



Appeal Decisions

Inquiry held on 12 to 15 May 2009
Site visits made on 15 and 18 May
2009

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

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
12 June 2009

Appeal A: APP/Q1445/A/08/2092613

Royal Alexandra Hospital, Dyke Road, Brighton BN1 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Taylor Wimpey UK Limited against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02095, dated 18 June 2008, was refused by notice dated 12 December 2008.
- The development proposed is demolition of all existing hospital buildings. Erection of 151 residential units comprising 40% affordable units with 807.2sq m of commercial floor space for a GP Surgery (including 102sq m for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.

Appeal B: APP/Q1445/E/08/2086542

Royal Alexandra Hospital, Dyke Road, Brighton BN1 3JN

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
- The appeal is made by Taylor Wimpey UK Limited against Brighton & Hove City Council.
- The application Ref BH2007/04462 is dated 23 November 2007.
- The demolition proposed is of the existing buildings.

Procedural Matters

1. During the conditions session at the Inquiry, the Montpelier and Clifton Hill Association stated that if the building was to be demolished they were keen to see certain items salvaged and kept. The exact nature of those items remaining was not clear at that time, neither as a result was the appellant able to commit themselves to anything without knowing what the items might be. I agreed to hold the Inquiry open so that if there were items seen at the site inspection requiring clarification or submissions, those matters could be dealt with. In the event it was agreed that the items to the main entrance façade and some commemorative stones could be salvaged and no further discussion was needed. As a result, I closed the Inquiry by letter dated 26 May 2009.
 2. The second site inspection on 18 May consisted of a visit to another building by arrangements made by the Association and limited by agreement with the Council to myself, and representatives of the appellant and the Association. I then carried out an unaccompanied inspection of the two conservation areas, viewing buildings referred to in evidence. These arrangements did not prejudice the interests of any party but have assisted me in coming to my decisions.
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Decision Appeal A

3. I dismiss the appeal.

Decision Appeal B

4. I dismiss the appeal and refuse conservation area consent for the demolition of the existing buildings.

Main Issues

5. I consider the main issues to be;
 - In Appeal B, the effect of the demolition on the character and appearance of the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.
 - In Appeal A, the effect of the development on the character and appearance of the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

Reasons

Conservation Area Consent

6. Planning Policy Guidance Note 15 "*Planning and the Historic Environment*" provides guidance on the demolition of unlisted buildings in conservation areas where the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of the area. Consideration may be given to the merits of any proposed development in determining whether consent should be given. Further advice appears in Appendix 2 of the English Heritage document "*Guidance on Conservation Area Appraisals*" which sets out questions that might be asked and goes on to say that any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special interest of a conservation area, provided that its historic form and values have not been seriously eroded by unsympathetic alteration. Local Plan Policy HE8 states that proposals should retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply: a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant); b) viable alternative uses cannot be found; and c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss. I shall therefore first address the contribution that the buildings and features make to the area.
7. Having heard and read of the views of local residents and other interested parties, I consider that there is a strong affection for the Royal Alexandra Children's Hospital as an institution and the values that it stood for. That affection has not gone with the relocation of the use to the new buildings to the east of the city but has stayed with the unused buildings. There appears to be a strong attachment to the main block in particular as embodying the essence of the institution and I consider this block, and especially the south facing

façade is seen as an icon representing the institution, separate from any recognition of its architectural qualities.

8. I turn now to consider the buildings in more traditional terms. There are clearly buildings and extensions whose removal would have a positive impact on the character and appearance of the area. Next in order comes the older separate buildings, the Nurses Home and Laundry Block (using the names from the Council's evidence), which have been added to and altered and are limited in their contribution to the conservation area due to their present condition and location with intervening buildings. Then in order comes the administration block which is readily visible on Dyke Road and retains some interesting and prominent features, albeit with rear extensions and rearranged windows. Lastly, and to my mind of superior architectural interest and townscape quality, is the main block.
9. This main block, including its return along Dyke Road, has been altered, but I consider much of the alteration to be part of the history of the site and not to strike at the heart of what makes the building of interest and an attractive feature of the streetscene. The addition of the balconies and even their glazing in has been sensitively done and is largely restricted to the three gabled bays and the linking bay, leaving the two eastern bays with their chimneys dominant. Whilst I am aware of what has been covered, the balconies now form a part of the interest of the building and its contribution to the conservation area. The addition of an upper floor over what was at one time the open top balcony is less successful and has occasioned the removal of the gabled dormers which is a regrettable loss. The newer top storey work also unbalances the composition and fails to sit harmoniously above the previous work or besides the original fabric. The towers to the western end have also been altered, but the cupolas still make sense of the layout and the rectangular infill does not disrupt the composition to a great extent. These cupolas and the chimneys are a major feature on the skyline and the removal of two ventilators is not a significant loss on this unlisted building. On balance, I consider that the main block and particularly its southern façade and the southern end of the Dyke Road frontage contribute positively to the character and appearance of the conservation area.
10. Additionally, the space in front of the south façade is a significant positive feature in my view and one that is referred to in the conservation area character statement as contributing to the character of this part of the area, whereas much else in this document, as well as in the 'Pevsner' volume referred to, is descriptive only. This space, together with the space within the road junction, provides a pleasing openness to the area and the setting for views across it from various vantage points both within this conservation area and the adjoining West Hill Conservation Area. The view of the southern façade, and in particular, its eastern two bays and chimneys as they become apparent from behind premises on the Powis Grove corner, is an important positive feature of the approach up Dyke Road from the City Centre.
11. I have been referred to the predominantly stuccoed appearance of much of the conservation area and a perceived discord through the hospital buildings being red brick and terracotta. I do not concur with the view that this is harmful or discordant. There are two brick churches in the conservation area as well as the appeal building and in differentiating their non-residential use, shape and

