

<b><u>No:</u></b>	<b>BH2019/02367</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>16 Clifton Terrace Brighton BN1 3HA</b>		
<b><u>Proposal:</u></b>	<b>Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	08.08.2019
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	03.10.2019
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	Haworth McCall 128 Edward Street Brighton BN2 0JL		
<b><u>Applicant:</u></b>	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** Listed Building Consent subject to the following Conditions and Informatives.

### Conditions:

1. The works hereby permitted shall be commenced before the expiration of one year 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 sample panels of the random rubble flintwork and the field flintwork have been made available for the Local Planning Authority to view on site. The development shall be carried out in full accordance with the approved sample panels.  
**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.
  
3. The works hereby permitted shall not take place until full details of the proposed ledge and brace door including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and shall be retain thereafter.  
**Reason:** As insufficient information has been submitted, 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.

### Informatives:

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

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

## 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. Listed Building Consent 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 planning permission.
- 2.4. *It should be noted that this application originally also covered some works concerning the main dwellinghouse, but these have been removed from the description 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. **REPRESENTATIONS**

None

## 5. **CONSULTATIONS**

- 5.1. Heritage

The proposed works now pertain only to the rebuilding of the random rubble, flint garden wall. As assessed above, 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.

## 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
CP15	Heritage

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

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
HE8	Demolition in 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 potential impacts on the significance of heritage assets.

### Impact on Heritage Assets

- 8.2. 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.
- 8.3. 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. 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".
- 8.5. The loss of the historic flint boundary wall has caused harm to the historic significance of the host building, the wider terrace and the Montpelier & Clifton Hill conservation area. The reinstatement of the wall to match its previous appearance is therefore supported as this will mitigate the harm which has currently taken place.
- 8.6. Conditions are proposed requiring further details to be submitted regarding the flint-work itself and on the joinery associated with the gate, in order to ensure that the works correspond to the historic detailing and fabric of the listed building. As with the application for planning permission it is considered appropriate to limit the time period for implementation to one year to ensure the impact of the harm is appropriately time limited.
- 8.7. For these reasons and subject to the recommended conditions the proposal is considered to be in accordance with policies HE1, HE3, HE4 and HE6 of the Brighton and Hove Local Plan and CP15 of the City Plan Part One.

## **9. EQUALITIES**

None identified.