

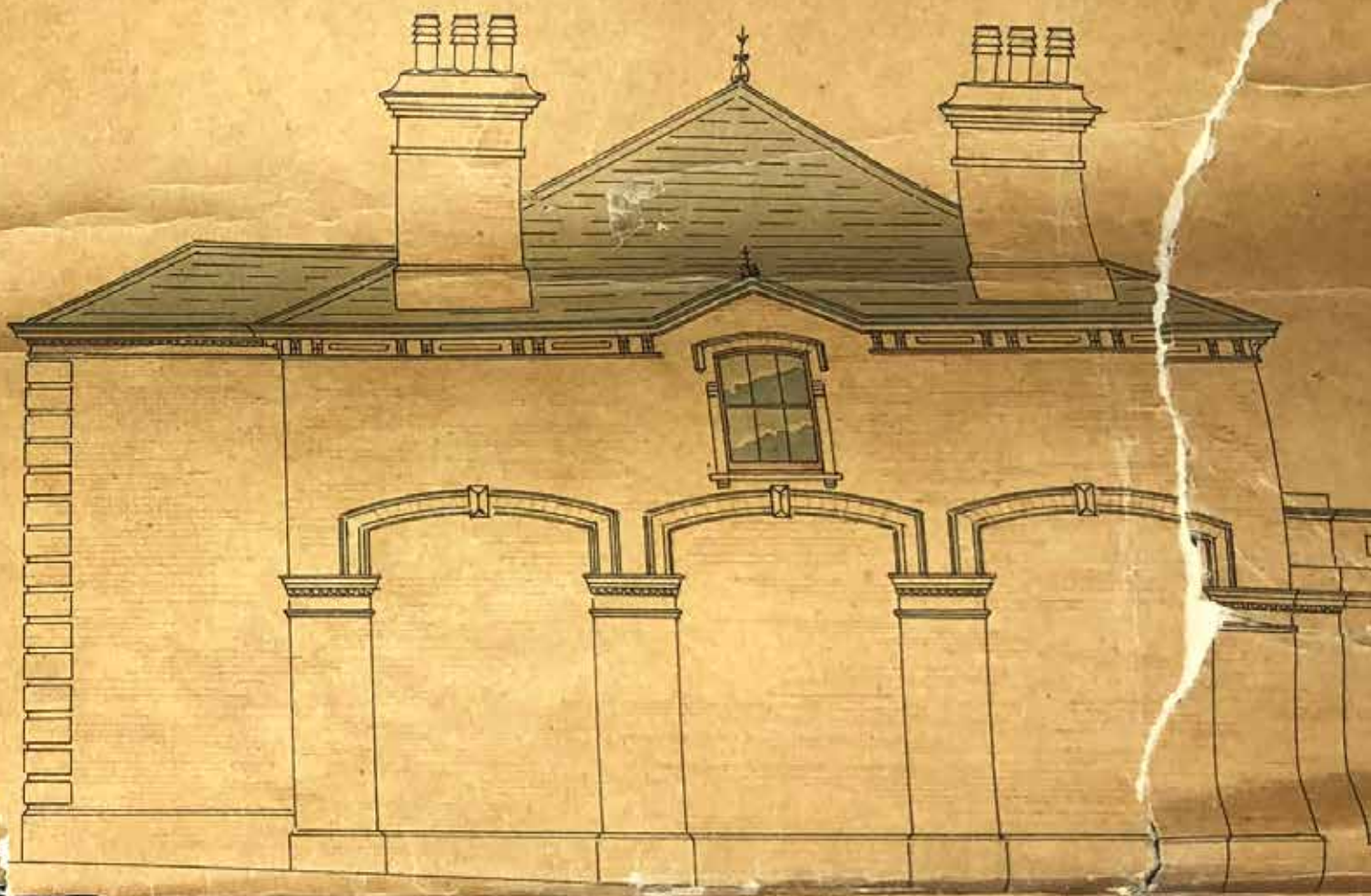


**Donald Insall Associates**  
Chartered Architects and Historic Building Consultants

**56 First Avenue, Hove BN3 2FF**

Heritage Impact Assessment for Philip Young

April 2020



**AVENUE**

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## 1.0 Summary of Heritage Impact Assessment

### 1.1 Introduction

Donald Insall Associates was commissioned by Philip Young in February 2020 to write a Heritage Impact Assessment for 56 First Avenue, Hove, BN3 2FF.

In September 2019, an application was submitted for '*internal alterations to layout of flat and repositioning of existing internal spiral staircase*' [ref: BH2019/02728]. These works were carried out without listed building consent prior to the involvement of Donald Insall Associates. This report has been produced following a request from Brighton and Hove City Council to provide an account of the existing condition of the listed building prior to the commencement of works, together with an assessment of its significance and an assessment of the proposed scheme according to national planning policy on the historic environment.

This assessment has comprised historical research, using both archival and secondary material, and a site inspection. An illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings, including reference to the existing condition of the building prior to the commencement of works, are in Section 3. The existing condition of the building has been informed by the research contained in this report, as well as the Client's photographs of the property taken in March 2019 prior to the commencement of works, which are reproduced in Appendix III, and the Council's photographs taken during the works in September 2019, which are in Appendix IV.

The investigation has established the significance of the building, which is set out in Section 4. Historic buildings are protected by law and in planning policy; the specific constraints for this building are summarised below. Section 5 provides a description of the unconsented works, a response to the Council's heritage comments (reproduced in Appendix V), and a justification of the scheme according to the relevant legislation, planning policy and guidance.

### 1.2 The Building and its Legal Status

56 First Avenue is a Grade II-listed former mews building located in The Avenues Conservation Area in Brighton and Hove.

The building forms part of a group of Grade-II listed mews buildings numbered 1-7 St. John's Place. The statutory list description is included in Appendix I.

56 First Avenue is also located in the setting of several other listed buildings including Nos. 1-6 and 7-13 Queen's Place, a Grade-II listed group of former mews buildings on the west side of First Avenue, as well as the Grade-II listed Church of St John the Baptist to the north.

The proposed alterations listed building consent. Extracts from the relevant legislation and planning policy documents are in Appendix II, as well as a summary of guidance on the conservation area provided by the local planning authority.

The **Planning (Listed Buildings and Conservation Areas) Act 1990**

is the legislative basis for decision-making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to have '*special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*' and, in respect of conservation areas, that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.

In considering applications for listed building consent or planning permission, local authorities are also required to consider the policies on the historic environment set out in the **National Planning Policy Framework 2019**. At the heart of the Framework is 'a presumption in favour of sustainable development' and there are also specific policies relating to the historic environment. The Framework states that heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. The Glossary to the National Planning Policy Framework defines a heritage asset as:

*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).*

The Framework, in paragraph 189, states that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

Section 4 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 193, requires that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The Framework goes on to state at paragraph 194 that:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.*

Section 5 of this report provides this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either 'substantial' or 'less than substantial'. Where a proposed development will lead to 'substantial harm to (or total loss of significance of) a designated heritage asset', the Framework states, in paragraph 195, that:

*... local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework states, in paragraph 196, that:

*...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 200 states that:

*Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

Concerning conservation areas it states, in paragraph 201, that:

*Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

## 2.0 Historical Background

### 2.1 The Origins and Development of the Stanford Estate

The Stanford Estate, which extended across Brighton and Hove, was developed by the Stanford family who started out as tenant farmers on the Preston Estate. In the 1740s, Richard Stanford (1711-1769) became a tenant farmer in South Road, Preston, which was situated on the Preston Estate owned by Thomas Western. The family occupied other agricultural holdings in the area and reportedly made a profitable income; certainly enough so that Richard's son, William, was able to buy the Preston Estate in 1793 from Charles Callis Western, who decided to concentrate building up another estate around Rivenhall in Essex.<sup>1</sup> William Stanford bought roughly 1000 acres of land in Preston, Hove and Brighton, together with the Manors of Preston and Raddingdeane, for a grand sum of £17,600.<sup>2</sup>

The Stanford's remained on the farm in South Road while Preston Manor, subsequently known as Preston House, was let as a girl's school run by a Mrs Norton. Despite William's obvious commitment to farming the Estate, in 1825 he commissioned the architect Charles Barry (famous for rebuilding the Houses of Parliament in Westminster), to draw up plans for the development of land on the south-east side of the Estate. This land, which fronted onto the seafront, was on the outskirts of Brighton following its expansion as a seaside resort from the 1750s. However, Barry's scheme was never realised and William died in 1841 leaving the Estate to his son, who was also named William Stanford.<sup>3</sup>

William Stanford junior maintained the Estate as farmland and passed it into the hands of a Trust prior to his death as his daughter, Ellen Stanford, was only five years old when he died after illness in 1853. The Trust managed the land on behalf of Ellen Stanford, but strict covenants had been in place by her father so that land could not be sold or leased for building. When Ellen turned nineteen in 1867 she married Vere Fane Bennett of Pythouse in Wiltshire, a politician and one-time MP for Shaftesbury. However, Pythouse, which was a grand country house centred on a large estate, was encumbered with substantial debts and in order to alleviate their financial burden, Ellen sought to develop her Estate in Brighton, specifically the land that her grandfather, William, had considered developing in 1825. Between 1825 and 1867 there had been substantial development in Brighton, particularly following the arrival of the railway in 1841, and the town had been built right up against the parcel the land on the seafront. However, due to the covenants put in place by her father within the Trust, the couple had to obtain a private Act of Parliament to build on the land, and the Stanford Estate Act was eventually passed in 1871.

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1 Sue Berry Historian 'The Stanford Family of Preston Place': <http://www.sueberryhistorian.co.uk/2018/09/the-stanford-family-of-preston-place.html>

2 Ibid

3 Brighton Museums 'The Stanford Estate in Brighton and Hove': <https://brightonmuseums.org.uk/discover/2015/02/26/the-stanford-estate-in-brighton-and-hove-2/>



Following the grant of the Stanford Estate Act, Ellen worked in tandem with her uncle, William Morris, to draw up plans for the development. Morris was a major shareholder in the Brighton Development Company, who executed the development.<sup>4</sup> The Company commissioned the architect James Thomas Knowles (junior) to draw up a masterplan for the site, which he divided into streets set on a north-to-south orientation running parallel to the seafront. These were known as 'The Avenues' and consisted of four principal streets lined with Italianate terraced housing, separated by a larger central avenue named 'The Drive' – later renamed Grand Avenue. An artist's impression of Knowles's scheme shows taller pavilions at the centre and southern ends of the terraces, though several of these buildings were not constructed as they were considered too expensive to build [Plate 1].<sup>5</sup> Designs were prepared by other architects, including E.W. Hudson, which were cheaper to construct.<sup>6</sup>

The development began almost immediately after the Estate Act was passed in 1871, beginning with the south-east side of the Estate around First Avenue. Most properties were built between 1871 and 1883, though there was another burst of development between 1894 and 1901. The majority of the buildings were built by J.T. Chappell, but some were also constructed by other smaller building firms.

Ellen's husband, Vere, died in the same year as the start of the development but she continued to sell-off and develop her Estate. By **1884**, 550 acres had been sold or were under building agreement for sale. Further developments included the erection of large villas on the west of Preston Road from 1874 (now largely replaced by offices) and the sale of Preston House in 1883 for £50,000 to Brighton Council, who established it as Brighton's first public park, known as Preston Park. Hove Council led a similar scheme in 1906 and bought 40 acres of land in an area known as Goldstone Bottom, which was turned into Hove Park.<sup>7</sup>

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4 Ibid

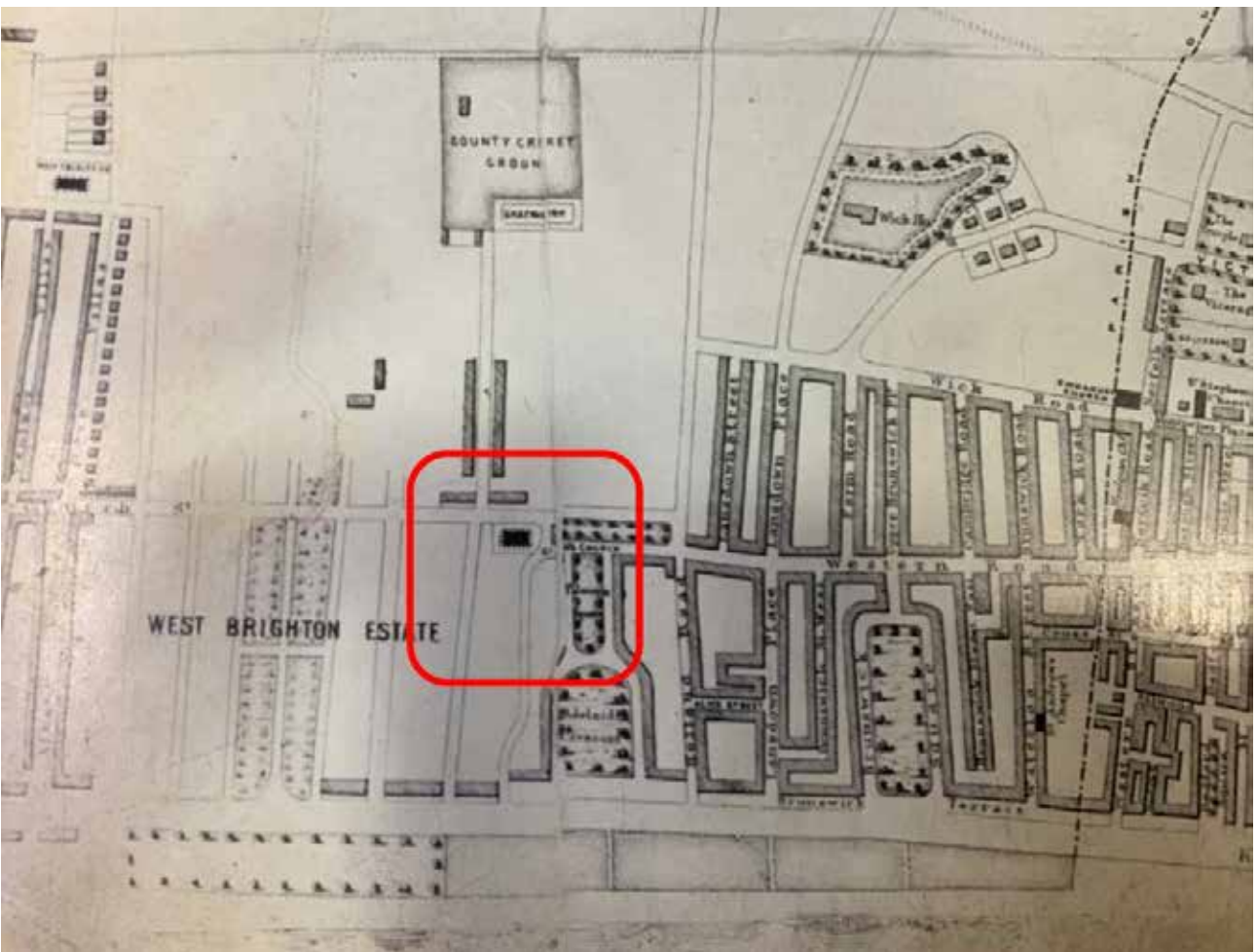
5 Ibid

6 Ibid

7 Sue Berry Historian 'The Stanford Family of Preston Place': <http://www.sueberryhistorian.co.uk/2018/09/the-stanford-family-of-preston-place.html>



1. An artists impression of the scheme to develop the Stanford Estate, designed by James Thomas Knowles in c.1870-1 (Brighton Museums 'The Stanford Estate in Brighton and Hove')



2. An c.1871-2 map showing the layout of the Stanford Estate in Brighton (The Keep)

### 2.1.1 The Construction of First Avenue

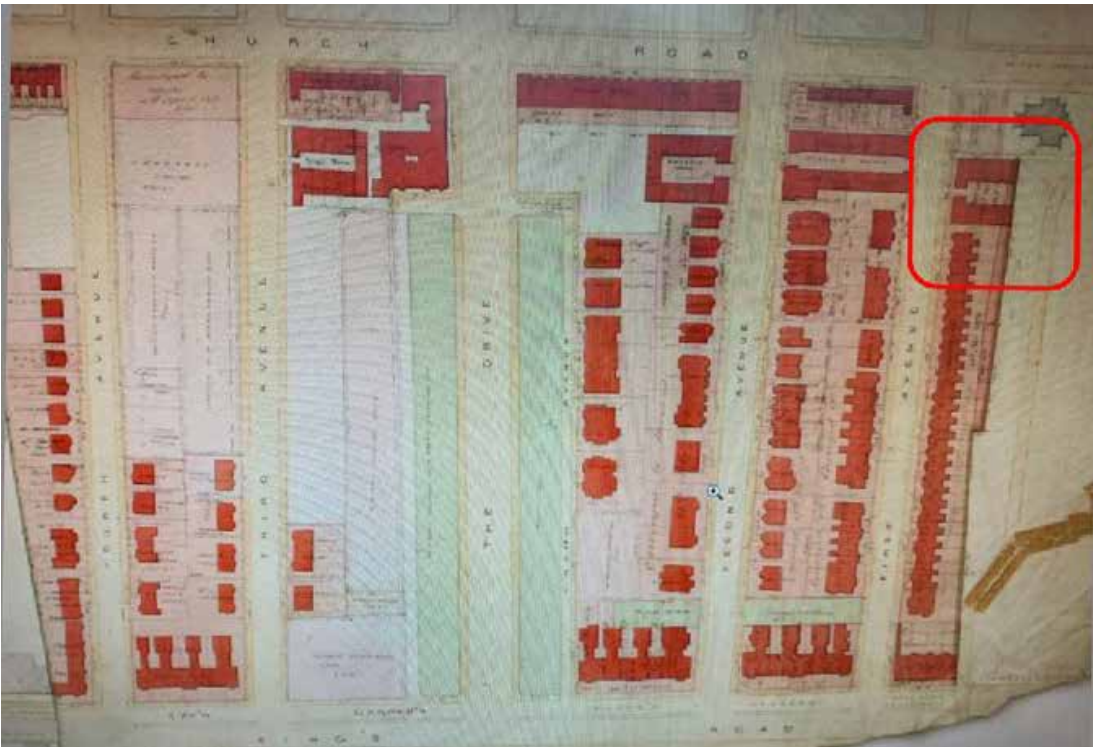
First Avenue was laid out in 1871 in the first wave of the development of the Stanford Estate on Hove seafront, which was then West Brighton. The street layout was devised by the architect James Thomas Knowles and consisted of four streets orientated north-to-south, parallel to the seafront, known as the First to Fourth Avenues, separated by a wider, central thoroughfare originally known as The Drive, but was later renamed the Grand Avenue. Taller terraces, which acted as pavilions, fronted onto the seafront but at the north end of the street there were smaller courtyards of mews buildings.<sup>8</sup>

A map of Hove dating from c.1871-2 shows the layout of the area, as well as the first buildings that were constructed on the Estate including three terraced pavilions fronting onto the seafront and the Church of St. John the Baptist on the east side of First Avenue **[Plate 2]**. The sprawling town of Brighton can be seen to the east of the Estate, which had been developed some years earlier. The majority of the development was completed between 1871 and 1883 and First Avenue was constructed at the start of the development. It is shown as completed on a map from c.1878 **[Plate 3]**.<sup>9</sup> This map shows the inconsistency in the plot of the buildings, which were often redesigned by other architects such as E.W. Hudson so they were cheaper to build, resulting in a lack of uniformity. For example, First Avenue was lined with a consistent terrace on the east side, but on the west side it was developed with broken terraces of various sizes.