size, I consider this a pleasing counterpoint which adds rather than takes away, from the qualities of the area. I acknowledge that the institutional use that justified this difference has gone, but the size remains as does the public perception that this is still very much the Royal Alexander Children's Hospital building with all the attachment that appears to go with that status.

12. I shall address the evidence regarding a conversion scheme, but reserve further discussion to the overall balance in my third section. Mr Turner for the appellant had been requested to carry out an assessment of a '55 unit conversion scheme' giving 21 private units in a conversion and 12 private with 22 affordable units in new buildings. Without any account for site purchase costs this scheme showed a substantial loss and this worsens when site purchase costs are added. Local Plan Policy HE8 has the three requirements set out previously and on the basis of these figures, I do not consider it has been shown that the building is beyond economic repair, but I am of the view that this alone is not a reliable measure. In listed building considerations PPG15 makes clear that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive. It could be that such a building is in good repair, but could be threatened over time by an inability to find a viable use.
13. I see little difference in the case of the appeal buildings. I did not see evidence of serious disrepair that might threaten long-term retention, but without a viable use there is risk of physical deterioration and the ongoing underutilisation of land and buildings, with the attendant harm to the character and appearance of the conservation area. In the case of the '55 unit conversion scheme' a viable alternative use has not been found, but that is not proof to my mind that a viable alternative use cannot be found, as stated in Policy HE8. There could be other variations of retention and new-build which might secure the contribution made by the south facing façade or part of it.
14. On balance, I find parts of the building to make a positive contribution, but there have been later alterations that erode the value. There may be a case for some retention, but I acknowledge the difficulties and am not persuaded that this is the best course of action depending on the quality of the proposed total redevelopment. I am of the view that the existing main building is of sufficient value, in townscape and architectural terms, as well as the fondness felt by local people that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss. I shall now consider the merits of the replacement building before considering the balance required by Central Government guidance, the advice of English Heritage and the Local Plan policy, having regard to the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Development Proposals

15. The buildings and site are presently unused and the proposed housing use would contribute to providing both open market and affordable housing on previously developed land close to shopping, transport and other services. I

consider the principle of housing use appropriate and to provide housing that would go some way to addressing a shortfall in the five year supply, although this now appears less than previously identified following the approval of the South-East Plan in early May 2009. In addition there would be provision of a health surgery, which again in this predominantly residential area, well served by public transport, would be beneficial and appropriate. Total new-build as proposed provides for a high level of energy efficiency and the provision of underground car parking on the cleared site. Starting with such a cleared site provides a more efficient use of land and I consider the resulting density in keeping with this sustainable location, subject to the physical effect on matters contained in Local Plan Policies QD1, QD2, QD4 and HE6.

16. The design and layout of the proposed development is stated to have responded to the constraints of the site and its surroundings by employing a variety in the disposition of built form and the elevations to the boundaries. I find the internal elevations and those to the boundaries with adjoining properties to be well considered, and the elevation to Clifton Hill responds to the variety on that road without mimicry or a tendency to be over-different. The built form would be on different planes to that which would be removed and that arrangement would establish a pleasing enclosure to the street scene that is lacking now. The relationship with the proposed development on the car park opposite would change from the present arrangement and there would be windows closer than now. However, I do not find this relationship unusual in an urban area or, even with the changes in level, harmful to the spatial and visual relationship or to the living conditions of future occupiers of either scheme.
17. The south facing façade would be placed at a different angle to that at present, but more importantly in my judgement, it would be placed forward onto the open land that I, and the conservation area statement, find to be a significant feature. The visual erosion of that open space would not, in my judgement, be adequately compensated for by the access that would be allowed or by the opening-up of the frontage. The reduction in ground level to accommodate the step-free entrance to the surgery, whilst providing this access, also has the effect of heightening the elevation facing south, further emphasising the bulk of the new building and increasing the dominance that I consider it would have over the road junction and approach from the city centre. The use of the curved feature at this location would do little to reduce the bulk and would itself introduce a further incursion into the open space to the detriment of the character and appearance of the area. I heard also of the effect of this reduction in levels in placing much of the surgery accommodation low in the site, and I am not convinced of the wisdom of this arrangement nor of the necessity of providing the required level access at this low point.
18. I look now at the east facing elevation along Dyke Road. There was comparison with the villas on the other side of the road, within the West Hill Conservation Area, and evidence on whether or not they had appreciable gaps between them. There are gaps, often partly filled by the side porches, and often less obvious in oblique views. I attach limited weight to the proposed lack of gaps in the new build, as this would be a different type and age of building and I do not consider the need for similar gaps or the appearance of such gaps to be essential. There would be some modelling of the elevation and

upper level, and in plan view I consider this sufficient to break up the bulk of the building. However, there would be a largely unbroken roof level, albeit with some stepping back and forward, and this would have the effect of increasing the height of the building as the land falls to the south. This effect culminates in the height that I have referred to on the southern façade. I do not consider this level roofline to be a common feature on older buildings within this hilly area and in a block of the size now proposed would emphasise the bulk.

