that the rear room would not be returned to its original form, due to the passage reduces the historical accuracy, but the provision of a rectangular room with a full cornice would appear attractive and in keeping.
6. The rear stair is, as stated in the assessment, an anomaly. I am unsure whether it is a remnant of a rear service stair, not uncommon in grander terraced houses, and it is certainly located within a service wing which appears on the earliest maps submitted. However, it has been truncated and does not, in my opinion, contribute to the appreciation of the building or its historic and architectural interest. Changes as proposed would retain the fabric whilst not undermining that which is of interest in the building.
7. Lastly, the extension is proposed in order to provide a bedroom displaced by the formation of the larger kitchen in the first section of the works. The placing of the proposed extension on the flat roof would, I find, disrupt the rhythm of the half-width and lower full-width additions and cover some of the rear windows of the main part of the building, to the detriment of the form and interest of the building as a whole. I acknowledge that there are limited public views, but there are views from First Avenue in addition the stated lesser views from St John's Road and the insertion of the extension would add further to the existence of some clutter on this rear elevation and the presence of such clutter does not, in my judgement, provide justification for more disruptive work.

8. Planning Policy Guidance Note 15 "*Planning and the Historic Environment*" stresses the importance of plan form, and the extension would, I consider, erode the relationship of the rear additions with the principal rooms of the house by blocking the outlook of a rear window and linking adjacent additions. That statement of Government policy further states the need for applicants to justify proposals. I have considered the justification in this case; that there are benefits to the main part of the building requiring movement of the bedroom to a new part, together with the provision of solar water heating, but do not find these to outweigh the harm that would be caused.
9. Hence the proposals for the extension fail to satisfy Sections 16(2) or 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. Notwithstanding the limited views I conclude also that the rear extension would fail to preserve the character and appearance of the Brunswick Town conservation area contrary to the aims of Section 72(1) of the same Act. The extension proposals do not therefore accord with Brighton and Hove Local Plan Policy HE1 on listed buildings, Policy HE6 on proposals within conservation areas and Policy QD14 which seeks good design in extensions generally.
10. There is one further element of work shown on drawing A-01/A, and referred to by the Council, and that is a mezzanine shown to be placed over the opening between the front and rear room, that area proposed to be opened-up by the removal of the kitchen. This is not shown, as it should be, on Section A-A on drawing a-04/A. My views on the acceptability of the kitchen removal and exposure of the cornice are based on there being no intervening new work, and for the avoidance of doubt, grant of listed building consent for these works should not be taken to include any mezzanine. A condition requiring details would clarify this point, in addition to the need for details of the rear staircase and other joinery works.
11. In conclusion on this issue, there are parts of the proposals which I find acceptable and which can be carried out in isolation; there is no reason to withhold listed building consent for these works. The rear extension however is unacceptable in my view and both listed building consent and planning permission should not be granted due to the adverse effect on the listed building and its setting within the Brunswick Town Conservation Area.

#### *Living Conditions*

12. It appears from Section A-A on drawing A-04/A that the rear extension would cover a line drawn at 45<sup>o</sup> from the window of a flat below. The occupiers of Flat 1 have objected to the Council regarding loss of light among other things. Some of the other concerns could be addressed by condition covering construction separation. However, it appears to me that the light-well was designed to provide some light to lesser rooms in the basement but to provide a much greater level of light to the more important ground floor rooms, now separately occupied. The erection of the proposed rear extension would, in my opinion, severely reduce the level of light to the point where unacceptable harm would be caused to the living conditions of the occupiers contrary to the aims of Local Plan Policy QD27 which seeks the protection of amenity.

## **Conclusions**

13. The rear extension is unacceptable in my judgement in both its effect on the listed building and its setting within the conservation area, and its effect on the living condition of residential occupiers. There are however elements of the internal works, the subject of only the listed building consent appeal, that are acceptable, are separate and may be permitted. For the reasons given above I conclude that the planning appeal should be dismissed in its entirety but that the listed building consent appeal should be allowed in part and dismissed in part.

*S J Papworth*

INSPECTOR