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8 Ref: SFD 2/1/9 – Map of the Stanford Estate in Brighton, c.1871-2

9 Ref: SFD/2/1/10 – Map of the Stanford Estate in Brighton, c.1878



3. An c.1878 map of the Stanford Estate in Brighton, which shows that St John's Mews had been built by this date (The Keep)



4. 1877 site plan of St John's Mews by J. T. Chappell (The Keep)

## 2.2 The Building: 56 First Avenue

### 2.2.1 The Construction and Early Development of the Building: 1877-1939

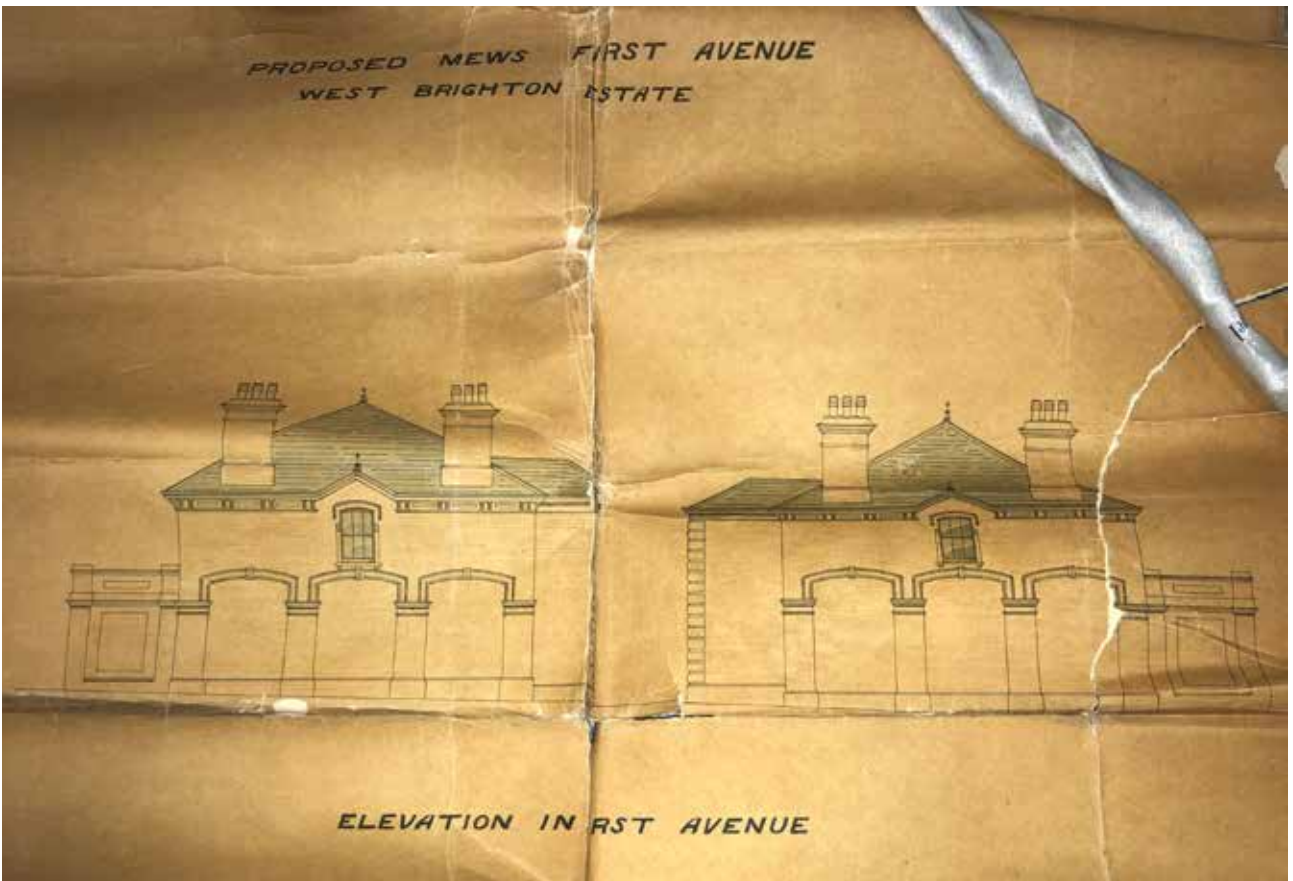
56 First Avenue was constructed as a mews building on the east side of First Avenue on the Stanford Estate. The mews were set around a small central courtyard which was originally called St John's Mews; No. 56 was 9 St John's Mews. They were built in c.1877 and the original plans survive in the East Sussex Record Office, signed by the builder J. T. Chappell, who is known to have developed much of the Estate. The plans, which are reproduced in Plates 4-9, illustrate the original design and layout of the mews, while Plate 10 is a photograph of the original notice of construction, also signed by J. T. Chappell on 28 March 1877.<sup>10</sup>

Plate 4, a badly damaged site plan, shows that the mews were arranged around an enclosed yard with an opening on the west side onto First Avenue. A drawing of the west elevation shows the return wall of No. 1 St John's Place and No. 56 First Avenue, which were designed as mirror images of each other, in yellow brick with three blind arches at ground floor level and a single sash window at first floor level with a pitched dormer roof [Plate 5]. At the front of Nos. 1 and 56 the elevations stepped out to flank the entrance to the mews, while at the rear there were single storey return walls decorated with recessed panels and brick parapets. The ground floor plan in Plate 6 suggests that there were low walls in front of these two buildings, which enclosed them from the pavement. These elevations were designed to form part of the townscape and complement the Italianate houses on First Avenue, while the internal elevations, which were largely concealed from the street, were plainer and were constructed of contrasting pink/red brick with timber-boarded carriage and stable doors.

The mews at either ends of the terrace were slightly larger than the central mews, as illustrated on the ground floor plan in Plate 6, as these buildings had harness rooms contained in small front extensions allowing for a greater number of horse stalls. However, all of the mews included a coach house, stalls, loose boxes and a harness room on the ground floor. Access to the first floor was generally via a straight-flight staircase situated at the front of the building, but the staircases in Nos. 1 and 56 were set on their side. All of the mews also had open rear yards, with a small outdoor toilet. Plate 7 shows the layouts at first floor level, where each mews had two or three bedrooms, a living room, scullery, larder and toilet, as well as a 'loft' room at the front of the building which provided access to the second floor loft space. The layout and internal finishes are also reflected on a section drawing in Plate 8, which shows the larger mews in the south-east corner of the courtyard. The finishes shown on the drawing suggest the stalls and loose boxes were finished in close-boarded timber, with simple four panel doors to the main internal rooms. The larger mews had a staircase to the second floor, with an open void at the front of the building, which gave access to two small rooms used as a lumber roof and drying loft, as shown on a second floor plan of the roofspace to the end mews only [Plate 9]. The smaller mews appear to have had roof spaces dedicated to storage, probably accessed through the first floor loft rooms.

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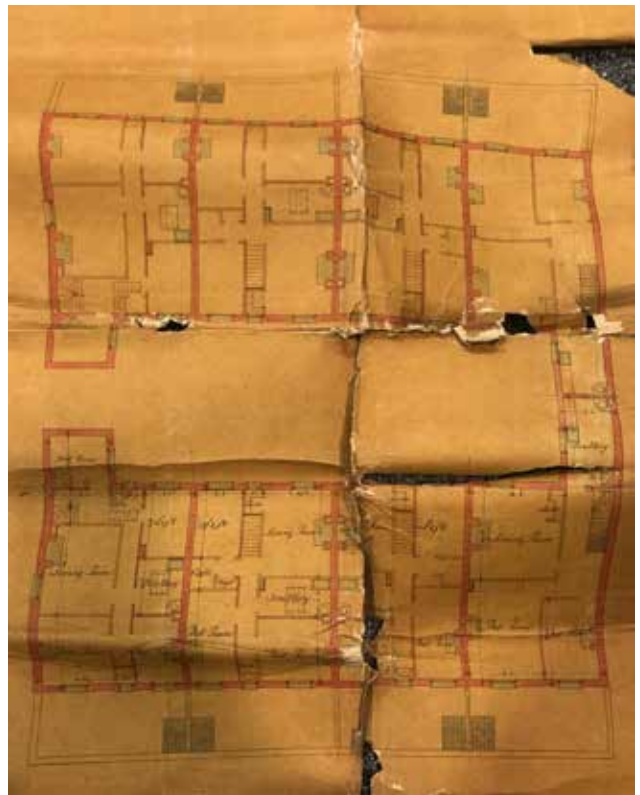
10 Ref: DO/C/6/189 – Hove building control plan: block of stables at St Johns Mews, First Avenue, Hove for J L Chappell, 28 March 1877



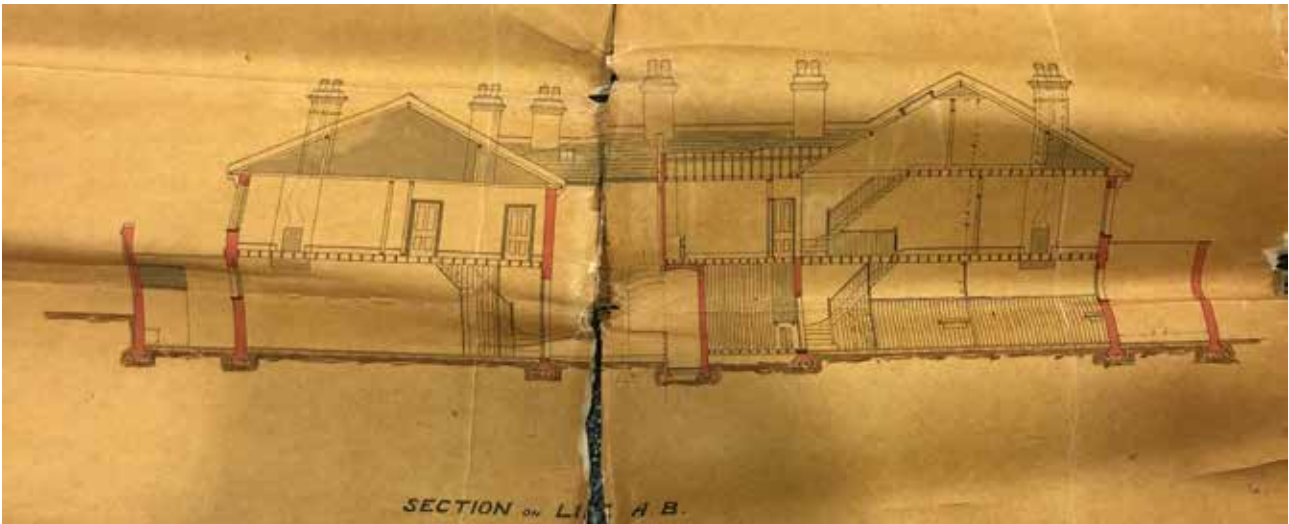
5. 1877 western side elevation of St John's Mews by J. T. Chappell (The Keep)



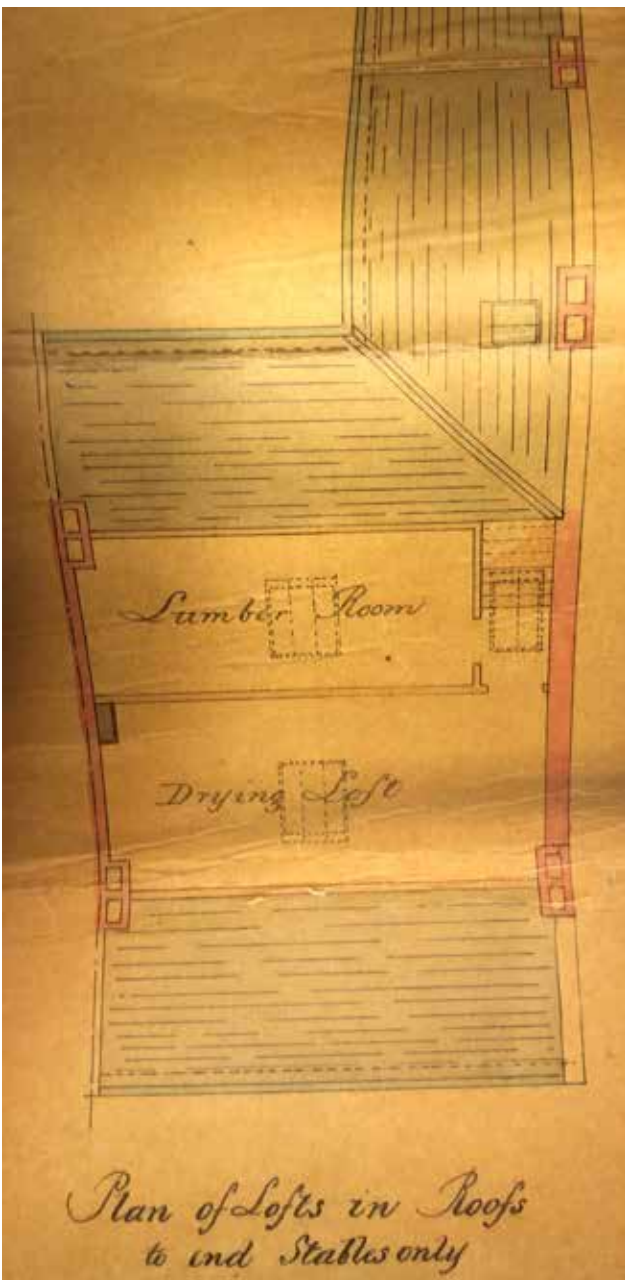
6. 1877 ground floor plan of St John's Mews by J. T. Chappell (The Keep)



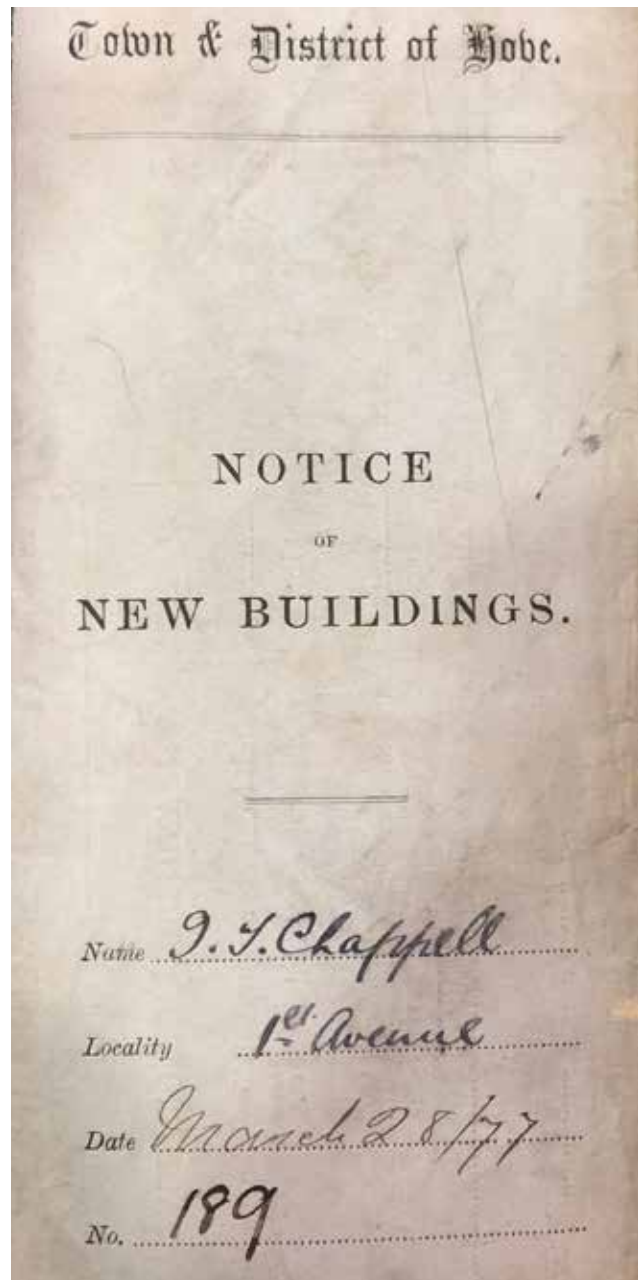
7. 1877 first floor plan of St John's Mews by J. T. Chappell (The Keep)



8. 1877 section drawing of St John's Mews by J. T. Chappell, which shows the mews in the south-east corner of the site (The Keep)



9. 1877 roof plan of the north-west and south-west buildings in St John's Mews by J. T. Chappell (The Keep)



10. The original notice of the construction of St John's Mews by J. T. Chappell (The Keep)

No. 56, which was a larger mews building situated in the south-west corner of the yard, mirrored the plan of No. 1. At ground floor level, the building had a coach house on the east side, accessed through carriage doors in the front elevation. A separate door provided access into the stables, where there were six stalls on the west side and two loose boxes at the rear. A central walkway led to an open yard at the rear of the building, where there was a small outdoor toilet in the south-east corner. At the front of the building, off the main entrance, there was a doorway providing access to a harness room, which had a fireplace in the south-west corner, as well as the staircase to the first floor [Plate 11]. At first floor level, the staircase opened onto a wide landing where there was access to a bedroom to the north and a hallway to the east. On the north side of the hallway there was a small W.C against the front elevation, while the hallway itself appears to have been of a double height, as a rooflight is marked on the plan over the area [Plate 12]. On the west side of the corridor there was a large living room and separate bedroom at the rear, each heated by a fireplace in the west wall, and a small larder at the end of the corridor. On the east side there was another bedroom at the rear, with a fireplace in the east party wall, followed by a central scullery. The scullery was an unheated room with a sink to the north with a window above it, which provided borrowed light from the front of the building, while a small double-height void in the roof to allow light to travel down from a skylight. At the front of the building there was a loft room, which linked to a hayloft door at the front of the building and presumably provided access into the roof for storage, possibly by a ladder in the south-west corner in the area marked in black.

Very little information appears to survive on the development of No. 56, though comparison between the 1911 and 1931 Ordnance Survey maps show that the rear yard was roofed over during this period [Plate 13].<sup>11</sup> A building control notice held in the East Sussex Record Office also notes that alterations were made to convert First Avenue Garage on 15<sup>th</sup> September 1939. No development plans survives with the notice, but it is likely this refers to No. 56.<sup>12</sup> The neighbouring mews were also converted into garages throughout the early-to-mid-20<sup>th</sup> century, including No. 2, which was converted in 1923, and No. 5, which was converted in 1952. Several of the mews were also converted into private residences with garages on the ground floor, while No. 1 was converted into a shop.