19. There is a listed building nearby on Clifton Hill, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving its setting, among other things. Policy QD4 also identifies this as being of strategic importance along with views into and from within conservation areas. The listed building is unusual in its setting and in my opinion owes little to its surroundings at present, due to being of a different scale and materials. I do not consider that the proposed redevelopment would adversely affect the setting of the listed building which would remain of interest and as a contrast to the other built form.
20. In conclusion on this issue I do not consider that the proposed building responds sufficiently to the grain and design of the existing built environment of the area, failing to reflect the scale and character or appearance of the area and not retaining or protecting spaces between buildings or open areas which contribute to that character or appearance, all as required by Local Plan Policy HE6. With regard to the requirements of Policies QD1 and QD2, I find the scale and height of the proposals and their relationship to the topography and skyline to be lacking in variety and interest and, on the south and east elevations, to present an over-solid form of development within this area of visual variety. The reduction in the size, and hence the value of the contribution of the open space further indicates shortcomings in the disposition of new built form on the site.

Overall Balance

21. I am of the view that whilst there is an affection for the existing building, in general terms the benefits of a well designed new building, providing affordable housing, energy efficient construction and sustainable use of resources thereafter, located close to transport and services, together with the provision of health facilities close to where people live, would all weigh heavily in favour of the old building being replaced with one more fitted to today's needs. As stated, I do not discount the possibility of some retention of the south façade, as being the part most in the public view, which contributes the most to the area and which I consider could be seen as epitomising the children's hospital, although there is no scheme before me. But, neither do I discount the possibility of successful total redevelopment.
22. However, I have identified shortcomings in the design and layout of the proposed building that lead me to conclude that the loss would be insufficiently compensated for by the development proposed, in visual terms and with regard to the effect on the character and appearance of the conservation areas. Whilst I consider Policy QD4 to be less applicable with regard to strategic views, the views from the lower approaches of Dyke Road of the present

building is significant within the townscape of the area and the proposed building would, in my judgement, not be a fitting replacement for this south elevation and its contribution to the wider street scene and townscape.

23. In the balance required of my decision, I find that the merits of the proposed development, as previously identified, and not confined to visual or character matters, insufficient to overcome the failure of the proposed building to respond to the importance of the Dyke Road and Clifton Hill corner in particular, eroding also the valuable contribution made by the open space.
24. I have been directed to the involvement of the regional design forum as well as English Heritage and particularly the series of letters from that agency. Whilst it is clear that the design was evolving in a direction that English Heritage thought an improvement, I do not read into the final letter an unequivocal agreement that the scheme had reached an acceptable quality as a replacement for the existing building, only that they were happy for the Council to now make their decisions without further reference to English Heritage.
25. I conclude that the proposals would fail to accord with the requirement of Policy HE8 that redevelopment both preserves the area's character and produces substantial benefits that would outweigh the building's loss and that as there are no acceptable plans for redevelopment, consent for demolition should be refused, as set out in that policy and in PPG15. For the reasons given above I conclude that the both appeals should be dismissed.

S J Papworth

INSPECTOR

DOCUMENTS

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| Document | 1 | Signed and sealed S106 Agreement dated 11 May 2009 |
| Document | 2 | Intermediate Design and Access Statement from previous scheme referred to by Council |
| Document | 3 | Letter English Heritage to Council 16 January 2008 |
| Document | 4 | Supplementary Planning Guidance 15 " <i>Tall Buildings</i> " |
| Document | 5 | Land registry details submitted by The Montpelier and Clifton Hill Association |
| Document | 6 | Four Proofs of Evidence of The Montpelier and Clifton Hill Association and associated documents |
| Document | 7 | Proof of Evidence of The Brighton Society and associated documents |
| Document | 8 | Statement of Common Ground |
| Document | 9 | Bundle of documents submitted by The Montpelier and Clifton Hill Association and associated documents |
| Document | 10 | Plan PL104E marked to show separation distances to adjacent 3 rd Avenue Developments' scheme |
| Document | 11 | Written rebuttal of facts submitted by 3 rd Avenue Developments |
| Document | 12 | Agreed Conditions and The Montpelier and Clifton Hill Association additions/alterations |
| Document | 13 | Addendum to D Lander Proof of Evidence re SE Plan |
| Document | 14 | Revised version of M Bleakley Proof of Evidence |