

<u>No:</u>	BH2018/00134	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Land Rear Of 1 To 3 Clarendon Terrace Brighton BN21FD		
<u>Proposal:</u>	Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works.		
<u>Officer:</u>	Ayscha Woods, tel: 292322	<u>Valid Date:</u>	16.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	13.03.2018
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Ms Richards-Levi C/O Turner Associates 19A Wilbury Avenue Hove BN3 6HS		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.
1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 2. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
 3. The external finishes of the works to the west boundary wall hereby permitted shall match in material, colour, style, and texture those of the historic part of the existing wall.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints.
Reason: To ensure the satisfactory preservation of this listed building to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part one.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	TA 1088/01	-	16 January 2018
Floor Plans Proposed	TA 1088/10	A	12 February 2018
Roof Plan Proposed	TA 1088/11	A	12 February 2018
Sections Proposed	TA 1088/12	A	12 February 2018
Sections Proposed	TA 1088/13	A	12 February 2018
Elevations Proposed	TA 1088/16	A	12 February 2018
Refuse storage details	TA 1088/19	-	16 January 2018
Elevations Proposed	TA 1088/14	-	16 January 2018
Elevations Proposed	TA 1088/15	-	16 January 2018
Elevations Proposed	TA 1088/17	-	16 January 2018
Sections Proposed	TA 1088/18	-	16 January 2018

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a narrow strip of land situated behind 1-3 Clarendon Terrace which is a Grade II listed building located in the East Cliff Conservation Area. The plot is currently vacant and grassed and is not in use. It is understood that historically this area formed additional garden area associated with the lower ground floor flats at 1-3 Clarendon Terrace. However it was previously separated from these properties by the existing boundary fence. The site is surrounded by six-storey terraced properties. The character of the locality is predominantly residential.

3. RELEVANT HISTORY

BH2018/00133 (Full Planning) - Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works - **Under consideration**

BH2010/02596 (Full Planning) - Erection of a two storey dwelling, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 24/11/10 for the following reason:

- 1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/11/2153786 - Relating to application BH2010/02596 - Appeal **Dismissed** - 02/11/11.

BH2009/01891 (Listed Building Consent) - Erection of a two storey dwelling house, alterations to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Approved** - 23/09/09.

BH2005/05030 (Full Planning) - Erection of a two-storey dwelling, alteration to boundary walls fronting Chesham Place and alterations within garden including excavation and alterations to walls - **Refused** - 11/04/06 for the following reason:

- 1) The proposed new dwelling, by reason of its height and close proximity to adjoining properties in Clarendon Terrace would be overbearing and create a sense of enclosure and cause loss of outlook to occupiers of those properties, to the detriment of their amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.

APP/Q1445/A/06/2021441 - Relating to application BH2005/05030 - Appeal **Dismissed** - 14/12/06.

BH2005/05029 (Listed Building Consent) - Attachment of a two-storey building to boundary walls and existing rear extension, alterations to boundary wall fronting Chesham Place and alterations within garden including excavation and removal/alteration of walls and steps - **Approved** - 11/04/06.

4. REPRESENTATIONS

4.1 Three (3) letters has been received objecting to the listed building consent for the following reasons:

- Out of character
- Impact on Grade II listed building at Clarendon Terrace
- Impact on conservation area
- Potential for flat roof to be used to build second storey at later date
- Potential for flat roof to be used as roof terrace
- Other uses for land more appropriate
- Overdevelopment
- Loss of light
- Loss of privacy
- Overlooking
- Overshadowing
- Noise disturbance
- Impact on parking
- Additional traffic
- Too close to boundary
- Concerns of excavation works and structural impact on neighbouring buildings

- Loss of access to rear of Clarendon Terrace for building works, scaffolding etc.
- Loss of listed wall/railings
- Lack of consultation

4.2 One (1) further comment was received with regards to details of the amended drawings.

5. CONSULTATIONS

5.1 Heritage: No objection subject to condition

Subject to conditions, the Heritage Team has no objection to the scheme. Full details discussed under considerations and assessment below.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

HE1 Listed Building Consent
HE4 Reinstatement of original features on Listed Buildings
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main issue in the determination of this application is the impact on the adjoining Listed Building and any consequential impact on the streetscene and East Cliff Conservation Area.
- 8.2 It is noted that Listed Building Consent was previously granted for a new dwelling on this site, under application BH2009/01891. Under the previous scheme the Heritage officer raised no concerns and it was considered that the proposal would not have an adverse impact on the adjacent listed buildings or their setting. The previous scheme was larger than the current proposal.
- 8.3 It is noted that the application site has been severed from the rest of the gardens belonging to 1-3 Clarendon Terrace for some time and therefore the historic layout of the site has already been affected. The impact of this proposal on the significance of the host buildings is therefore considered to relate to the change in outlook, which will be from a fence to a rendered wall and is not considered to cause further harm.
- 8.4 The truncation of the rear gardens and re-orientation of the plot to have a frontage onto Chesham Place has caused harm to the listed buildings, however the resulting plots are no more cramped than other terraces facing Marine Parade. Other terraces to the north have retained their more spacious plots, however this will be largely due to their rear gardens being land-locked.
- 8.5 It is not known how long ago the 2 walls that previously sub-divided this space were removed, however the current ownership pattern (which began in 1992) means they will not be reinstated. It is therefore considered that the identified harm has already occurred and cannot practically be reversed, and the proposed development would not increase the level of harm.
- 8.6 The proposed new dwelling would be positioned below the height of the boundary wall therefore the impact of this development on the street scene and East Cliff Conservation Area would be limited to the proposals for the front boundaries.
- 8.7 In these respects the application is welcomed as it includes the repair of the front railings, the addition of a gate, and the reinstatement of render and mouldings to the section of wall north of the timber gate and the replacement of this gate with a new painted timber one. These works are not specified in detail, and therefore a condition will be applied to secure reinstatement works of an acceptable nature.
- 8.8 Amendments were received throughout the course of the application to ensure that the provision of the refuse and recycling, and bike storage would sit within the boundary of the site, behind the boundary wall at the top of the stairs to retain the uncluttered nature of the front areas along Chesham Place.
- 8.9 Following the requested amendment to the positioning of the bin store, and subject to the addition of conditions there is no objection to the scheme.

- 8.10 Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the setting of the Grade II listed buildings or wider East Cliff Conservation Area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. EQUALITIES

- 9.1 None identified.