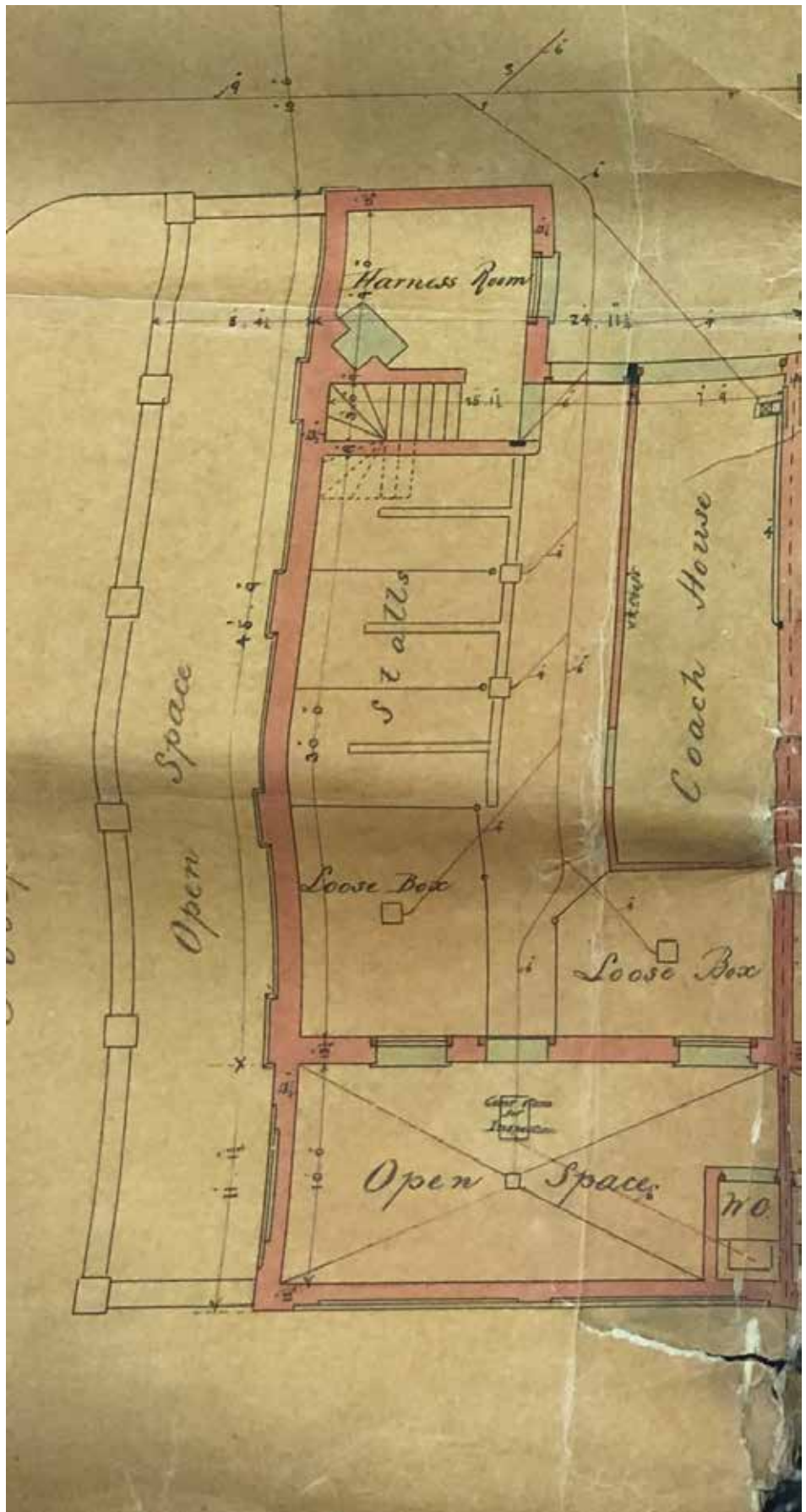


**13.** 1931 Ordnance Survey Map showing the new roof over the rear yard of 56 First Avenue (The Keep)

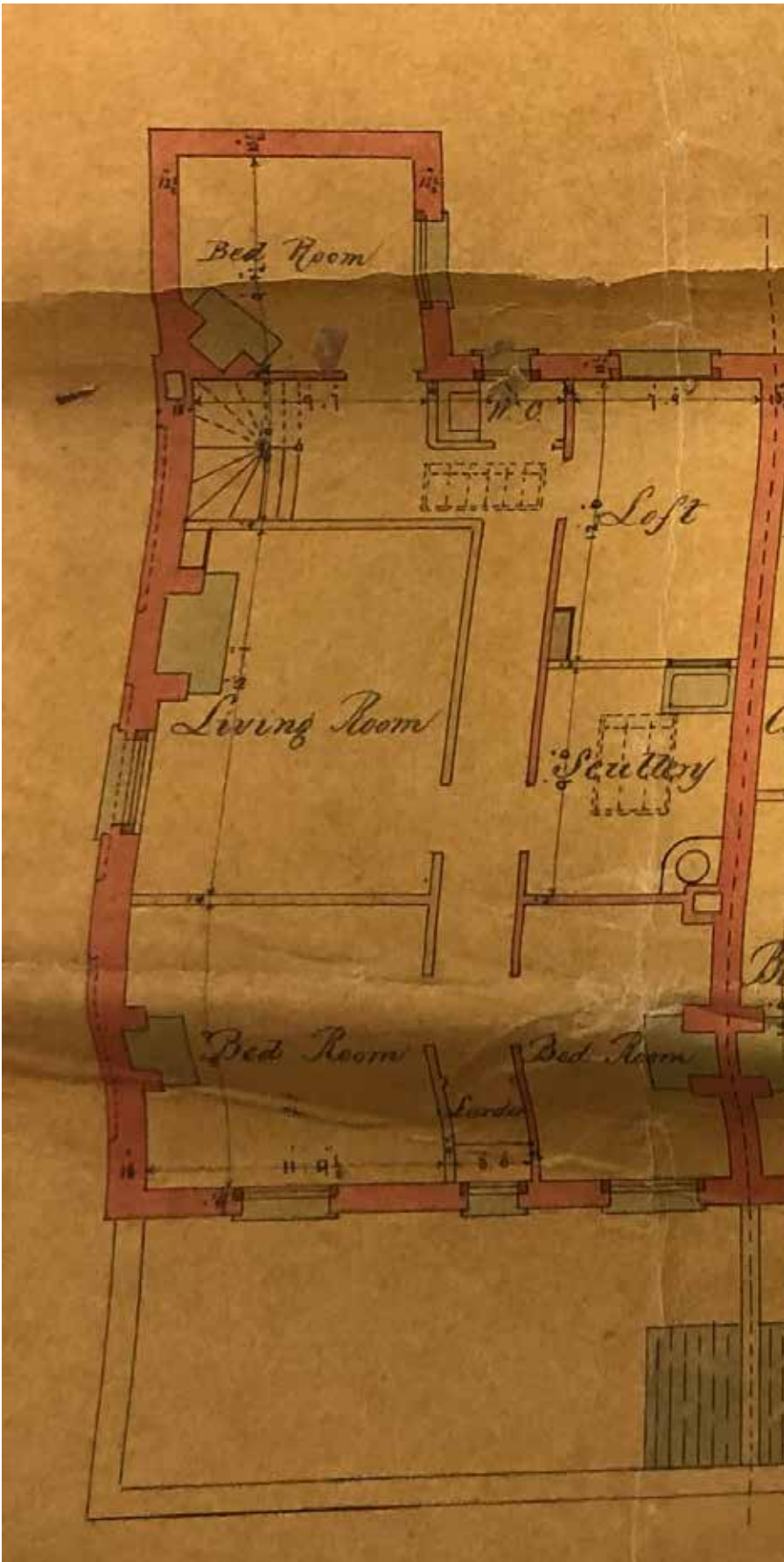
11 Ordnance Survey, 1:2500, 1911 and 1931

12 Ref: DO/C/6/11373 - Hove building control plan: alterations, First Avenue Garage, First Avenue, by Mr G Hallett for Mr A Virgo, 15 September 1939





11. 1877 original ground floor plan of 56 First Avenue (The Keep)

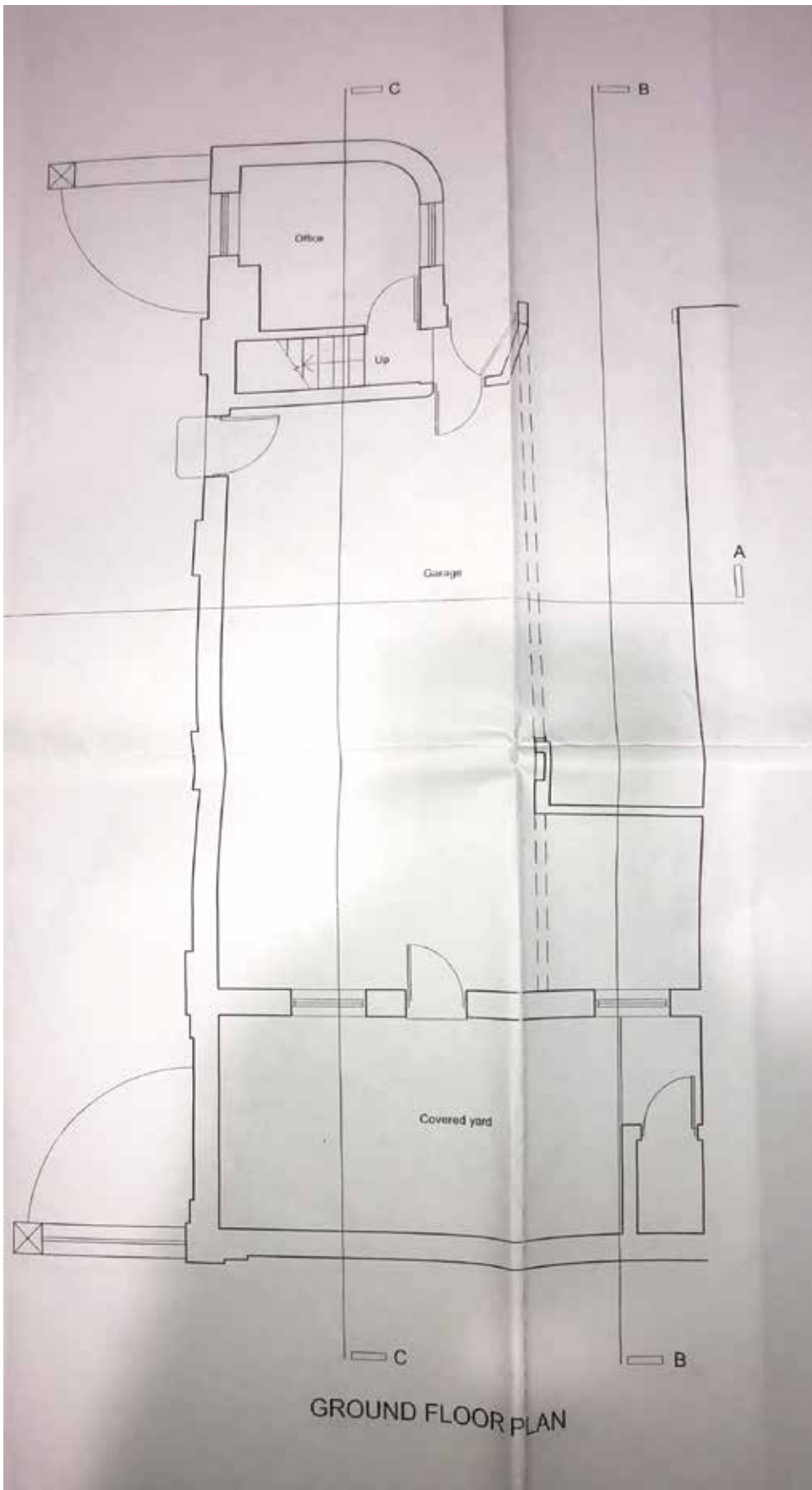


12. 1877 original first floor plan of 56 First Avenue (The Keep)

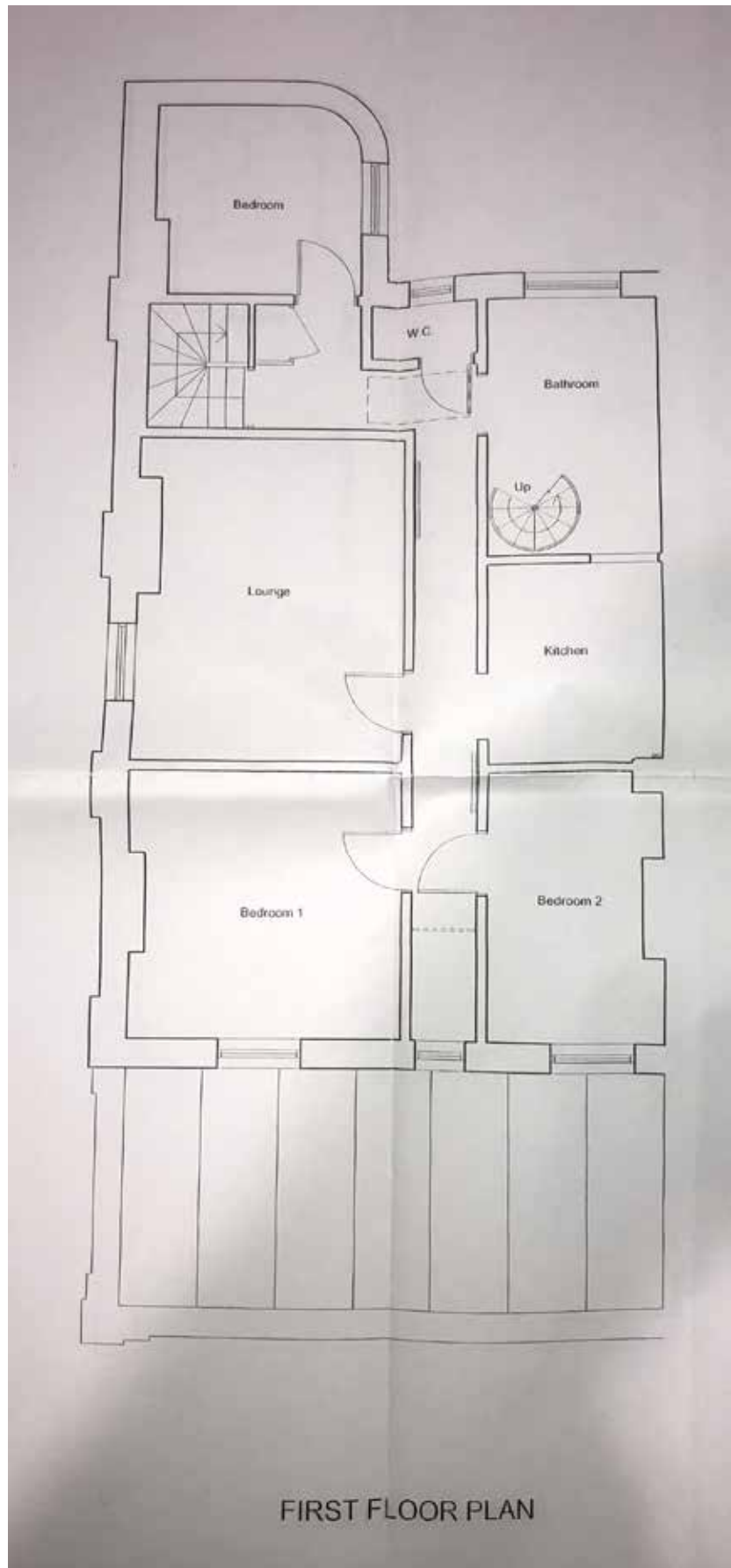
### 2.2.2 Later Development: 1992-2019

On 2<sup>nd</sup> November 1992, No. 56 was listed Grade-II together with the neighbouring mews, which had been renamed St John's Place.<sup>13</sup>

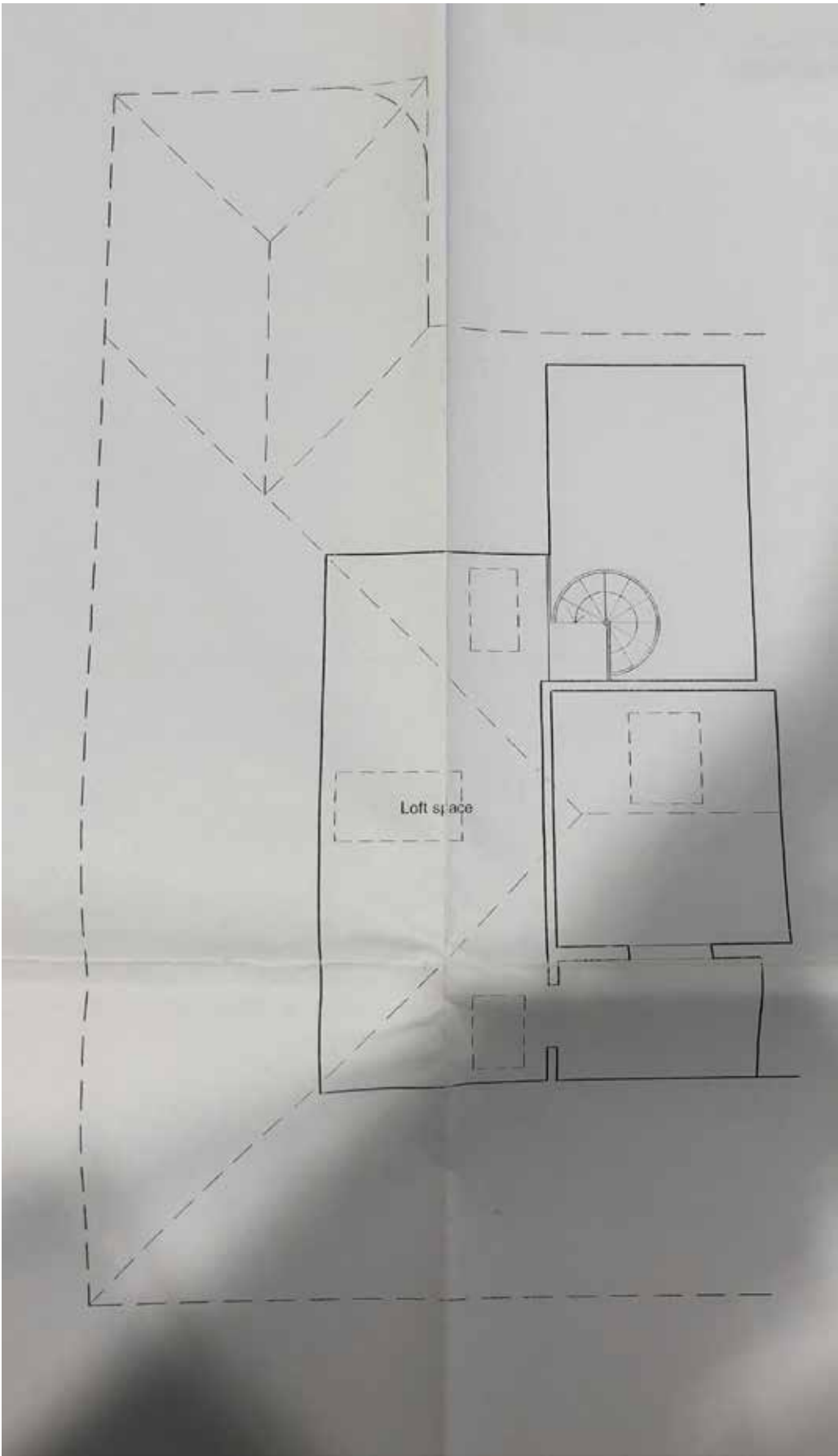
Shortly after No. 56 was statutorily listed, a planning and listed building consent application was approved in July 2000 for the conversion of the building from the commercial garage created in the late 1930s to a single town house designed by Miller Bourne Architects.<sup>14</sup> The existing plans included with the application show that some alterations had been undertaken since the building was constructed [**Plates 14-16**]. The ground floor plan in Plate 14 shows that the dividing wall between the coach house and the former stables had been removed, while the latter had been cleared away to create an open-plan garage, with a new door in the side elevation off First Avenue. Access to the rear yard remained through the original central door, though the yard retained its roof that had been added between 1911 and 1931, together with the original external W.C in the south-east corner. At the front of the building, a new partition had been inserted to divide the staircase and former harness room from the garage. The harness room had also been converted into an office, with a new window in the west elevation. The staircase remained in its original location and the first floor largely survived in its original layout, though the scullery had been converted into a kitchen and the loft room had been converted into a bathroom, with a spiral staircase to the second floor [**Plate 15**]. On the second floor, the loft space on the west side of the building had been made habitable by the addition of three new rooflights, but there was a separate small room to the south and a larger room in the centre of the plan. The void below the rooflight, which had originally been open to light the scullery on the first floor, had been floored over [**Plate 16**].



14. 2000 existing ground floor plan of 56 First Avenue. Note the modern open floor plan in place of the former stables (Brighton and Hove Planning Archive)



**15.** 2000 existing first floor plan of 56 First Avenue. Note the addition of a new spiral staircase to the second floor (Brighton and Hove Planning Archive)



16. 2000 existing second floor plan of 56 First Avenue. Note the addition of a new spiral staircase and rooflights on the south-west side (Brighton and Hove Planning Archive)

Two photographs included in the application, shown in Plates 17 and 18, also illustrate the existing appearance of the exterior of the building at this time. Plate 17 depicts the front elevation and shows that it survived with its original arrangement of openings, but a downpipe had been added in the corner with a soil stack at roof level, while the timber joinery had been painted in modern red paint. Plate 18 shows the side elevation fronting onto First Avenue, where a window and doorway are visible to the north, together with a new rooflight between the original chimneystacks.<sup>15</sup>

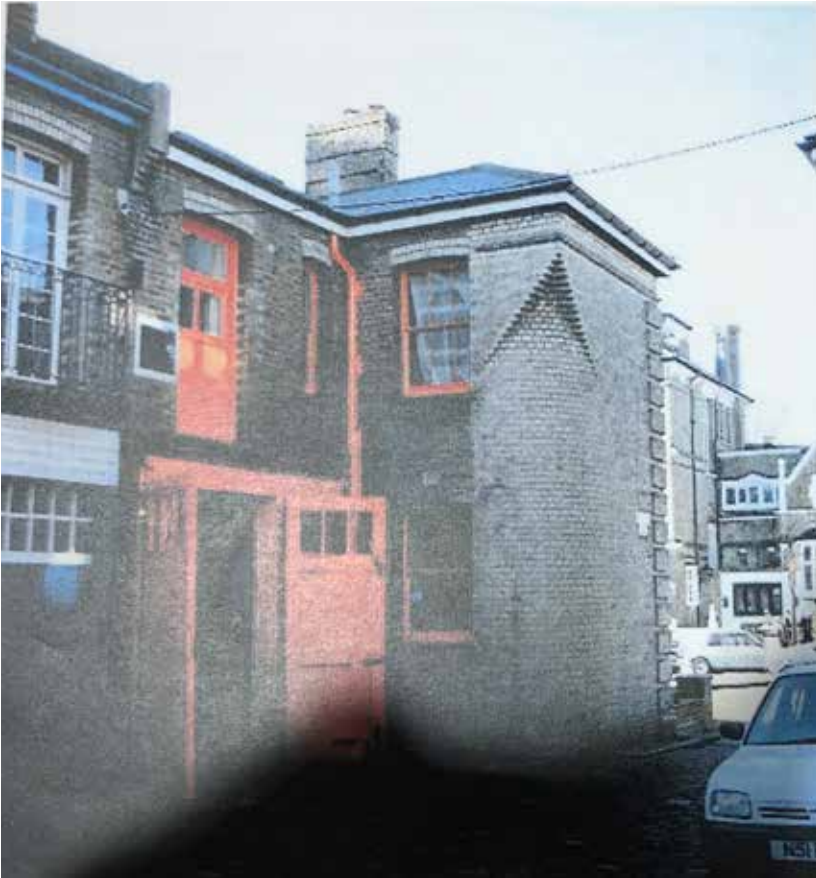
The consented application, which does not appear to have been implemented, permitted the conversion of the building into a single dwelling. At ground floor level, the coach house was retained as a garage, but the rest of the ground floor was subdivided to create a sitting room, dining room and kitchen. The staircase was also approved to be rebuilt in a new position in the centre of the plan, linking to a new entrance hall to the west off the non-original side door from First Avenue **[Plate 19]**. The former yard to the rear was intended to be converted into a patio-garden. At first floor level, the original stairwell was to be floored over to create a larger bedroom to the north, while a new staircase was approved to be inserted into the central corridor, which was to be widened to the west. The rooms to the east were retained in their original layout, although the kitchen was approved to be converted into a bathroom and the existing bathroom to the north was to be made into a landing for the existing spiral staircase to the second floor **[Plate 20]**. The second floor was permitted to be converted into a bedroom, including the removal of the partitions around the small south and central rooms, though the latter was marked as a possible area for an en-suite shower room **[Plate 21]**. Externally, windows were approved to be inserted into the blind arches on the side elevation, as well as a new door in the south wall giving access to the external patio-garden **[Plates 22 and 23]**.<sup>16</sup>

Very little appears to have changed in the interior or exterior of the building since 2000, until the works that are the subject of this application were carried out in late 2019.

