

<u>No:</u>	BH2023/03066	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	The Garden Villa 11C Montpelier Villas Brighton BN1 3DG		
<u>Proposal:</u>	Erection of single storey side extension at first floor level.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	21.11.2023
<u>Con Area:</u>	Montpelier and Clifton Hill	<u>Expiry Date:</u>	16.01.2024
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
Building Grade II			
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Ray Bullock C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 **REFUSE** planning permission for the following reasons:

1. The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.
2. The extension represents an overdevelopment of the site which would result in the first-floor extension rising on the rear boundary of the site. This would be visually imposing and would cause an increased sense of enclosure for the occupiers of the flats in 71 and 72 Montpelier Road. The proposal would conflict with policy DM20 of the Brighton and Hove City Plan Part 2.

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

Plan Type	Reference	Version	Date Received
Location and block plan	2209/P/001		21 November 2023
Proposed Drawing	2209/P/101		21 November 2023
Proposed Drawing	2209/P/102		21 November 2023
Proposed Drawing	2209/P/103		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/201		21 November 2023

2. SITE LOCATION

- 2.1. 11C Montpelier Villas is an 1840s grade II listed building in the Montpelier and Clifton Hill Conservation Area on the corner of Montpelier Villas and Victoria Road. No. 11 forms half of a pair of villas, with No 12 and fronts on to Victoria Road. Pairs of dwellings (Nos. 1-20) line the street on both sides of Montpelier Villas. They are all two storey plus lower ground, white stuccoed substantial semi-detached houses with banded rustications on the upper ground floors and bow windows with curved glass on the lower and upper ground floors, the upper ground floor having a balcony with balustrade and zinc canopy above.
- 2.2. The principal significance of 11C is its impact on the listed house to which it is attached and the intact architectural details and its impact on the hierarchy and scale of the original parts of No. 11, these pairs, and their contribution to the group value of the street frontages which is dominated by these imposing early Victorian villas. The extension also has the potential to affect the setting of the grade II listed terrace 70-74 Montpelier Road to the west and its significance.

3. RELEVANT HISTORY

- 3.1. **BH2023/03067** Erection of single storey side extension at first floor level. Concurrent Listed Building Consent application under consideration
- 3.2. **BH2022/03078** (Planning Application): Erection of single storey side extension at first floor level. Refused 27.03.2023
- 3.3. **BH2022/03079** (Listed Building Consent): Erection of single storey side extension at first floor level. Refused 27.03.2023

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a flat-roofed single storey side extension at first floor level over an existing ground floor extension to create a master bedroom with en-suite and dressing room. The extension would be to the west of the dwelling which fronts Victoria Road, and would abut the rear of dwellings on Montpelier Road.

5. REPRESENTATIONS

- 5.1. Eleven (11) letters have been received in support of the application for the following reasons:
- The extension would complete the elevation and give it a better balance
 - It would enhance the Montpelier neighbourhood
- 5.2. A letter neither supporting nor objecting to the proposed development has raised the following:
- Potential damage to trees
 - Damage/disruption during the construction process

6. CONSULTATIONS

- 6.1. **Heritage 08.01.2024 Objection**
This application is for an extension that is the same as a previously refused application (BH2022/03078 & BH2022/03079) The scale of the addition will enlarge the two-storey extension. This would result in the extension becoming barely subordinate in scale to the original building. The building has already been considerably enlarged. The extension already occupies all of what was originally the rear garden. Therefore, the current extent of the building should be regarded as having reached its limit. This current proposal does not change any of the reasons why that application was refused. There is still no public benefit for this application in heritage terms.
- 6.2. **Conservation Advisory Group 09.01.2024 Objection**
- Light will be blocked to the rear gardens of Montpelier Road.
 - There will be overlooking issues.
 - The Group supports all the comments made in the Heritage Officer's recommendation to refuse.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove City Plan Part Two (adopted October 2022)
 - 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).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

- 8.1. Montpelier and Clifton Hill Conservation Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact on the Grade II listed building and the Montpelier and Clifton Hill Conservation Area; and any impact on the residential amenity of neighbouring occupiers.
- 9.2. In considering whether to grant planning permission for works to a listed building 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. Moreover, when considering whether to grant consent 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.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

Impact on Character or Appearance and Heritage Assets:

- 9.4. The application follows a previously refused scheme for exactly the same extension (BH2022/03078 & BH2022/03079). The first reason for refusal was as follows:
“The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.”
- 9.5. The reason for the refusal of the previous application has not been addressed in the current application. No amendments have been made to the refused scheme so the works are still considered to cause harm to 11 Montpelier Villas, the setting of 70 and 71, and to undermine the historic significance of these buildings and the wider Montpelier and Clifton Hill Conservation Area. As there is no public benefit to outweigh this harm, the development is not considered to be acceptable under paragraph 202 of the NPPF and conflicts with policy CP12 of the CPP1 and DM26 and DM27 of the CPP2.
- 9.6. It is acknowledged that a significant number of letters of support have been received for this application, and the issues raised are given weight. However, it is considered by the Local Planning Authority that the development would cause clear harm to the listed building, adjoining heritage assets and the wider Montpelier and Clifton Hill Conservation Area and therefore planning permission should be withheld.
- Impact on Residential Amenity:
- 9.7. In regard to amenity, the second reason for refusal of the previous application (BH2022 03078) was as follows:
“The extension represents an overdevelopment of the site which would result in the first-floor extension rising on the rear boundary of the site. This would be visually imposing, causing an increased sense of enclosure, overshadowing and loss of light for the occupiers of the flats in 70 and 71 Montpelier Road. The proposal would conflict with policy DM20 of the Brighton and Hove City Plan Part 2.”
- 9.8. Despite the design of the proposal remaining the same, this reason for refusal has been partly addressed in the current application by the submission of a Daylight, Sunlight and Overshadowing Report. The Report demonstrates that there would be minor overshadowing to the garden of 70 Montpelier Road but would not affect the windows, and there would be a negligible impact on daylight, sunlight and overshadowing to 71 and 72 Montpelier Road.
- 9.9. Despite this, the development would still result in additional built form adjacent to the rear boundary of the property, abutting the gardens of dwellings on Montpelier Road. This would have the most impact on the flats in 71 and 72

Montpelier Road which have rear windows facing the application site. Arguably these windows are already impacted by the flank wall of 11c Montpelier Villas rising on the boundary at ground floor level. However, the development would result in a worsening of the existing situation by increasing the bulk, resulting in a featureless two-storey flank wall rising on the rear boundary with no visual relief. This would be visually imposing and would cause an unacceptable increased sense of enclosure for occupiers of the flats. The development would harm the living conditions of the adjoining occupiers which would be contrary to policy to DM20 of CPP2.

Other Matters

- 9.10. A representation has been received in relation to a mature tree in the vicinity of the development. If this application was otherwise considered acceptable, a survey would have been requested and, where necessary, relevant tree protection measures would have been secured by condition.

10. EQUALITIES

- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.