

<u>No:</u>	BH2019/02368	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	16 Clifton Terrace Brighton BN1 3HA		
<u>Proposal:</u>	Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	20.08.2019
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	15.10.2019
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	13.07.2020
<u>Agent:</u>	Haworth McCall Edward Street Brighton BN2 0JL		
<u>Applicant:</u>	Mr Geoff Raw 16 Clifton Terrace Brighton BN1 3HA		

This proposal is being determined by Planning Committee as it is an officer linked application.

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** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	469/300	D	1 June 2020
Location and block plan	469/100	B	1 June 2020

2. The development hereby permitted shall be commenced before the expiration of one year from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. No.16 Clifton Terrace is a grade II listed building that forms part of a listed group including numbers 1-23 (consecutive). It is located within the Montpelier and Clifton Hill conservation area.
- 2.2. The properties date to c1850 and are treated as broad double-fronted villas with ground floor verandahs, but in two storey terraced form rising to three storeys at the central block. The terrace is south-facing and sits on a raised pavement that overlooks private gardens on the south side of the road. No.16 is just to the left (west) of the central block and like the other two storey houses now has an attic storey, with a tripartite front dormer dating from the 1920s. To the rear is the original outrigger which adds to the building's significance. The property is bound to the rear by Vine Place a pedestrian footpath that links Powis Villas with Dyke Road.
- 2.3. Planning permission is sought for the reinstatement of the historic flint boundary wall to the rear of the property. Due to its structural instability creating a potential safety hazard the wall had to be taken down in 2019. However, the original flint-work has been retained with the intention to reinstate the wall. There is an accompanying application for listed building consent.
- 2.4. *It should be noted that this application originally also covered some works concerning the main dwellinghouse, but these have been removed from this submission and are expected to be covered by a separate application in the future.*

3. RELEVANT HISTORY

- 3.1. **BH2016/06433 & BH2016/06434** Demolition of existing rear conservatory and erection of two storey rear extension, insertion of windows to front elevation, internal alterations to layout, landscaping and other associated works.
Approved

4. CONSULTATIONS

- 4.1. Heritage
The proposed works now pertain only to the rebuilding of the random rubble, flint garden wall. The reconstruction of the random rubble flint and brick wall is welcomed. It is important to accurately reconstruct this boundary wall as the adjoining listed properties have matching walls (with small variations in materials) which contribute to the cohesiveness of the overall group. The proposal will not have any harmful impact on the character and appearance of the subject listed building or the setting of the neighbouring listed buildings or wider Montpelier and Clifton Hill conservation area. The proposal complies with policies HE1, HE3 and HE6 and is supported subject to conditions.

5. REPRESENTATIONS

5.1. **One (1)** letter has been received objecting to the proposal on the following grounds:

- Loss of privacy from side window*

**The window is associated with the previously approved rear extension (see Relevant History) and is not connected with the boundary wall which is the subject of this application.*

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);
- Shoreham Harbour JAAP (adopted October 2019);

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR7	Safe development
QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the development on the appearance of the listed building both individually and as part of a wider group of listed buildings together with its wider impact on the Montpelier & Clifton Hill conservation area. Also of consideration are the potential impacts on the amenities of local residents, and the impact on the smooth running of the footpath the development would abut.

Design and Appearance

- 8.2. The proposal seeks to reinstate the flint boundary wall, matching the appearance as close as possible to that of the original and this is considered acceptable in principle. Conditions securing sample panels of the rebuilding and joinery details of the new rear gate prior to the commencement of works will be attached to the accompanying application for listed building consent, in order to secure an acceptable appearance.

Impact on Heritage Assets

- 8.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to 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.
- 8.4. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.5. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.6. The loss of the original wall has caused some harm to the host grade II listed building and the wider terrace as viewed from the footpath to the rear of the properties. However, the reinstatement of a flint wall, which is designed to match as close as possible the appearance of the original wall, will mitigate the harm that has occurred on site.

- 8.7. On this basis it is considered that the overall impact of the works would be neutral on the listed buildings, their setting and the character of the conservation area. Accordingly, the proposal is considered acceptable in relation to these heritage assets.

Impact on Amenity

- 8.8. The proposal seeks to reinstate a boundary wall of a scale and appearance to match what has historically been in place and it is not considered that it would have any detrimental impact on the amenities of local residents.
- 8.9. The reinstatement of a permanent wall (which will replace the temporary hoarding which is in situ) will help to safeguard the amenity of residents on a long-term basis.

Impact on the Adopted Highway

- 8.10. The proposed works will not have an impact upon the Vine Place footpath, the proposed gate is inward opening and therefore are considered to be acceptable in highways terms.

Conclusion

- 8.11. The removal of the wall has impacted the special historic interest of the listed building and harms the conservation area. However, the proposal to rebuild the wall is considered to successfully address these issues. Given the need to rectify the harm in a timely manner, a condition limiting the time period for implementation of the planning permission to one year is recommended.
- 8.12. Accordingly, the proposal is considered to be in accordance with policies TR7, QD14, QD27, HE1, HE3, HE4 and HE6 of the Brighton and Hove Local Plan and CP12, CP13 and CP15 of the City Plan Part One.

- 9. EQUALITIES**
None identified.