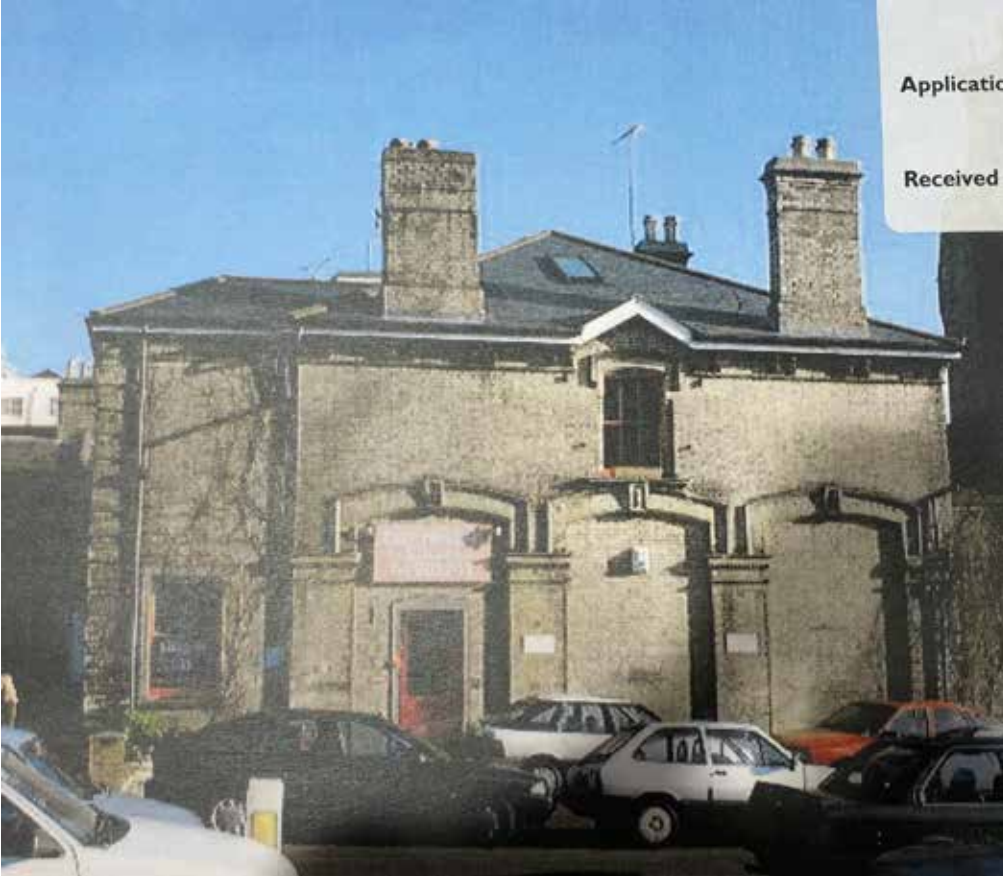
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15      Ibid

16      Ibid

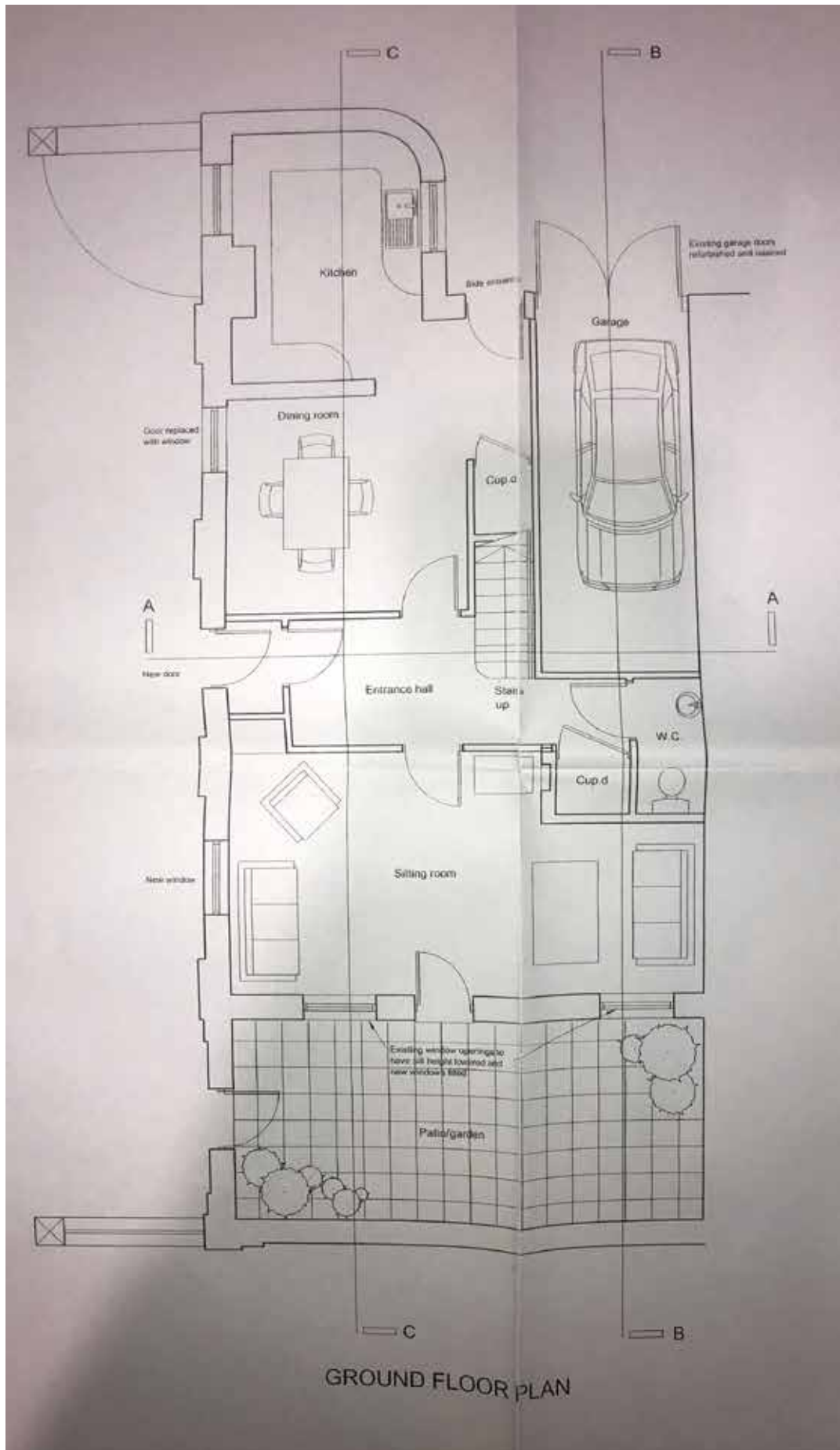


17. 2000 existing photograph of the front (north) elevation of 56 First Avenue (Brighton and Hove Planning Archive)

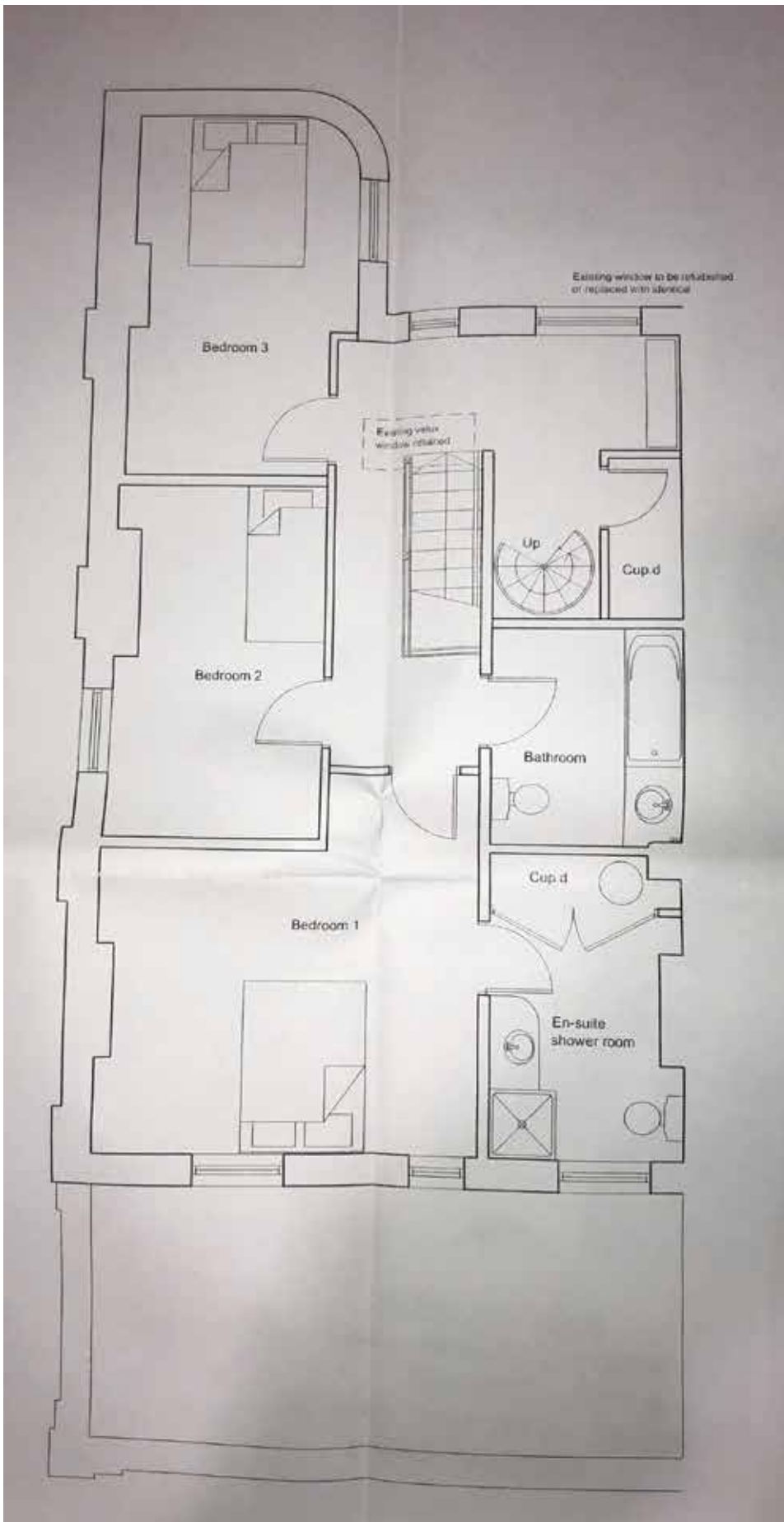


18. 2000 existing photograph of the side (west) elevation of 56 First Avenue (Brighton and Hove Planning Archive)

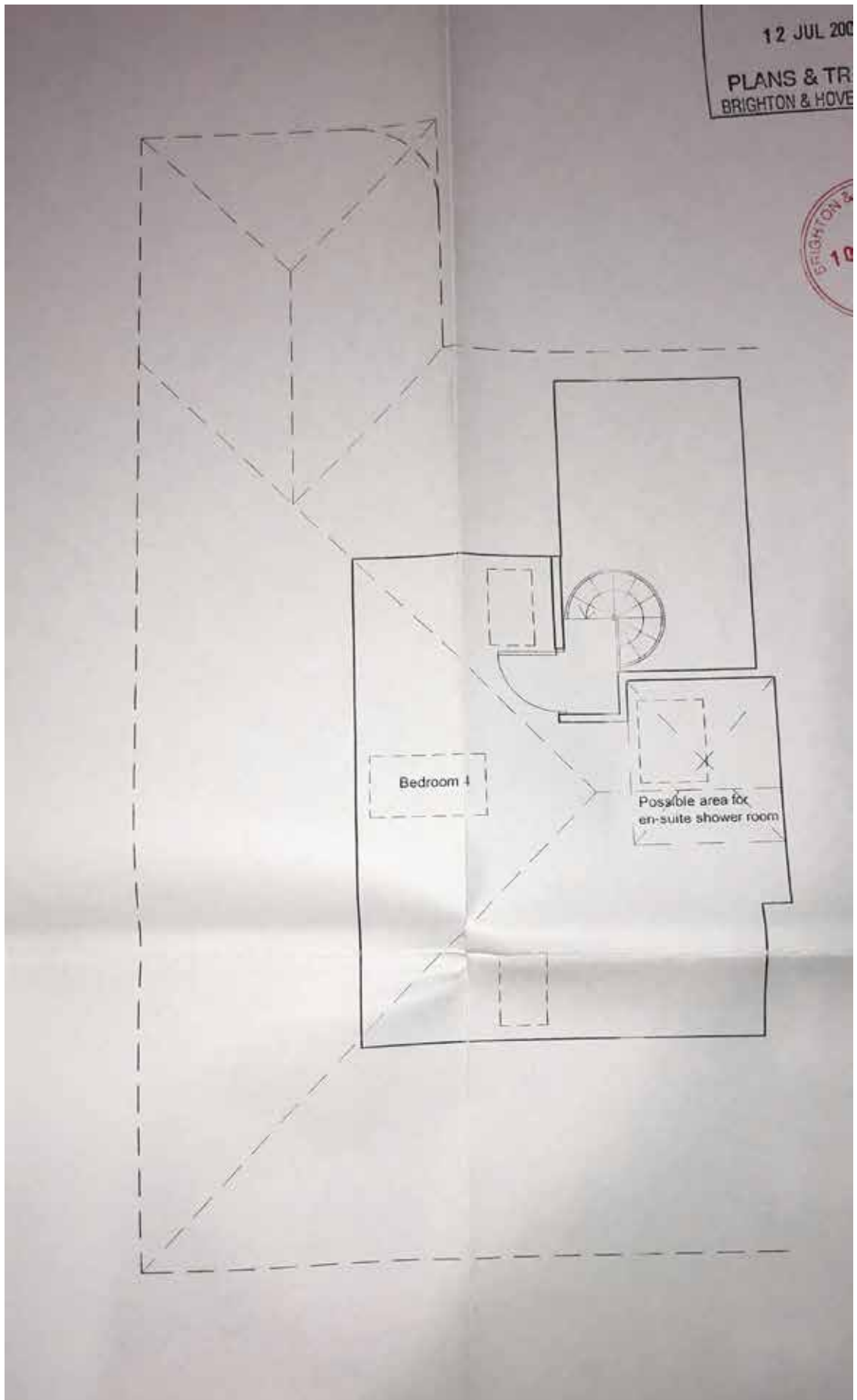




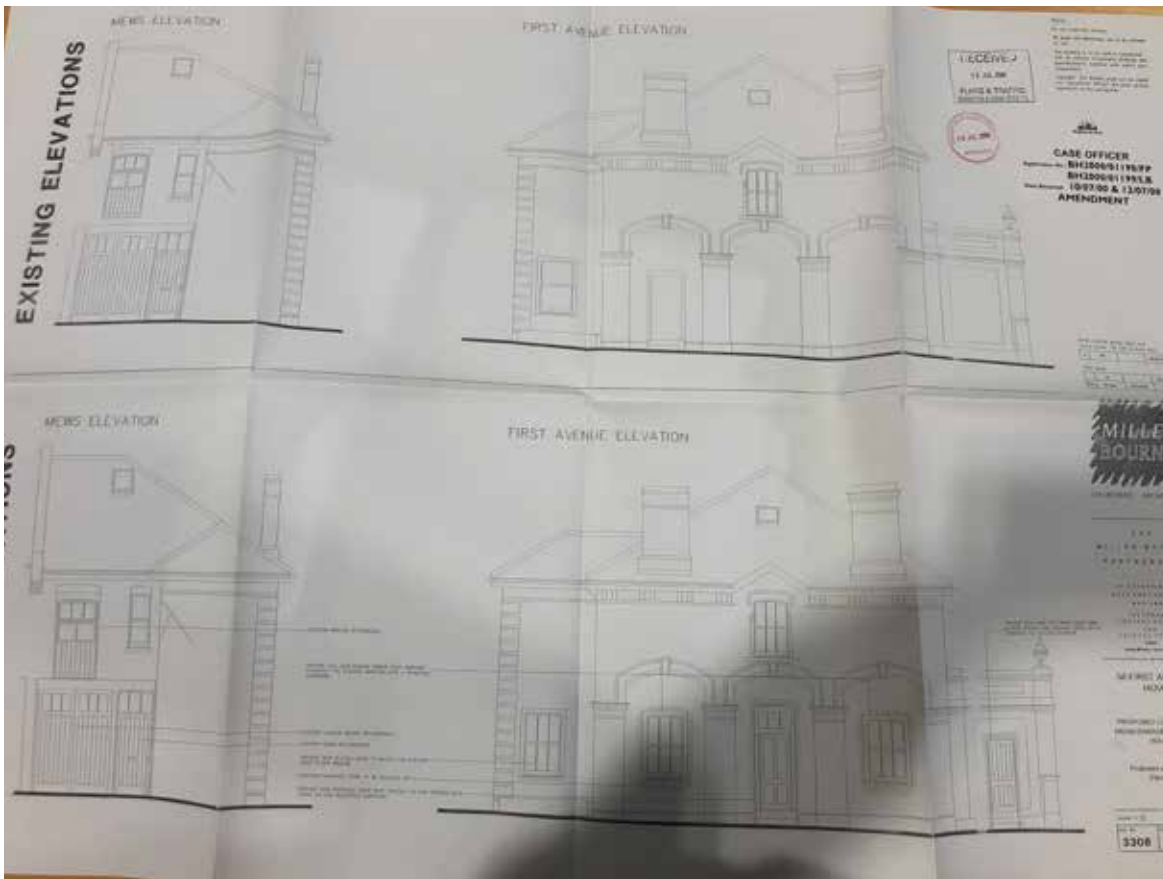
19. 2000 approved ground floor plan showing the conversion of 56 First Avenue into a townhouse (Brighton and Hove Planning Archive)



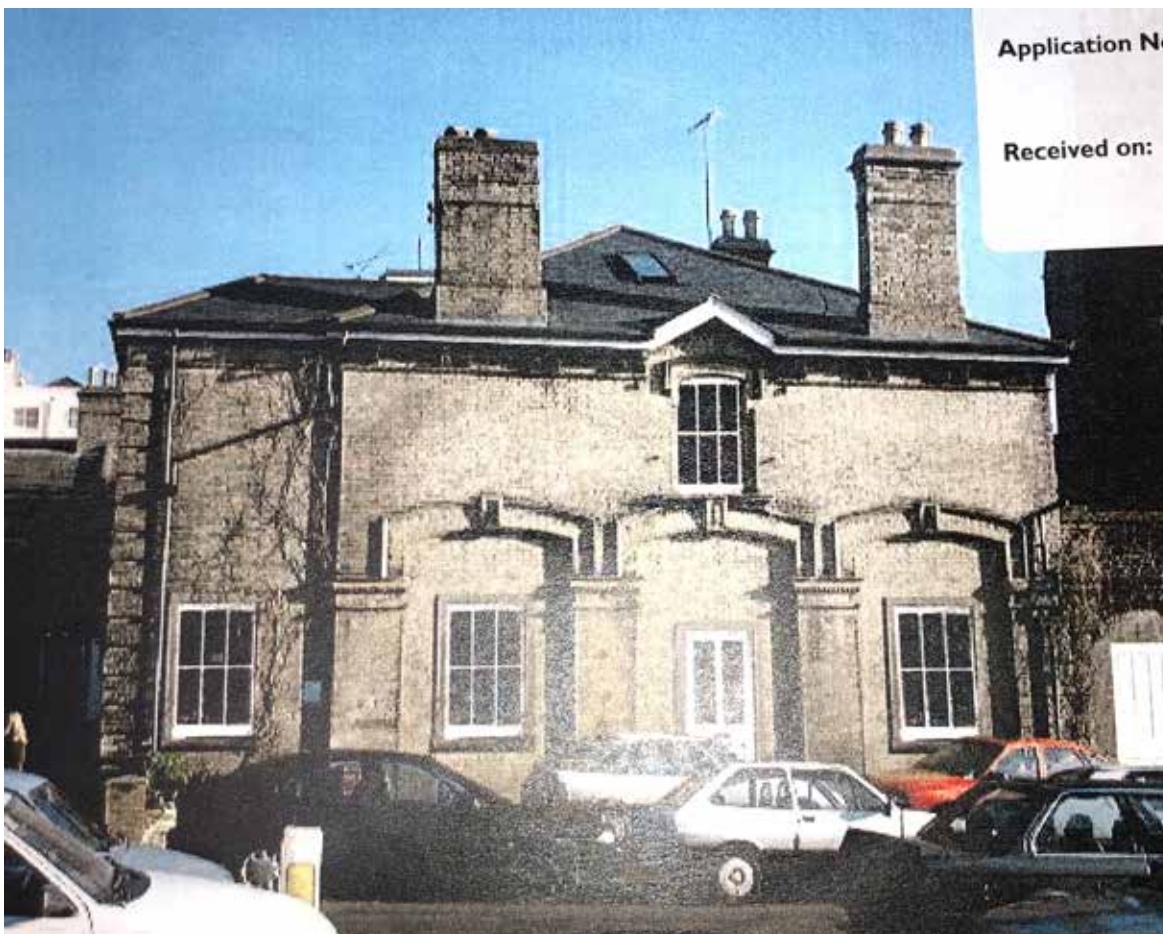
20. 2000 approved first floor plan showing the conversion of 56 First Avenue into a townhouse (Brighton and Hove Planning Archive)



21. 2000 approved second floor plan showing the conversion of 56 First Avenue into a townhouse (Brighton and Hove Planning Archive)



22. 2000 existing and approved elevation drawings of 56 First Avenue (Brighton and Hove Planning Archive)



23. 2000 approved CGI photograph of the side (west) elevation of 56 First Avenue (Brighton and Hove Planning Archive)

### 2.2.2 The Architect: Sir James Thomas Knowles (1831-1908)

The following biography has been adapted from an entry on James Thomas Knowles in the Oxford Dictionary of National Biography, written by Sidney Lee and revised by H. C. G. Matthew (2010).<sup>17</sup>



24. 1903 photograph of the architect James Thomas Knowles, taken by Arthur Knowles (National Portrait Gallery)

James Thomas Knowles was an architect and journal editor born in Reigate, Surrey, on 13 October 1831 [Plate 24].<sup>18</sup> He was the eldest child of James Thomas Knowles senior (1806-1884), who was a prominent architect that worked on several large country houses for the English aristocracy. Knowles grew up in Clapham, London, where his father had built a large house on the edge of Clapham Common. He entered his father's office in 1846 to practice as an architect, but also started writing for the *Clapham Magazine* as a contributing journalist. Knowles published a prize-winning essay, '*Architectural education*', in 1852, became an associate of the Royal Institute of British Architects in 1853 and a Fellow of the Institute in 1870.

Knowles continued his architectural training by undertaking the Grand Tour around Europe, and also worked with his father on his commissions, such as the Grosvenor Hotel in Victoria, London. Knowles created his own practice in the late 1850s and went on to have a successful architectural career, building numerous houses, churches, hospitals, warehouses and bridges. His chief commissions were three churches in Clapham (St Stephen's, St Saviour's, and St Philip's); Albert Mansions, Victoria Street; the Thatched House Club in St James's Street (1865); the Avenues in Brighton for the Brighton Estate Company (c.1870-2) and Sir Erasmus Wilson's enlargement of the Sea Bathing Hospital at Margate in 1882. In 1874, Baron Grant commissioned Knowles to design Leicester Square, London, following his purchase of the land and vision to convert it into a public square.

In 1860 Knowles married Jane Emma, daughter of the Revd Abraham Borradaile; they had one son and one daughter before she died in childbirth in 1863. In February 1865 he married Isabel Mary, daughter of Henry William Hewlett, barrister, and sister of his friend Henry Gay Hewlett.

Alongside his architectural career, Knowles continued to contribute to journals and wrote his own essays. A little volume, compiled from the *Morte d'Arthur* of Sir Thomas Malory, *The Story of King Arthur and his Knights of the Round Table*, was published in 1862 and reached an eighth edition in 1895. It met with Tennyson's approval and in 1866 Knowles called on Tennyson at Freshwater and became a close friend for life. He designed for the poet, without charge, his new house at Aldworth in 1869. Knowles and Tennyson were founding members of the Metaphysical Society in 1869, which existed up until 1881. From 1870-1877 he was the editor of the *Contemporary Review*, followed by a position as the editor of the *Nineteenth Century*. With diplomatic skill Knowles induced writers of renown to engage in controversy with one another in his magazine on matters of moment, and the result was a successful and very profitable journal. In January 1901, he renamed the magazine *The Nineteenth Century and After*; he edited it until his death.

17 Oxford Dictionary of National Biography 'James Thomas Knowles 1831-1908] by Sidney Lee, revised by H. C. G. Matthew (2010): <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-34353>

18 National Portrait Gallery: Photograph of James Thomas Knowles, c.1903

Knowles, who gave up architectural practice in 1883, moved from Clapham to Queen Anne's Lodge by St James's Park, Westminster, but in his later years he lived in Brighton as well as London. He died of a heart attack on 13 February 1908 at his home, 3 Percival Terrace, Brighton; his funeral service was at St Peter's, Brighton, and he was buried in the extramural cemetery, Brighton.

### 2.2.3 Relevant Planning History

The following records were obtained from Brighton and Hove City Council online planning portal.<sup>19</sup>

**Ref:** BH2000/01199/LB and BH2000/01198/FP

**Description:** Conversion from a commercial garage with a flat above to a single town house, and external alterations

**Decision:** Approved

**Date:** 13 July 2000

## 2.4 Sources and Bibliography

### Archives

#### **The Keep (East Sussex Record Office)**

##### Photographs

Ref: ACC 12514/7/10/32 – Wardell thematic negatives: First Avenue, Hove, 12<sup>th</sup> March 1948

Ref: AMS 6699/27 - Wardell thematic negatives: First Avenue, Hove, 12<sup>th</sup> March 1948

##### Maps

Ref: SFD 2/1/9 – Map of the Stanford Estate in Brighton, c.1871-2

Ref: SFD/2/1/10 – Map of the Stanford Estate in Brighton, c.1878

Ordnance Survey, 1:2500, 1878, 1905, 1911, 1931

##### Development plans

Ref: DO/C/6/189 – Hove building control plan: block of stables at St Johns Mews, First Avenue, Hove for J T Chappell, 28 March 1877

Ref: DO/C/6/4889 - Hove building control plan: proposed alterations, 2 St Johns Mews, by Mr P Hunter for Messrs E Winter and Sons, 12 June 1922

Ref: DO/C/6/5322 - Hove building control plan: proposed alterations, 5 St Johns Mews, by Mr T Brooks for Mr A Mason, 1 Dec 1923

Ref: DL/A/28/1242 - Drainage, First Avenue, Newhaven for Alfred James Kerry, Kirkleas, First Avenue by Mark Woolger, High Street, Newhaven, builder, 29 May 1934

Ref: DO/C/6/11373 - Hove building control plan: alterations, First Avenue Garage, First Avenue, by Mr G Hallett for Mr A Virgo, 15 September 1939

##### Documents

Ref: SFD 2/3/375 – Deed relating to land on St Johns Mews with William Morris of Old Jewry, City of London, gent, 27 January 1880

### **Brighton and Hove Planning Archives**

All applications relating to 56 First Avenue

All applications relating to 1 St John's Place

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19 Brighton and Hove Planning Archive: 56 First Avenue: BH2000/01199/LB and BH2000/01198/FP

## **Published Sources**

### **Books and Articles**

Brighton and Hove City Council 'The Avenues Conservation Area Character Statement' (1997)

### **Websites**

Brighton Museums 'The Stanford Estate in Brighton and Hove': <https://brightonmuseums.org.uk/discover/2015/02/26/the-stanford-estate-in-brighton-and-hove-2/>

Historic England '56 First Avenue, 1-7 St John's Place': <https://historicengland.org.uk/listing/the-list/list-entry/1280737>

Regency Society: <http://regencysociety-jamesgray.com/volume12/index.html#>

Sue Berry Historian 'The Stanford Family of Preston Place': <http://www.sueberryhistorian.co.uk/2018/09/the-stanford-family-of-preston-place.html>

Oxford Dictionary of National Biography 'James Thomas Knowles 1831-1908] by Sidney Lee, revised by H. C. G. Matthew (2010): <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-34353>

## 3.0 Site Survey Descriptions

### 3.1 The Building

56 First Avenue is a former mews building located in a group of mews buildings set around an enclosed courtyard on the east side of First Avenue, which were built in c.1877-8. It was originally called St John's Mews, but it was renamed St John's Place in the mid-to-late-20<sup>th</sup> century. The mews formed part of the original development of the Stanford Estate, which was designed by the architect James Thomas Knowles, and are an integral part of the town plan. They illustrate how the larger houses were originally serviced with stables and secondary accommodation for the servants employed by the wealthy occupants of First Avenue. Similar mews buildings also existed on the west side of First Avenue, and on the Second, Third and Fourth Avenues.

The building is of two storeys with pitched slate roofs and large chimneystacks to the east and west. It is constructed of robust materials typical of the late-19<sup>th</sup> century including yellow stock brick on the external elevations to the west, which formed part of the streetscape, but cheaper pink/red stock brick to the front and rear, where these parts of the building were concealed from the street.

#### 3.1.1 Front Elevation

The front elevation of the building faces onto St John's Place and is largely concealed from the street by the western projection, where there is a blank yellow-stock brick wall that curves into the mews, with a stepped brick roofline. The front elevation returns to face onto the east side of the mews, where the brick changes from a yellow to a pink/red brick where it is not visible from First Avenue. This elevation is of a single bay with original sash windows at ground and first floor level, both with yellow brick headers and stone cills. The elevation then returns to face onto the north side of St John's Place. This was original mews frontage and at ground floor level there is a timber bresseumer under which are original 19<sup>th</sup> century timber-boarded stable doors with glazed toplights and large strap hinges, and a single timber-boarded entrance door in the west corner, which also has glazed toplights **[Plate 25]**

At first floor level there is a former loading bay to the east, with an original door that has been altered to include a casement window, and an original narrow two-over-two sash window to the west, both with yellow brick headers. Attached to the façade are two black painted downpipes, together with a small white downpipe between the first floor loading bay and window. At roof level there is a soil extract.

#### 3.1.2 Side Elevation

The side elevation faces onto the east side of First Avenue. It is of two storeys and three bays and constructed in yellow stock brick set in a Flemish Bond with brick quoins **[Plate 26]**. At ground floor level, there are three original blank arched bays to the centre, which have brick architraves supported on brick pilasters, with decorative brick keystones. A door was inserted in the northern arch in the early-20<sup>th</sup> century when the building was converted into a car repair shop, which has a detracting rendered





25. The front (north) elevation of 56 First Avenue, February 2020 (Donald Insall Associates)



26. The side (west) elevation of 56 First Avenue, February 2020 (Donald Insall Associates)

concrete surround. Further north, the end bay of the building appears to have originally been blank, but a plain sash window was also inserted in the early-20<sup>th</sup> century, which has a detracting concrete architrave and cill. At first floor level, there is a dormer window above the central arch, which has an original three-over-three sash window with a stepped brick architrave and a stone cill. The roof is original and has large overhanging eaves supported on brick corbels decorated with foliage motifs. A modern rooflight has been inserted in the roofslope above the dormer, which is visible from the west side of First Avenue.

### **3.1.3 Rear Elevation**

The rear elevation is largely concealed within the private rear yard, which is screened from the street on the ground floor by an original tall yellow-brick wall, with brick piers at the corners and a decorative brick parapet. The rear elevation itself is of two storeys and three bays and is of pink/red brick to the ground floor, where it is concealed by the wall, and yellow stock brick to the first floor where it is visible in views looking north from First Avenue.

At ground floor level there is an original doorway with an original glazed overlight flanked by two original louvered timber windows with stone cills. All three openings have arched-brick headers. At first floor level there are three sash windows with arched-brick headers; the windows to the west and centre are original, but the window to the east is a later-19<sup>th</sup> or early-20<sup>th</sup> century replacement. At roof level there is a rounded-brick string course, above which is the roof with overhanging eaves supported on decorative brick corbels.

### **3.1.4 Roof**

The roof appears to be original and is a pitched and hipped slate roof with two chimneystacks to the west, and a single stack to the east in the party wall between No. 56 and 7 St John's Place. There are two original rooflights to the north and east, though the fittings themselves appear to have been replaced, and two modern rooflights to the south and west added in the mid-to-late-20<sup>th</sup> century. An additional rooflight was added to the north as part of the proposed works, which is set back from the front of the building and is not visible from the yard or in any street level views. At the rear of the building, there is a modern flat plastic roof over the original rear yard.

### 3.2 The Building Internally

It is important to establish the existing condition of the building prior to the commencement of works, in order to assess the impact and acceptability of the proposed scheme. The 'existing' condition of the building has been informed by number of documents as Donald Insall Associates were appointed after the works commenced in August 2019. The following documents have served to establish the 'as existing' condition of the building and should be read alongside the site assessment contained in this section of the report:

- The original 1877 plans contained in Plates 4, 11 and 12;
- The existing plans from the consented 2000 application in Plates 14-18, which establish the lawful existing layout of the building as the approved changes contained in this application were not implemented, and no other applications have been approved since 2000;
- A set of photographs taken by the Client in March 2019 prior to the commencement of works, which are reproduced in full in Appendix III; and
- A set of photographs taken by Brighton and Hove City Council during the commencement of works, which are reproduced in Appendix IV.

Using these documents, the following section describes the existing fabric and layout of the interior, and identifies where and how it is has been altered as part of the proposed unconsented works, in as far as it is has been possible to do so. The ground floor was inspected for due diligence, but has been omitted from a full survey as it does not form part of the proposed scheme.

#### 3.2.1 Ground Floor

The interiors on the ground and first floor were generally refurbished with new paint, carpet and services as part of the unconsented works. Structural alterations were also undertaken to the building fabric and where these changes have occurred they are outlined in bold.

##### G1

Staircase. Original staircase to the first floor, as shown on the original plan in Plate 11, but modern handrail of no significance.

##### G2

**This room was altered as part of the unconsented works.**

Office. Originally a harness room. Plates 27 and 28 show that this room had exposed brick walls at the start of the unconsented works, however, the original 1877 section drawing in Plate 8 suggests that these rooms originally had timber-panelled walls, which had been lost prior to the start of the works. As part of the unconsented scheme, the room was rendered with lime to create a habitable space and the chimneypiece was temporarily removed, repaired and reinstated.

There is otherwise an original close-boarded timber door from G1, modern render and skirting. Original sash window and architrave to the east, early-20<sup>th</sup> century inserted sash window to the west. Original chimneybreast to the south-west with replacement early-20<sup>th</sup> century chimneypiece.





**27.** Brick interior of room G2, September 2019 (Brighton and Hove Planning Archive)



**28.** Brick interior of room G2 showing the temporary removal of the chimney piece, September 2019 (Brighton and Hove Planning Archive)

### 3.2.2 First Floor

#### F1

Staircase and landing. Original staircase to the first floor, as shown on the original plan in Plate 12, but modern replacement handrail of no significance. Early-20<sup>th</sup> century timber-glazed partition enclosing the stairwell, with built-in cupboard of the same date. Landing is of the original double-height to the north by F3, lit by a rooflight in the original position, but the fitting itself is a modern replacement of no significance. Rear of landing has a lower ceiling and runs north-to-south through the centre of the building with an original skirting.

#### F2

Bedroom. Original architrave but modern four-panel door from F1 with raised and fielded panels [Plate 29]. No cornice, original skirting. Original sash window and architrave to the east, original chimneybreast to the south-west with early-20<sup>th</sup> century replacement chimneypiece and hearth.

#### F3

**This room was altered as part of the unconsented works.**

W.C. Originally a W.C, as shown on Plate 12, with original sash window and architrave to the north. Original plain four-panel door from F1. Plates 30 and 31 show that this door was altered as part of the unconsented works when the glazed panels – which appear to have been additions of the early-20<sup>th</sup> century – were replaced with obscured glass. The modern bathroom fittings, which were of no significance, were also renewed as part of the works.

#### F4

**This room was altered as part of the unconsented works.**

Bathroom, originally a 'loft room' as shown on Plate 12. The unconsented works included the subdivision of the room with a new partition to create separate access to the existing spiral staircase, which is shown on the existing 2000 plan in Plate 15. A new door opening was created from the corridor in F1, which has a modern architrave and no door, and a new stud partition was built to the north together with the infill of an original window opening to the south between F4 and F6 [Plates 32-34]. The existing spiral staircase was also repositioned further east to generate safe and compliant access to the second floor. In connection with its relocation, the existing void was floored over in the existing position of the stairwell. Plate 35 shows the completed stairwell. The bathroom, which now forms a separate room, was provided with new bathroom fittings, but the original plain four-panel door and architrave has been retained and reused [Plate 36].

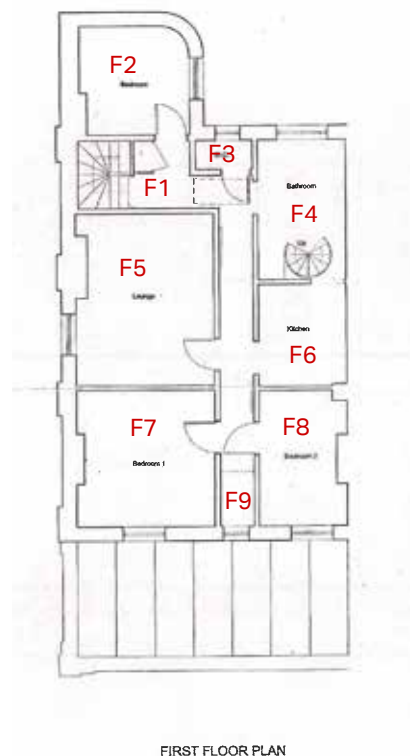
#### F5

Lounge. Originally a living room as shown on Plate 12. Original plain four-panel door and architrave from F1. No cornice, original skirting. Original sash window and architrave to the west, original chimneybreast to the north-west with early-20<sup>th</sup> century replacement chimneypiece and hearth.

#### F6

**This room was altered as part of the unconsented works.**

Kitchen. Originally a scullery as shown on Plate 12. No door as per the original layout, but modern architrave presumably added prior to 2000 when this room was converted into a kitchen. The unconsented works





**29.** The modern four-panel door to room F2, February 2020 (Donald Insall Associates)



**31.** The unconsented altered glazed toplights in the door to room F3, February 2020 (Donald Insall Associates)



**30.** The altered four panel door to room F3 showing modern glazed toplights, March 2019 (Client's own)

carried out in this room included the replacement of the modern kitchen fittings, which were of no significance, and the replacement of the existing services using the same service runs [Plate 37]. An original window opening was infilled to the north between F4 and F6, which appears extant on the 2000 plan in Plate 15, and the opening is also shown in the Council's photograph from September 2019 in Plate 33. This room was also originally lit by a skylight, but the existing plan in Plate 15 shows that this had been boarded over sometime prior to 2000, and it also boarded over in the Client's photograph taken prior to the commencement of works in March 2019 in Plate 38.

#### **F7**

Bedroom. Originally a bedroom as shown on Plate 12. Original plain four-panel door and architrave from F1. No cornice, original skirting. Original sash window and architrave to the south, original chimneybreast to the west with early-20<sup>th</sup> century replacement chimneypiece and hearth.

#### **F8**

Bedroom. Originally a bedroom as shown on Plate 12. Original plain four-panel door and architrave from F1. No cornice, original skirting. Original blocked chimneybreast to the east, original sash window and architrave to the south.

#### **F9**

Cupboard. Originally a larder as shown on Plate 12. Missing door but original architrave with high-level timber panelled screen. Modern services concealed behind high-level timber screen. Original skirting and original sash window and architrave to the south.





32. The unconsented partition constructed to subdivide room F4, September 2019 (Brighton and Hove Planning Archive)



33. The original window opening to the north of F6, which was infilled as part of the unconsented works, September 2019 (Brighton and Hove Planning Archive)



**34.** The unconsented infill of the former void above the late-20<sup>th</sup> century spiral staircase in room F4, September 2019 (Brighton and Hove Planning Archive)



**35.** The unconsented relocation of the late-20<sup>th</sup> century spiral staircase in room F4, February 2020 (Donald Insall Associates)



**36.** The unconsented partion wall and new bathroom fittings in room F4, February 2020 (Donald Insall Associates)



**37.** The unconsented replacement kitchen fittings in room F6, February 2020 (Donald Insall Associates)



**38.** The late-20<sup>th</sup> century floor over the former skylight in the ceiling of room F6, March 2019 (Client's own)

### 3.2.3 Second Floor

#### S1

**This room was altered as part of the unconsented works.**

The original plan in Plate 12 suggests that the second floor was accessed from a ladder in the loft room at the front of the building, which was converted into bathroom with a new spiral stair sometime in the 20<sup>th</sup> century, which are shown as existing on the 2000 plan in Plate 15.

The unconsented works including the repositioning of the spiral stair further east, together with a new floor over the existing void to create safe and compliant access to the second floor. A new rooflight was inserted to the north to light the spiral staircase, though this is not visible from the street [Plate 39]. New access was also created by blocking the existing opening to the west and inserting a new doorway in the north wall, which has no door, together with a double door opening in the west wall between S1 and S3, shown in Plates 40 and 41.

Room S1 was originally a store room in the roof space, which was converted as part of the unconsented works. This room originally included a small void and skylight above the scullery on the first floor – now the kitchen in room F6 – which was floored over prior to 2000 as the rooflight is not marked on the existing first floor plan in Plate 15. This is confirmed by the Client's photograph, taken in March 2019, which show that the void had been boarded over [Plate 38]. This photograph also shows the original walls in room S1, which were lined in plaster.

#### S2

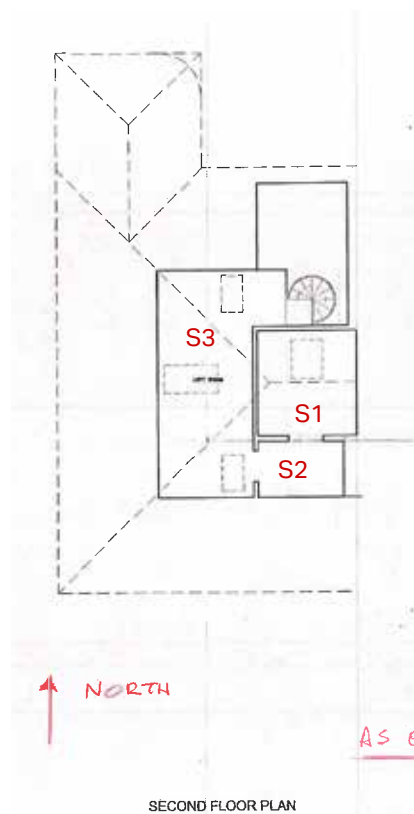
**This room was altered as part of the unconsented works.**

Room S2 was originally a store room in the roof space, which was converted into a bathroom as part of the unconsented works with a new four-panel door with raised and fielded panels [Plate 42]. The presence of partitions walls on the existing second floor plan dating from 2000 in Plate 16 would suggest that this room was already lined out in plaster like room S1, although in the absence of any photographs it is unable to be confirmed. The unconsented works including infilling an existing door in the west wall to separate rooms S2 and S3, and the insertion of new services, sanitary fittings and finishes appropriate to a bathroom [Plate 43].

#### S3

**This room was altered as part of the unconsented works.**

Room S3 was originally a store room in the roof space. The existing second floor plan from 2000 illustrates that new rooflights had been inserted on the west side of the building sometime in the late-20<sup>th</sup> century [Plate 16]. The Client's photographs in Plate 44 and 45, which were taken in March 2019 prior to the commencement of works, also illustrate the existing appearance of S3. These show that this part of the roof space was open to the rafters, although some of it had been boarded over with close-boarded timber panelling and plastered walls existed to rooms S1 and S2. As part of the unconsented works, this room was lined out in plasterboard to create a habitable space [Plate 46], but all of the original panelling and roof structure was retained underneath the plasterboard [Plate 47].





39. The unconsented rooflight added above the void in Room S1, February 2020 (Donald Insall Associates)



40. The unconsented doorways and platerboard added in room S1, September 2019 (Brighton and Hove Planning Archive)



**41.** The unconsented double door opening to the west of room S1, February 2020 (Donald Insall Associates)



**42.** The unconsented four panel door to room S2, February 2020 (Donald Insall Associates)



**43.** The unconsented bathroom fittings in room S2, February 2020 (Donald Insall Associates)



44. The appearance of the roofspace in room S3 in March 2019 (Client's own)



45. The appearance of the roofspace in room S3 in March 2019 (Client's own)



46. The unconsented appearance of the roofspace in room S3 in February 2020 (Donald Insall Associates)



47. The retained roof structure under unconsented partitions in room S3, February 2020 (Donald Insall Associates)



48. The unconsented extract fan on the north roof slope, February 2020 (Donald Insall Associates)



## 4.0 Assessment of Significance

56 First Avenue is a former mews building that was built in c.1877-8 as part of the development of the Stanford Estate, which was principally designed by James Thomas Knowles for Ellen Stanford and her uncle, William Morris, on behalf of the West Brighton Estate Company. The building was constructed by J. T. Chappell, a builder who executed a great number of buildings on the Estate, and it originally formed part of an enclosed yard of mews buildings called St John's Mews, which was later renamed St John's Place. The buildings provided space for coach houses and stabling for horses on the ground floor and accommodation for servants' and grooms on the first floor, while the second floors were generally used for storage.

No. 56 is historically significant for its role in the development of the Stanford Estate, which is a locally important Estate that charts the history of this part of Brighton and Hove, and for its role in illustrating how the larger town houses on First Avenue were originally serviced, as well as its broader illustration of late-19<sup>th</sup> century mews architecture. This is best expressed in the original location of No. 56 in the town plan, as well as its modest scale, external elevations and what survives of the original internal stabling and secondary accommodation.

The building also has high architectural or aesthetic significance, though some parts of the building are of greater significance than others. The primary significance of the building resides in the modest scale and external elevations of the building and the group value these have with the neighbouring mews buildings such as No. 1 St John's Place, which is a mirror image of No. 56. The mews form an integral part of the town plan and they make a positive contribution to the character and appearance of The Avenues Conservation Area, together with the similar enclave of mews on the west side of First Avenue, and those that survive on the Second and Third Avenues.

The front and western side elevations are of the highest significance. The front elevation retains the original composition of openings with large carriage and stable doors on the ground floor and a hayloft door on the first floor and these openings, together with the buildings modest scale, brick construction and functional composition, are what characterise No. 56 as a mews building. The western side elevation has an altogether different character and is part of the formal townscape of First Avenue, with an ordered composition executed in high-quality decorative brickwork that responds to the design and materiality of the neighbouring terraces. The elevation is largely intact, but an early-20<sup>th</sup> century window and door have been inserted on the ground floor, both with visually detracting rendered-concrete surrounds. The rear elevation is typically plainer and of lesser architectural merit, and it has also been altered with a detracting glazed roof over the courtyard which subdivides the elevation. Nevertheless, the simple detailing is typical of modest mews buildings and it is thus of lesser but still high significance overall. The roof form is similarly of high significance, though it too has been altered by the addition of detracting modern rooflights on the south-west side of the building, which are visible in views from the west side of First Avenue.

The interior of the building has been more greatly altered and is of varying degrees of significance. The ground floor is generally of low significance as the original layout that consisted of a coach house, loose boxes and

stalls, have been removed and replaced with an open-plan layout that is of no significance. Some fragments of an original timber-boarded loose box survive on the south-east side of the building, but these no longer relate to a coherent interior and are thus of modest significance overall. The former harness room is the only room to survive in its original layout, although it too has been altered with a new window in the west wall and it had lost its original timber-panelled interior prior to the commencement of the unconsented works, and is thus of medium significance.

The first and second floors, which are the main subject of the proposed scheme, generally survived in their original layout prior to the commencement of the unconsented works, including the original staircase, which is of high significance. Indeed, the first floor retained most of its original cellular plan form and modest fittings such as plain four-panel doors, and was of high significance overall. However, some parts had been altered including the replacement of all of the chimneypieces in the early-20<sup>th</sup> century and the conversion of the former central scullery into a kitchen in the late-20<sup>th</sup> century, with modern kitchen units and associated services that were of no significance. The original skylight had also been covered over in the late-20<sup>th</sup> century, which appears to have been floored over in connection with the conversion of the second floor. This room had therefore been extensively altered with a modern interior and was generally of low or no significance, other than for an original window to the north, which provided borrowed light from the front of the building. The former loft room on the north-east side of the building had also been altered prior to the commencement of works when it was converted into a bathroom sometime in the 20<sup>th</sup> century, together with the addition of a new spiral staircase to access the second floor, and these features were of no architectural or historic significance.

The second floor was originally used as ancillary space for storage, but it was altered in the 20<sup>th</sup> century when a spiral staircase was inserted to access the second floor, together with new rooflights on the south-west side of the roof to create a habitable floor. Prior to the commencement of the unconsented works, the roof structure, which is of high significance in terms of its structure, remained exposed in the room on the west side of the building, but plastered partitions enclosed two plain rooms on the east side. In the absence of any historic development plans of the second floor it is not known if the layout was original, but it certainly appears to have been historic. However, as a very plain, secondary space that had been altered in terms of its access and use by the addition of the spiral staircase and the infill of the skylight to the former scullery, it was of medium significance overall.

## 5.0 Commentary on the Proposals

The proposed works were carried out without Listed Building Consent prior to the involvement of Donald Insall Associates. This section of the report provides an assessment of the unconsented scheme, together with an account of the existing condition of the listed building prior to its alteration, and a justification of the works in terms of the national planning policy on the historic environment.

The following sections should be read in conjunction with the numbered floor plans and the existing and proposed drawings by Garrick Architecture.

### 5.1 Description of the Proposals and their Impact on the Listed Building

#### Exterior

Externally, only minor alterations have been carried out including the insertion of a rooflight and extract vent in the northern roof slope. The rooflight was added to light the existing internal spiral staircase to the second floor and the vent was provided to create an appropriate means of extract to the new bathroom on the second floor. The rooflight is of a conservation type and is set flush with the roof slope, shown in Plate 39, while the extract fan, pictured in Plate 48, is a small and discreet fitting. The insertion of these fittings has resulted in the extremely minor removal of historic fabric, but both fittings are set back from the front of the roof and neither are visible in views from the north in the mews yard, or in views from the south on First Avenue. The external appearance of the building, which is of primary significance, has therefore been preserved and, on balance, no harm has been caused by their insertion.

#### Ground floor

On the ground floor, the only alteration that has been carried out is the rendering of the walls in the front room in G2. Plates 27 and 28 show that this room had exposed brick walls prior to the unconsented works, however, the original 1877 section drawing in Plate 8 suggests that these rooms (which were former harness rooms) originally had timber-panelled walls, which had been lost in No. 56 prior to the commencement of works. As part of the unconsented works, the room was rendered with lime plaster to create a habitable space, and the chimneypiece was also temporarily removed, repaired and reinstated. This alteration has appropriately insulated and finished the room and has caused no harm to the significance of the listed building, while the repair of the chimneypiece is a modest enhancement.

#### First floor

At first floor level, the entire floor has been sensitively refurbished, which is an enhancement that serves to sustain the long-term conservation of the listed building in its optimum-viable use as a residential dwelling.

Other alterations have included the replacement of modern glass in the four-panel door to the bathroom in room F3. Plates 30 and 31 show that this door had already been altered prior to the unconsented works with glazed top lights that appear to have been added in the original door in

the early-20<sup>th</sup> century. These were replaced with more appropriate frosted glass to obscure the original bathroom, which caused no loss of historic fabric or harm to the significance of the listed building. The modern sanitary fittings were also replaced within the bathroom, which were of no significance, but these alterations provide the benefit of sustaining the bathroom in its original use (as shown on the original 1877 plan in Plate 12), which is entirely beneficial.

Similarly, within the kitchen in room F6, the existing fittings were replaced with new kitchen fittings that reused the existing service runs, which caused no loss of historic fabric or harm to the significance of the listed building. An original window opening was also infilled between the kitchen and former bathroom in room F4. The existing photographs available to us do not indicate whether this opening contained an original window; however, it seems unlikely given the conversion of the northern loft room to a bathroom, which would have at least required the insertion of frosted glass or an opaque material to obscure views into the bathroom. The function of the window opening, which was to provide borrowed light into the room, had therefore already been reduced and, on balance, its infill has caused no harm to the significance of the listed building, which principally resides in its external elevations and its modest character as a mews building.

Additional alterations were also carried out within the bathroom in room F4, which was subdivided with a partition to create a separate bathroom and hallway to access the existing 20<sup>th</sup> century spiral staircase to the second floor. The bathroom appears to have contained no historic fixtures and fittings prior to the commencement of works, other than for the front window which was retained, and the insertion of the partition has caused no harm to any significant historic fabric or layout. It has however created the benefit of improving the existing layout in terms of providing long-term sustainable access to the second floor, which was originally through the dedicated loft room, but latterly required going through the bathroom. The modern sanitary fittings in the bathroom were also replaced with new fittings, which caused no harm to the significance of the listed building.

In connection with the creation of a hallway to access the second floor, the existing spiral staircase was relocated further east in the compartment and the existing void above the stair was floored over. Whilst the existing opening appears to have been situated in roughly the same location as the original ladder access into the loft, the opening had clearly been altered and enlarged to fit the spiral staircase. The infill of the void has not demonstrably changed the access or circulation route to the second floor and on balance, the infill of the void has caused no harm to the significance of the listed building. The relocation of the stair has however provided the benefit of creating a long-term sustainable and safe means of access to the second floor, which is also compliant with modern building regulations.

## **Second floor**

Further alterations were also carried out on the second floor. This floor was accessible from the existing 20<sup>th</sup> century spiral staircase and the existing floor plans, together with the Client's existing photos of the site in Appendix III, demonstrate that the second floor was accessible and habitable prior to the commencement of works. However, the accommodation was underused and the works sought to improve the quality of residential accommodation by relocating the access route

and refurbishing the space to create a hallway in room S1, which could double as a home office, a bathroom in room S2 and a lounge or games room in room S3.

The alterations principally involved altering the layout to create a new opening from the relocated spiral staircase in the north wall of room S1 to create a compliant means of access to the second floor, and the creation of a new wider opening in the dividing wall between rooms S1 and S3. An existing door in the west wall of S2 was also infilled in connection with the conversion of this room to a bathroom, and a new door was added to an existing opening in the north wall to provide appropriate privacy. These alterations have resulted in the minor alteration of the existing layout, however, the original or historic layout is still very much discernible as the openings are of a modest scale and have only resulted in the minor removal of historic fabric. Indeed, the historic cellular layout of the three rooms remains very much apparent and where new openings have been created, these include sizable wall nibs and downstands that serve to illustrate the original walls and mark the former layout. Therefore, on balance, the significance of the second floor layout has been preserved and no harm has been caused to the overall significance or special architectural and historic interest of the listed building, which principally resides in the external elevations and its modest external character as a mews building.

Additional alterations undertaken to the second floor included the lining out of the interior in plasterboard, principally in room S3 and the northern void beyond room S1, which were previously open to the rafters as seen in Plates 44 and 45. The lining out of the roof structure altered the character and appearance of the roof space and has caused some less than substantial harm to the significance of the listed building. However, the lining out was necessary in order to insulate the roof and better utilise the existing accommodation. In addition, in all instances, the original roof structure has been retained behind the plasterboard, as seen in Plate 47, and the plasterboard itself is also fully reversible so the roof structure (which is what is of high significance) has been preserved and could be exposed in the future. Furthermore, the significant shape of the roof void has also been maintained and the overall volume and proportions of the interior has been preserved. In regards to rooms S1 and S2, the photograph in Plate 38, which was taken in March 2019 prior to the commencement of works, illustrates that room S1 was already lined out in plastered partitions and it is presumed that room S2, which was also divided with partitions, had a similar appearance. The rendering or lining out of these rooms has not therefore caused a great degree of change to the appearance of these rooms and no harm has been caused by their conversion.

Further alterations included the strengthening of the floor in room S1, which originally contained a void into the former scullery on the first floor, now the kitchen in room F6, to provide borrowed light from the skylight in the roof. This void appears to have been floored over sometime in the 20<sup>th</sup> century, as it is not shown on the 'as existing' floor plan dating from 2000, and an identical original rooflight is shown above the double-height void to the north of the corridor, which strongly suggests the void over the kitchen had been removed [see Plate 15]. The Client's photographs of the property, taken in March 2019 prior to the commencement of works in August 2019, also show the void with modern timber floor structure over the top of it [Plate 38]. As part of the unconsented works, the modern floor was removed and strengthened, which caused no harm to the significance

of the listed building as the opening had already been infilled. The works did however provide the benefit of ensuring the floor structure was safe to walk on and compliant with modern building regulations.

In room S2, new sanitary fittings and services were installed as part of the unconsented works to convert this room into a bathroom. Drainage was provided by linking new pipes to the existing waste pipes in the kitchen on the first floor, which is the most appropriate route for the extract and has caused no harm to the significance of the listed building. Air extract and ventilation was provided in the form of a small extract fan that exits through the north roof slope, but as described above, the extract van is not visible from the exterior and has caused no harm to the significance of the listed building.

## **5.2 Response to the Council**

Brighton and Hove City Council have provided two letters of commentary on the application, which set out their questions and comments on the proposals and the unconsented works. The comments in these letters, which are included in full in Appendix V, are addressed in turn below in as far as they relate to the listed building and the impact on the historic environment.

### **5.2.1 Letter of November 2019**

*The submitted plans are queried regarding the repositioning of the stair, which appears to be in the same place on the existing and proposed plans (although annotated as repositioned on the proposed plan), and also the inter-connection of the existing kitchen and bathroom (with no door). Clarification that the plans are accurate is required in order to provide confidence that the proposal can be properly considered.*

The existing and proposed plans have been updated to reflect the repositioning of the spiral stair further east in the compartment. The revised plans also indicate the infill of the opening between the former kitchen and bathroom, although as described in Section 5.1 above, this was a former window opening rather than a doorway.

*It is also of concern that the Heritage Statement claims that this building is neither listed nor locally listed, and that no heritage assets are affected by the proposal. Consequently the application provides no assessment of the likely impact of the works or how the proposed scheme has designed in order to 'sustain or enhance the significance of the heritage asset' - as required by the National Planning Policy Framework.*

This report provides a detailed assessment of the legal status of the listed building, its historic development, significance and an assessment of the impact of the proposals and justification in terms of the national planning policy on the historic environment. It is sufficient to understand the level of impact of the proposals on the significance of the listed building, in accordance with national planning policy.

*It is considered possible that the central enclosed roof area was possibly a void above the first floor purely providing borrowed light to the main accommodation level. Please seek clarification on whether this had a floor structure prior to the current works being carried out.*

As described in Section 5.1 above, the original 1877 plan in Plate 12 shows that there was a void in the ceiling of the central kitchen (originally a scullery), which allowed light to enter from an original rooflight above. This void appears to have been floored over sometime in the 20<sup>th</sup> century, as it is not shown on the 'as existing' floor plan dating from 2000, and an identical original rooflight is shown above the double-height void to the north of the corridor, which strongly suggests the void over the kitchen had been removed [see Plate 15]. The Client's photograph of the property, taken in March 2019 prior to the commencement of works, also shows the void with a modern timber floor structure over the top of it [Plate 38]. As part of the unconsented works, the modern floor was removed and strengthened, which caused no harm to the significance of the listed building, as the opening had already been infilled. The works did however provide the benefit of ensuring the floor structure was safe to walk on and compliant with modern building regulations.

*The proposals for the roof space show a shower room, it is assumed that there will also be a bedroom at this level, however no doors are shown on the plan therefore the relationship of the spaces is unclear. The means of draining and ventilating this facility will also need to be considered in the application however no details have been provided therefore please seek further information.*

The existing and proposed plans have been updated to show the relationship of the rooms and the intended room uses. The storage rooms to the east are proposed to be converted into a hallway in room S1, which could be used as a flexible office, while the storage room in S2 is proposed to be converted into a bathroom with a new door. The existing lounge in room S3 would be retained in its existing use as a lounge or games room.

In room S2, new sanitary fittings and services were installed as part of the unconsented works to convert this room into a bathroom. Drainage was provided by linking new pipes to the existing waste pipes in the kitchen on the first floor, which is the most appropriate route for the extracts and has caused no harm to the significance of the listed building. Air extract and ventilation was provided in the form of a small extract fan that exits through the north roof slope, but as described in Section 5.1 above, the extract van is not visible from the exterior and has caused no harm to the significance of the listed building.

### **5.2.2 Letter of December 2019**

*The roof space now has the appearance of a large, modern, open plan space with full bathroom facilities at this level, which is in great contrast to what would be expected in this area. Concealment of all roof structural elements with plasterboard and painted surfaces appears to be recent, and in the absence of any information to the contrary it is much changed from the basic, loft storage space with unfinished surfaces that would be expected in this property.*

As illustrated on the revised existing and proposed plans, the alterations to the second floor principally involved the minor alteration of the existing layout to improve the quality of residential accommodation by relocating the access route to create a hallway in room S1, which could double as a home office, a bathroom in room S2 and a lounge or games room in room S3.

These alterations included the creation a new opening from the relocated spiral staircase in the north wall of room S1 to create a compliant means of access to the second floor, and the creation of a new wider opening in the

dividing wall between rooms S1 and S3. An existing door in the west wall of S2 was also infilled in connection with the conversion of this room to a bathroom, and a new door was added to an existing opening in the north wall to provide appropriate privacy. These alterations have resulted in the minor alteration of the existing layout, however, the original or historic layout is still very much discernible as the openings are of a modest scale and have only resulted in the very minor removal of historic fabric. Indeed, the historic cellular layout of the three rooms remains very much apparent and where new openings have been created, these include sizable wall nibs and downstands that serve to illustrate the original walls and mark the former layout. Therefore, on balance, the significance of the second floor layout has been preserved, and no harm has been caused to the overall significance or special architectural and historic interest of the listed building, which principally resides in the external elevations and its modest external character as a mews building.

Additional alterations undertaken to the second floor included the lining out of the interior in plasterboard, principally in room S3 and the northern void beyond room S1, which was previously open to the rafters as seen in Plates 44 and 45. The lining out of the roof structure altered the character and appearance of the roof space and has caused some less than substantial harm to the significance of the listed building. However, the less than substantial harm caused would be outweighed by the benefits of the scheme, as outlined in Section 5.3 below, and the lining out was also necessary to insulate the roof and better utilise the existing accommodation. Indeed, in all instances, the original roof structure has been retained behind the plasterboard, as seen in Plate 47, and the plasterboard itself is also fully reversible so the roof structure (which is what is of high significance) has been preserved and could be exposed in the future. Furthermore, the significant shape of the roof void has also been maintained and the overall volume and proportions of the interior has been preserved. In regards to rooms S1 and S2, the photograph in Plate 38, which was taken in March 2019 prior to the commencement of works, illustrates that room S1 was already lined out in plastered partitions and it is presumed that room S2, which was also divided with partitions, had a similar appearance. The rendering or lining out of these rooms has not therefore caused a great degree of change to the appearance of these rooms and no harm has been caused by these works.

*Following access to plans of the property dating from 2000 (post listing) it appears also to include new flooring to the central area under the ridge (which presumably previously provided light to the central, windowless kitchen on the first floor).*

As described in Section 5.2.1 above, this area was floored over sometime in the 20<sup>th</sup> century prior to the commencement of works, but the existing floor structure was strengthened to ensure it was safe to walk on.

*The applicants have not provided any evidence of the second floor having been a habitable space prior to the start of the building work – the planform has clearly been changed, bathroom facilities added, a rooflight seems also to have been added above the spiral stairs. The new rooflight is not mentioned on the application, which states all work is internal and presumably bathroom venting, a boiler flue and outlet for the hob ducting also affect the external roofscape and are not included in the application.*



The existing and proposed plans have been updated to show the existing and proposed room uses which, together with the Client's photographs from March 2019 taken prior to the commencement of works in Appendix III, demonstrate that the second floor was accessible and habitable prior to the commencement of works. However, the accommodation was underused and the works sought to improve the quality of residential accommodation. The alterations to the second floor plan form have been described and addressed above.

The existing and proposed plans have also been updated to show the insertion of the rooflight and bathroom extract, however, there is no new outlet for the kitchen hob as the existing service runs in the extent kitchen were reused. The rooflight was added to light the existing internal spiral staircase to the second floor and the vent was provided to create an appropriate means of extract to the new bathroom on the second floor. The rooflight is of a conservation type and is set flush with the roof slope, shown in Plate 39, while the extract fan, pictured in Plate 48, is a small and discreet fitting. The insertion of these fittings has resulted in the extremely minor removal of historic fabric, but both fittings are set back from the front of the roof and neither are visible in views from the north in the mews yard, or in views from the south on First Avenue. The external appearance of the building, which is of primary significance, has therefore been preserved and, on balance, no harm has been caused by their insertion.

*In addition, it is also noted that a white pipe has been placed vertically on the north elevation, running from the eaves level to link with a wider black waste pipe below.*

*The Client has stated that this pipe was an existing feature that was present at the time he bought the property. It seems likely the pipes were inserted in connection with the creation or refurbishment of the bathroom in room F4, possibly in early-21<sup>st</sup> century.*

*The works to the first floor (apart from potentially the addition of a ceiling to the kitchen area) the internal character of this level of the building does not appear to be much changed. It is noted that a number of historic doors (4 panel with plan square rebates and recessed flat panels remain), however case officer photograph 9643 appears to show a new door with different detailing (moulded rebates and profiled panels). This is not identified on the proposals as a new feature and is not considered an appropriate.*

The alterations carried out on the first floor are described in detail in Section 5.1 above. All of the original doors have been retained and only one new door has been inserted in the second floor bathroom in room S2. This door has a modern profile but in this case, it is considered to be acceptable as it serves to identify the door as a modern addition to the plan and layout of the second floor, and it has caused no harm to the overall significance of the listed building.

*The National Planning Policy Framework states:*

*Paragraph 189. 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on*

*their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*

*Neither the significance of this property as a listed building, any surviving character in its interior prior to the works, nor the potential impact of the works, both internal and external, on the identified character of this historic building have been acknowledged or addressed in any way in this application. This assessment has relied on information available to officers from the Councils records and from personal professional experience.*

This report and its assessment have met the requirements of paragraph 189 of the National Planning Policy Framework. The report includes a detailed assessment of the legal status of the listed building, its historic development and significance, as well as an assessment of the impact of the proposals and justification in terms of the national planning policy on the historic environment. It is sufficient to understand the level of impact of the proposals on the existing condition and significance of the listed building, in accordance with national planning policy.

*Further, the NPPF states:*

*Paragraph 193. 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'...and....Paragraph 194. 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'....*

*In addition Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to a listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.*

*Unless the applicant is able to provide information that would reassure the Heritage Team that the interior of the second floor did not have historic character prior to the recent works and therefore that no harm has been caused, this application should be refused.*

The information provided in Section 2, 3, 4 and 5 of this report has provided a detailed assessment of the existing condition and significance of the listed building, together with a balanced assessment and justification of the proposals in accordance with national planning policy on the historic environment. It is the conclusion of this report, which is outlined in detail in Section 5.3 below, that the works have preserved the special architectural and historic interest of the listed building, in accordance with the statutory duties set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, whilst some less than substantial harm has been caused by the works, this has been outweighed by the public and heritage benefits of the

proposals, in accordance with paragraph 196 of the National Planning Policy Framework. It is therefore considered that the proposals would be acceptable in as far as they relate to the historic environment.

### **5.3 Justification of the Proposals and Conclusion**

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. At a minimum, therefore, the impact of development on these heritage assets should be neutral not to engage the presumption within the Act against the grant of planning permission.

As described in the preceding sections, the special architectural and historic interest of 56 First Avenue principally resides in its modest scale and the external elevations that characterise it as a mews building, as well as the group-value the building has with the neighbouring mews on St John's Place. These buildings are integral to the town plan and architectural set-piece of First Avenue and the wider character and significance of the Stanford Estate. The interior of the building is of secondary significance, but where the plan form broadly survives in its original layout it is of high architectural and historic interest. However, where it has been altered it is of lesser medium or low interest, principally on the ground floor and in the kitchen and bathroom on the first floor, and in terms of the access and function of the second floor.

The proposals generally affect areas of lesser significance that have already been altered, such as the replacement of insignificant bathroom and kitchen fittings on the first floor. Where alterations have been carried out to the plan form, such as the insertion of a stud partition and infill of the window opening at first floor level, and the infill of two doorways and a void at second floor level, they have resulted in no loss of historic fabric and have not comprised the overall significance of the modest cellular layout. Where new openings have been created on the second floor, these too are of a modest size and in all cases, the original layout has remained readily appreciable through the retention of sizable wall nibs and downstands, and no harm has been caused to the overall significance or special interest of the listed building.

Where some less than substantial harm has been caused by the boarding out of the roof structure on the second floor, principally in the void to the north of room S1 and in room S3, this provided the benefit of insulating the roof and creating a better quality of accommodation. In addition, in all instances, the original roof structure has been retained behind the plasterboard, as seen in Plate 47, which is fully reversible so the roof structure, which is what is of high significance, has been preserved and

could be exposed in the future. Furthermore, the significant shape of the roof void has also been maintained and the overall volume and proportions of the interior has been preserved.

Consequently, it is considered that the proposed works have preserved the identified special architectural and historic of the listed building, in full compliance with the statutory duties set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, the presumption against the grant of permission outlined in the Act would not be engaged.

As the building is also located in The Avenues Conservation Area, it is necessary to consider Section 72 of the Act. However, given the works are largely contained in the interior of the building or would be entirely concealed in public conservation area views, the proposals would have no impact on the overall character and appearance of The Avenues Conservation Area, and as such, it would be preserved in accordance with Section 72 of the Act.

The proposed works must also be justified in terms of the National Planning Policy Framework (NPPF). As outlined in the proceeding section, the works have caused some very minor less than substantial harm to the significance of the listed building and paragraph 196 of the NPPF would therefore be the appropriate test. In accordance with this, the less than substantial harm would be outweighed by the public benefits of the scheme. Public benefits that follow from development can be anything that delivers economic, social or environmental progress, and may also include heritage benefits. The benefits of this scheme include:

- The improvement in the quality of residential accommodation, which has in turn improved the long-term viability of the listed building in its optimum-viable use as a residential dwelling;
- The restoration of the listed building, which has in turn has helped to secure its long-term conservation and the contribution it makes to The Avenues Conservation Area;
- The creation of long-term, sustainable access to the second floor, which is also safe and compliant with modern building regulations;
- The strengthening of the floor structure to the centre of the second floor, which has ensured the structure is safe and compliant with modern building regulations; and
- The replacement of the outdated bathroom and kitchen fittings, which have contributed to sustaining the listed building in its optimum-viable use as a residential dwelling.

It is therefore the conclusion of this report that the works are acceptable in as far as they relate to the historic environment and they should receive listed building consent.

## Appendix I - Statutory List Description

### 56 First Avenue, 1-7 St John's Place

**Grade:** II

**List Entry Number:** 1280737

**Date first listed:** 2 November 1992

List Entry:

Includes: Nos.1-7 ST JOHN'S PLACE.

Mews, now garages, hairstylists and dwellings. c1872, altered subsequently, shopfront of hairstylists inserted late C20. Yellow stock bricks, brick quoins, moulded bricks and stone dressings, hipped slate roofs with overhanging eaves carried on shaped brackets, large brick stacks with moulded coping rising from eaves on main elevation and flanking gable to first floor window. U-plan, originally symmetrical blocks flanking narrow entrance to mews' yard.

The southern range is the more complete; 2 storeys, 1:3 bays, originally lit first floor only by segmental headed sash window with original glazing bars, moulded surround and hoodmould, surmounted by shallow gable, inner bay set back slightly and lit ground floor by inserted sash window, 3-bay blind arcade with segmental heads and keystones right, inserted doorway second bay left.

Northern block with pvc first floor window and one bay extension on north front, 3 inserted plate glass windows and one inserted glazed door. Some original sash windows and doors survive in mews yard.

Shown on the OS map of 1878 and probably part of the original layout of the Stanford estate by James Knowles.

Listing NGR: TQ2930604617

## Appendix II - Planning Policy and Guidance

### National Planning Policy and Guidance

#### Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Similarly, section 72(l) of the above Act states that:

*... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.*

### National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (February 2019). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

At paragraph 8, the document expands on this as follows:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

and notes at paragraph 10:

*10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*

With regard to the significance of a heritage asset, the framework contains the following policies:

*190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 192 of the NPPF identifies the following criteria in relation to this:

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 193 the framework states the following:

*...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether the any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The Framework goes on to state at paragraph 194 that:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 195 of the NPPF states that:

*...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

With regard to 'less than substantial harm' to the significance of a designated heritage asset, of the NPPF states the following;

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 200 states that:

*Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

Concerning conservation areas and world heritage sites it states, in paragraph 201, that:

*Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as*



*appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

## **National Planning Practice Guidance**

The National Planning Practice Guidance (NPPG) was published on the 23<sup>rd</sup> July 2019 to support the National Planning Policy Framework (NPPF) 2019 and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

### **Paragraph 2: What is meant by the conservation and enhancement of the historic environment?**

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199)

### **Paragraph 6: What is "significance"?**

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

#### **Paragraph 7: Why is 'significance' important in decision-taking?**

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

#### **Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?**

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

**Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?**

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 193-196 of the National Planning Policy Framework.

### **Paragraph 18: How can the possibility of harm to a heritage asset be assessed?**

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 194).

### **Paragraph 20: What is meant by the term public benefits?**

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be

of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

### **Historic England: Historic Environment Good Practice Advice in Planning (March 2015)**

The purpose of the Good Practice Advice note is to provide information on good practice to assist in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (NPPG).

#### **Note 2 'Managing Significance in Decision-Taking'**

This note provides information on:

- assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

It states that:

*The advice in this document, in accordance with the NPPF, emphasises that the information required in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision, and that activities to conserve or investigate the asset needs to be proportionate to the significance of the heritage assets affected and the impact on that significance.*

In their general advice on decision-taking, this note advises that:

*Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.*

Paragraph 6 highlights the NPPF and NPPG's promotion of early engagement and pre-application discussion, and the early consideration of significance of the heritage asset in order to ensure that any issues can be properly identified and addressed. Furthermore, the note advises that:

*As part of this process, these discussions and subsequent applications usually benefit from a structured approach to the assembly and analysis of relevant information. The stages below indicate the order in which this process can be approached – it is good practice to check individual stages of this list but they may not be appropriate in all cases and the level of detail applied should be proportionate.*

- Understand the significance of the affected assets;
- Understand the impact of the proposal on that significance;
- Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;
- Look for opportunities to better reveal or enhance significance;
- Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;
- Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

### **The Assessment of Significance as part of the Application Process**

Paragraph 7 emphasises the need to properly assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process, in order to form a successful development, and in order for the local planning authority to make decisions in line with legal objectives and the objectives of the development plan and the policy requirements of the NPPF.

8. Understanding the nature of the significance is important to understanding the need for and best means of conservation. For example, a modern building of high architectural interest will have quite different sensitivities from an archaeological site where the interest arises from the possibility of gaining new understanding of the past.
9. Understanding the extent of that significance is also important because this can, among other things, lead to a better understanding of how adaptable the asset may be and therefore improve viability and the prospects for long term conservation.
10. Understanding the level of significance is important as it provides the essential guide to how the policies should be applied. This is intrinsic to decision-taking where there is unavoidable conflict with other planning objectives.
11. To accord with the NPPF, an applicant will need to undertake an assessment of significance to inform the application process to an extent necessary to understand the potential impact (positive or negative) of the proposal and to a level of thoroughness proportionate to the relative importance of the asset whose fabric or setting is affected.

## Curtilage Structures

15. Some buildings and structures are deemed designated as listed buildings by being fixed to the principal building or by being ancillary within its curtilage and pre-dating 1 July 1948. Whether alteration, extension or demolition of such buildings amounts to harm or substantial harm to the designated heritage asset (i.e. the listed building together with its curtilage and attached buildings) needs careful consideration. Some curtilage structures are of high significance, which should be taken fully into account in decisions, but some are of little or none. Thus, like other forms of heritage asset, curtilage structures should be considered in proportion to their significance. Listed buildings designated very recently (after 25 June 2013) are likely to define curtilage definitively; where this is (or is not) the case will be noted in the list description.

## Cumulative Impact

28. The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape.

## Listed Building Consent Regime

29. Change to heritage assets is inevitable but it is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate response to assessing that change, its justification, mitigation and any recording which may be needed if it is to go ahead. In the case of listed buildings, the need for owners to receive listed building consent in advance of works which affect special interest is a simple mechanism but it is not always clear which kinds of works would require consent. In certain circumstances there are alternative means of granting listed building consent under the Enterprise & Regulatory Reform Act 2013.

## Opportunities to Enhance Assets, their Settings and Local Distinctiveness

52. Sustainable development can involve seeking positive improvements in the quality of the historic environment. There will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be. Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development, while listed buildings may often have extensions or other alterations that have a negative impact on

the significance. Similarly, the setting of all heritage assets will frequently have elements that detract from the significance of the asset or hamper its appreciation.

#### Design and Local Distinctiveness

53. Both the NPPF (section 7) and PPG (section ID26) contain detail on why good design is important and how it can be achieved. In terms of the historic environment, some or all of the following factors may influence what will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context:
- The history of the place
  - The relationship of the proposal to its specific site
  - The significance of nearby assets and the contribution of their setting, recognising that this is a dynamic concept
  - The general character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size
  - The size and density of the proposal related to that of the existing and neighbouring uses
  - Landmarks and other built or landscape features which are key to a sense of place
  - The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces
  - The topography
  - Views into, through and from the site and its surroundings
  - Landscape design
  - The current and historic uses in the area and the urban grain
  - The quality of the materials

#### **Note 3 'The Setting of Heritage Assets' (December 2017)**

This note provides guidance on the setting of heritage assets, which is separate to issues of curtilage, character or context.

#### The Extent of Setting

8. The NPPF makes it clear that the extent of the setting of a heritage asset 'is not fixed and may change as the asset and its surroundings evolve'. All of the following matters may affect considerations of the extent of setting:
- While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time, and because new information on heritage assets may alter what might previously have been understood to comprise their setting and the values placed on that setting and therefore the significance of the heritage asset.



- Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated (explicitly recognised in green belt designations).
- Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas. Conflict between impacts on setting and other aspects of a proposal can be avoided or mitigated by working collaboratively and openly with interested parties at an early stage.

#### Views and Setting

10. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset.
11. Views which contribute more to understanding the significance of a heritage asset include:
  - those where the composition within the view was a fundamental aspect of the design or function of the heritage asset
  - those where town- or village-scape reveals views with unplanned or unintended beauty
  - those with historical associations, including viewing points and the topography of battlefields
  - those with cultural associations, including landscapes known historically for their picturesque and landscape beauty, those which became subjects for paintings of the English landscape tradition, and those views which have otherwise become historically cherished and protected
  - those where relationships between the asset and other heritage assets or natural features or phenomena such as solar or lunar events are particularly relevant
12. Assets, whether contemporaneous or otherwise, which were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons include:
  - military and defensive sites
  - telegraphs or beacons
  - prehistoric funerary and ceremonial sites
  - historic parks and gardens with deliberate links to other designed landscapes and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary
13. Views may be identified and protected by local planning policies and guidance for the part they play in shaping our appreciation and understanding of England's historic environment, whether

in rural or urban areas and whether designed to be seen as a unity or as the cumulative result of a long process of development. This does not mean that additional views or other elements or attributes of setting do not merit consideration. Such views include:

- views identified as part of the plan-making process, such as those identified in the London View Management Framework (LVMF, Mayor of London 2010) and Oxford City Council's View Cones (2005) and Assessment of the Oxford View Cones (2015 Report)
- views identified in character area appraisals or in management plans, for example of World Heritage Sites
- important designed views from, to and within historic parks and gardens that have been identified as part of the evidence base for development plans, and
- views that are identified by local planning authorities when assessing development proposals

Where complex issues involving views come into play in the assessment of such views – whether for the purposes of providing a baseline for plan-making or for development management – a formal views analysis may be merited.

#### Setting and the Significance of Heritage Assets

9. Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The following paragraphs examine some more general considerations relating to setting and significance.

#### Cumulative Change

Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it (see also paragraph 40 for screening of intrusive developments).

#### Change over Time

Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).

## Access and Setting

Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. The potential for appreciation of the asset's significance may increase once it is interpreted or mediated in some way, or if access to currently inaccessible land becomes possible.

## Buried Assets and Setting

Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting. These points apply equally, in some rare cases, to designated heritage assets such as scheduled monuments or Protected Wreck Sites that are periodically, partly or wholly submerged, eg in the intertidal zone on the foreshore.

The location and setting of historic battles, otherwise with no visible traces, may include important strategic views, routes by which opposing forces approached each other and a topography and landscape features that played a part in the outcome.

Buried archaeological remains may also be appreciated in historic street or boundary patterns, in relation to their surrounding topography or other heritage assets or through the long-term continuity in the use of the land that surrounds them. While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible.

## Designed Settings

Many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. In these special circumstances, these designed settings may be regarded as heritage assets in their own right, for instance the designed landscape around a country house. Furthermore they may, themselves, have a wider setting: a park may form the immediate surroundings of a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary. Given that the designated area is often restricted to the 'core' elements, such as a formal park, it is important that the extended and remote elements of the design are included in the evaluation of the setting of a designed landscape. Reference is sometimes made to the 'immediate', 'wider' and 'extended' setting of heritage assets, but the terms should not be regarded as having any particular formal meaning. While many day-to-day cases will be concerned with development in the vicinity of an asset, development further afield may also affect significance, particularly where it is large-scale, prominent or intrusive. The setting of a historic park or garden, for instance, may include land beyond its boundary which adds to its significance but which need not be confined to land visible from the site, nor necessarily the same as the site's visual boundary. It can include:

- land which is not part of the park or garden but which is associated with it by being adjacent and visible from it
- land which is not part of the site but which is adjacent and associated with it because it makes an important contribution to the historic character of the site in some other way than by being visible from it, and
- land which is a detached part of the site and makes an important contribution to its historic character either by being visible from it or in some other way, perhaps by historical association

### Setting and Urban Design

As mentioned above (paragraph 8, The extent of setting), the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.

### Setting and Economic and Social Viability

Sustainable development under the NPPF can have important positive impacts on heritage assets and their settings, for example by bringing an abandoned building back into use or giving a heritage asset further life. However, the economic viability of a heritage asset can be reduced if the contribution made by its setting is diminished by badly designed or insensitively located development. For instance, a new road scheme affecting the setting of a heritage asset, while in some cases increasing the public's ability or inclination to visit and/or use it, thereby boosting its economic viability and enhancing the options for the marketing or adaptive re-use of a building, may in other cases have the opposite effect.

### Landscape Assessment and Amenity

14. Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all. Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape.
15. Assessment and management of both setting and views are related to consideration of the wider landscape, which is outside the scope of this advice note. Additional advice on views is available in Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> edition, published by the Landscape Institute and the Institute of Environmental Management and Assessment (in partnership with Historic England).
16. Similarly, setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.

## A Staged Approach to Proportionate Decision-taking

17. All heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (ie the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis.
18. Conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development. Many places coincide with the setting of a heritage asset and are subject to some degree of change over time. NPPF policies, together with the guidance on their implementation in the Planning Policy Guidance (PPG), provide the framework for the consideration of change affecting the setting of undesignated and designated heritage assets as part of the decision-taking process (NPPF, paragraphs 131-135 and 137).
19. Amongst the Government's planning policies for the historic environment is that conservation decisions are based on a proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Historic England recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to the complexity of the case, from straightforward to complex:
  - Step 1: Identify which heritage assets and their settings are affected
  - Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
  - Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it
  - Step 4: Explore ways to maximise enhancement and avoid or minimise harm
  - Step 5: Make and document the decision and monitor outcomes

## **Historic England: Conservation Principles and Assessment (2008)**

Conservation Principles (2008) explores, on a more philosophical level, the reason why society places a value on heritage assets beyond their mere utility. It identifies four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value. This is simply another way of analysing its significance. These values can help shape the most efficient and effective way of managing the heritage asset so as to sustain its overall value to society.

### Evidential Value

35. Evidential value derives from the potential of a place to yield evidence about past human activity.
36. Physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed. Their evidential value is proportionate to their potential to contribute to people's understanding of the past.
37. In the absence of written records, the material record, particularly archaeological deposits, provides the only source of evidence about the distant past. Age is therefore a strong indicator of relative evidential value, but is not paramount, since the material record is the primary source of evidence about poorly documented aspects of any period. Geology, landforms, species and habitats similarly have value as sources of information about the evolution of the planet and life upon it.
38. Evidential value derives from the physical remains or genetic lines that have been inherited from the past. The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement.

### Historical Value

39. Historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative.
40. The idea of illustrating aspects of history or prehistory – the perception of a place as a link between past and present people – is different from purely evidential value. Illustration depends on visibility in a way that evidential value (for example, of buried remains) does not. Places with illustrative value will normally also have evidential value, but it may be of a different order of importance. An historic building that is one of many similar examples may provide little unique evidence about the past, although each illustrates the intentions of its creators equally well. However, their distribution, like that of planned landscapes, may be of considerable evidential value, as well as demonstrating, for instance, the distinctiveness of regions and aspects of their social organisation.

41. Illustrative value has the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place. The illustrative value of places tends to be greater if they incorporate the first, or only surviving, example of an innovation of consequence, whether related to design, technology or social organisation. The concept is similarly applicable to the natural heritage values of a place, for example geological strata visible in an exposure, the survival of veteran trees, or the observable interdependence of species in a particular habitat. Illustrative value is often described in relation to the subject illustrated, for example, a structural system or a machine might be said to have 'technological value'.
42. Association with a notable family, person, event, or movement gives historical value a particular resonance. Being at the place where something momentous happened can increase and intensify understanding through linking historical accounts of events with the place where they happened – provided, of course, that the place still retains some semblance of its appearance at the time. The way in which an individual built or furnished their house, or made a garden, often provides insight into their personality, or demonstrates their political or cultural affiliations. It can suggest aspects of their character and motivation that extend, or even contradict, what they or others wrote, or are recorded as having said, at the time, and so also provide evidential value.
43. Many buildings and landscapes are associated with the development of other aspects of cultural heritage, such as literature, art, music or film. Recognition of such associative values tends in turn to inform people's responses to these places. Associative value also attaches to places closely connected with the work of people who have made important discoveries or advances in thought about the natural world.
44. The historical value of places depends upon both sound identification and direct experience of fabric or landscape that has survived from the past, but is not as easily diminished by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them, although completeness does tend to strengthen illustrative value.
45. The use and appropriate management of a place for its original purpose, for example as a place of recreation or worship, or, like a watermill, as a machine, illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values and, in the case of some specialised landscapes and buildings, may essentially destroy them. Conversely, abandonment, as of, for example, a medieval village site, may illustrate important historical events.

## Aesthetic Value

46. Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place.
47. Aesthetic values can be the result of the conscious design of a place, including artistic endeavour. Equally, they can be the seemingly fortuitous outcome of the way in which a place has evolved and been used over time. Many places combine these two aspects – for example, where the qualities of an already attractive landscape have been reinforced by artifice – while others may inspire awe or fear. Aesthetic values tend to be specific to a time and cultural context, but appreciation of them is not culturally exclusive.
48. Design value relates primarily to the aesthetic qualities generated by the conscious design of a building, structure or landscape as a whole. It embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship. It may extend to an intellectual programme governing the design (for example, a building as an expression of the Holy Trinity), and the choice or influence of sources from which it was derived. It may be attributed to a known patron, architect, designer, gardener or craftsman (and so have associational value), or be a mature product of a vernacular tradition of building or land management. Strong indicators of importance are quality of design and execution, and innovation, particularly if influential.
49. Sustaining design value tends to depend on appropriate stewardship to maintain the integrity of a designed concept, be it landscape, architecture, or structure.
50. It can be useful to draw a distinction between design created through detailed instructions (such as architectural drawings) and the direct creation of a work of art by a designer who is also in significant part the craftsman. The value of the artwork is proportionate to the extent that it remains the actual product of the artist's hand. While the difference between design and 'artistic' value can be clear-cut, for example statues on pedestals (artistic value) in a formal garden (design value), it is often far less so, as with repetitive ornament on a medieval building.
51. Some aesthetic values are not substantially the product of formal design, but develop more or less fortuitously over time, as the result of a succession of responses within a particular cultural framework. They include, for example, the seemingly organic form of an urban or rural landscape; the relationship of vernacular buildings and structures and their materials to their setting; or a harmonious, expressive or dramatic quality in the juxtaposition of vernacular or industrial buildings and spaces. Design in accordance with Picturesque theory is best considered a design value.
52. Aesthetic value resulting from the action of nature on human works, particularly the enhancement of the appearance of a place by the passage of time ('the patina of age'), may overlie the values of a conscious design. It may simply add to the range and depth



of values, the significance, of the whole; but on occasion may be in conflict with some of them, for example, when physical damage is caused by vegetation charmingly rooting in masonry. 53 While aesthetic values may be related to the age of a place, they may also (apart from artistic value) be amenable to restoration and enhancement. This reality is reflected both in the definition of conservation areas (areas whose 'character or appearance it is desirable to preserve or enhance') and in current practice in the conservation of historic landscapes.

#### Communal Value

54. Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects.
55. Commemorative and symbolic values reflect the meanings of a place for those who draw part of their identity from it, or have emotional links to it. The most obvious examples are war and other memorials raised by community effort, which consciously evoke past lives and events, but some buildings and places, such as the Palace of Westminster, can symbolise wider values. Such values tend to change over time, and are not always affirmative. Some places may be important for reminding us of uncomfortable events, attitudes or periods in England's history. They are important aspects of collective memory and identity, places of remembrance whose meanings should not be forgotten. In some cases, that meaning can only be understood through information and interpretation, whereas, in others, the character of the place itself tells most of the story.
56. Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Some may be comparatively modest, acquiring communal significance through the passage of time as a result of a collective memory of stories linked to them. They tend to gain value through the resonance of past events in the present, providing reference points for a community's identity or sense of itself. They may have fulfilled a community function that has generated a deeper attachment, or shaped some aspect of community behaviour or attitudes. Social value can also be expressed on a large scale, with great time-depth, through regional and national identity.
57. The social values of places are not always clearly recognised by those who share them, and may only be articulated when the future of a place is threatened. They may relate to an activity that is associated with the place, rather than with its physical fabric. The social value of a place may indeed have no direct relationship to any formal historical or aesthetic values that may have been ascribed to it.
58. Compared with other heritage values, social values tend to be less dependent on the survival of historic fabric. They may survive the replacement of the original physical structure, so long as its key social and cultural characteristics are maintained; and can

be the popular driving force for the re-creation of lost (and often deliberately destroyed or desecrated) places with high symbolic value, although this is rare in England.

59. Spiritual value attached to places can emanate from the beliefs and teachings of an organised religion, or reflect past or present-day perceptions of the spirit of place. It includes the sense of inspiration and wonder that can arise from personal contact with places long revered, or newly revealed.
60. Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of the historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there.

## **Local Planning Policy and Guidance**

### **Brighton and Hove City Council**

#### **The City Plan Part 1 2016**

The following policies contained in the City Plan Part 1 are relevant to the proposals.

##### CP12 Urban Design

A city-wide Urban Design Framework will identify and set out areas of the city which should largely be conserved; areas of the city suitable for localised, incremental development and enhancement; and areas of the city where positive and pro-active measures are required to secure major enhancement. Where appropriate, density will be raised through predominantly low-to-medium rise development but making most effective use of those identified areas which have the potential for taller developments, defined as 18 metres or more in height (approximately 6 storeys). The areas with such potential are:

- Brighton Marina
- Brighton Station / New England area
- Central Seafront
- Eastern Road / Edward Street
- Hove Station area
- Lewes Road corridor
- London Road / Preston Road corridor
- Western Seafront / Kingsway
- Shoreham Harbour

All new development will be expected to:

1. Raise the standard of architecture and design in the city;
2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
3. Achieve excellence in sustainable building design and construction;
4. Conserve or enhance the city's built and archaeological heritage and its settings;
5. Have regard to impact on the purposes of the National Park, where within the setting of the National Park;
6. Protect or enhance strategic views into, out of and within the city;
7. Be inclusive, adaptable and accessible;
8. Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and
9. Incorporate design features which deter crime or disorder and the fear of crime.

##### CP15 Heritage

The council will work with partners to promote the city's heritage and to ensure that the historic environment plays an integral part in the wider social, cultural, economic and environmental future of the city through the following aims:

1. The city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated heritage assets and their settings and prioritising positive action for those assets at risk through, neglect, decay, vacancy or other threats. The council will further ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings;
2. Where proposals are promoted for their contribution to mitigating climate change, the public benefit of this will be weighed against any harm which may be caused to the significance of the heritage asset or its setting; and
3. The Conservation Strategy will be taken forward and reviewed as a framework for future conservation area management proposals; to provide criteria for future conservation area designations and other local designations, controls and priorities; and to set out the council's approach to dealing with heritage at risk.

### **Brighton and Hove Local Plan 2005**

The following policies in the Brighton and Hove Local Plan are also relevant:

#### HE1 Listed Buildings

Proposals involving the alteration, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

#### HE2 Demolition of a listed building

Development involving the demolition or major alteration of a listed building will not be permitted save in exceptional cases where all the following criteria can be met:

- a. clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;
- b. the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and
- c. the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.

Demolition or major alteration will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and / or for the landscaping of the site prior to the commencement of demolition.

Before any demolition or major alteration takes place, applicants may be required to record details of the building by measured drawings, text and photographs, and this should be submitted to and agreed by the planning authority.

#### HE4 Reinstatement of original features on listed buildings

Where appropriate, the planning authority will require - in conjunction with applications for a change of use, alteration or refurbishment - the reinstatement of original features on listed buildings, such as: mouldings, traditional doors and windows.

#### **The Avenues Conservation Area Character Statement**

The Avenues Conservation Area Character Statement describes the salient character of the conservation area. It states the following with regard to mews buildings:

*Architecturally, the Avenues include a variety of styles due to the changes of taste that took place during the slow pace of development. In general the character and appearance of the area which it is important to preserve or enhance, is of 3 and 4 storey terraced or semi-detached properties, mostly yellow brick with slate roofs....The mews are an integral and important part of the area's character, as are the many traditional shopfronts in Church Road.*

*Throughout the area it is the homogenous character, the scale of the buildings and recurring architectural features and materials that need to be protected.*

**Appendix III – Client Photographs (March 2019)**

55382 – 56 FIRST AVENUE, HOVE – 06/03/19



Photograph 1



Photograph 2



Photograph 3



Photograph 4





Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13

**Appendix IV – Brighton and Hove City Council  
Photographs (September 2019)**

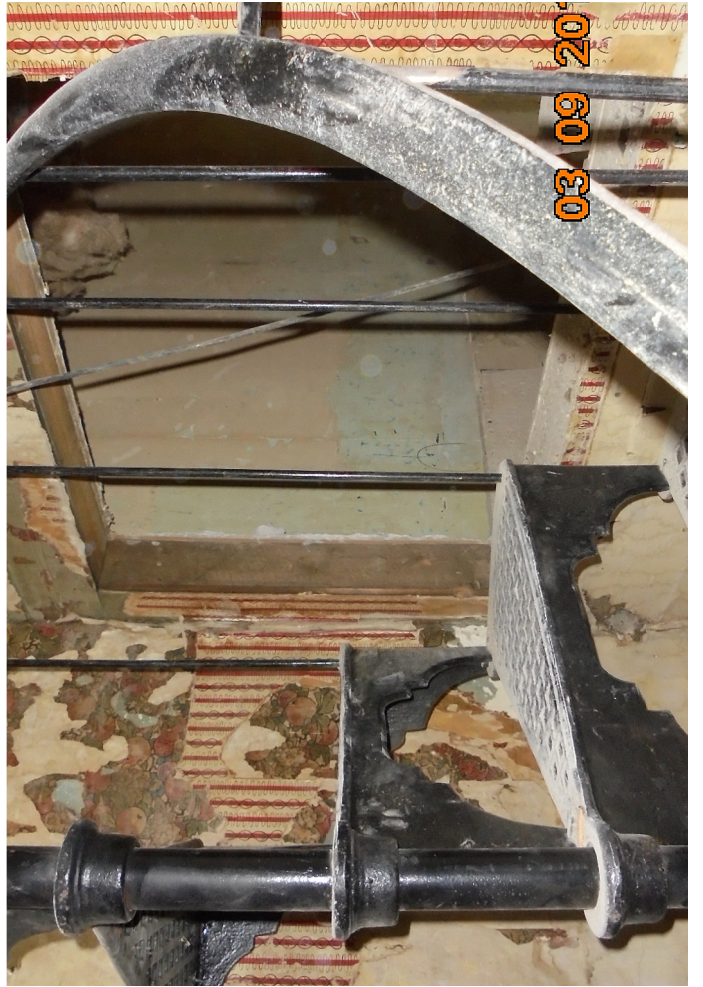














## Appendix V – Correspondence from Brighton and Hove City Council

## Comments of the Heritage Team

To: Development Control Team

East / West Area

Officer: Rebecca Smith



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**Application No:** BH2019/02728

**Application Type:** LBC

**Address:** Flat 56 First Avenue Hove BN3 2FF

**Description:** Internal alterations to layout of flat and repositioning of existing internal spiral staircase.

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**Recommendation:** Seek Further Information

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### **Conservation and Design Issues and Comments:**

#### **Statement of Significance**

This property is part of the Grade II listed mews buildings 1-7 St John's Mews and 56 First Avenue, and is within The Avenues Conservation Area. The Mews is an original element of the layout of the Stanford Estate by James Knowles and retains much evidence of its original purpose as service accommodation for the grander town houses of the estate, with ground floor carriage entrances and first floor loading doors.

This property forms one side of the entrance to the Mews and is mirrored on the south side by No. 1 St Johns Place. Original windows survive however modern rooflights have been inserted.

Internally, although historic plans have not been provided, the parts of the property concerned with this application appear (from comparison with the opposite building in the mews) to retain much of their historic planform. It is not clear how (or if) the roof space was originally accessed from the first floor. Evidence in the opposite building indicates that original natural light to this space was minimal and it is considered likely that the roof space was not originally in general use, probably for storage only.

#### **Relevant Design and Conservation Policies and Documents**

Planning (Listed Building and Conservation Areas) Act 1990, National Planning Policy Framework, Planning Practice Guidance, Historic England Good Practice Advice Notes, Local Plan policies HE1, HE4, HE6, City Plan part 1 policy CP15, Supplementary Planning Guidance BH11.

#### **The Proposal and Potential Impacts**

The submitted plans are queried regarding the repositioning of the stair, which appears to be in the same place on the existing and proposed plans (although annotated as repositioned on the proposed plan), and also the inter-connection of the existing kitchen and bathroom (with no door). Clarification that the plans are

accurate is required in order to provide confidence that the proposal can be properly considered. It is also of concern that the Heritage Statement claims that this building is neither listed nor locally listed, and that no heritage assets are affected by the proposal. Consequently the application provides no assessment of the likely impact of the works or how the proposed scheme has designed in order to 'sustain or enhance the significance of the heritage asset' - as required by the National Planning Policy Framework.

It is considered possible that the central enclosed roof area was possibly a void above the first floor purely providing borrowed light to the main accommodation level. Please seek clarification on whether this had a floor structure prior to the current works being carried out.

The proposals for the roof space show a shower room, it is assumed that there will also be a bedroom at this level however no doors are shown on the plan therefore the relationship of the spaces is unclear. The means of draining and ventilating this facility will also need to be considered in the application however no details have been provided therefore please seek further information.

Currently the level of information available is insufficient and some of the information is unclear. Please seek further details as set out above.

---

Name: Lesley Johnston

Date: **12 November 2019**

## Comments of the Heritage Team

To: Development Control Team

East / West Area

Officer: Rebecca Smith



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Currently the level of information available is insufficient and some of the information is unclear. Please seek further details as set out above.

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Name: Lesley Johnston

Date: **12 November 2019**

### **Update following case officer's site visit**

No new or corrected information has been provided by the applicant following the original comments from the Heritage Team (above) however the photographs taken on site by the case officer (dated 9 December) have been inspected and as a result the Heritage Team has additional concerns regarding the new work that has continued to be carried out and which now appears to be the completed development of the property.

The roof space now has the appearance of a large, modern, open plan space with full bathroom facilities at this level, which is in great contrast to what would be expected in this area. Concealment of all roof structural elements with plasterboard and painted surfaces appears to be recent, and in the absence of any information to the contrary it is much changed from the basic, loft storage space with unfinished surfaces that would be expected in this property.

Following access to plans of the property dating from 2000 (post listing) it appears also to include new flooring to the central area under the ridge (which presumably previously provided light to the central, windowless kitchen on the first floor).

The applicants have not provided any evidence of the second floor having been a habitable space prior to the start of the building work – the planform has clearly been changed, bathroom facilities added, a rooflight seems also to have been added above the spiral stairs.

The new rooflight is not mentioned on the application, which states all work is internal and presumably bathroom venting, a boiler flue and outlet for the hob ducting also affect the external roofscape and are not included in the application.

In addition it is also noted that a white pipe has been placed vertically on the north elevation, running from the eaves level to link with a wider black waste pipe below.

The works to the first floor (apart from potentially the addition of a ceiling to the kitchen area) the internal character of this level of the building does not appear to be much changed. It is noted that a number of historic doors (4 panel with plan square rebates and recessed flat panels remain), however case officer photograph 9643 appears to show a new door with different detailing (moulded rebates and profiled panels). This is not identified on the proposals as a new feature and is not considered an appropriate.

The National Planning Policy Framework states:

Paragraph 189. 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

Neither the significance of this property as a listed building, any surviving character in its interior prior to the works, nor the potential impact of the works, both internal and external, on the identified character of this historic building have been acknowledged or addressed in any way in this application. This assessment has relied on information available to officers from the Councils records and from personal professional experience.

Further, the NPPF states:

Paragraph 193. 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'...and

Paragraph 194. 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'....

In addition Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building or its setting when considering an application for Listed Building Consent. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting consent for any works which would cause harm to a listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

Unless the applicant is able to provide information that would reassure the Heritage Team that the interior of the second floor did not have historic character prior to the recent works and therefore that no harm has been caused, this application should be refused.

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Name: Lesley Johnston

Date: **16 December 2019**

