

<u>No:</u>	BH2023/03418	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	132 Kings Road Brighton BN1 2HH		
<u>Proposal:</u>	Erection of an additional storey to create 1no. two-bed flat (C3) with front roof terrace with stone balustrade. Installation of a new lift and stairwell. Internal alterations to layout of existing flats. Revised fenestration to front and rear elevation.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	19.01.2024
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	15.03.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.04.2024
<u>Agent:</u>	Michael Wilson Restorations Kent House 81 High Street Cranleigh GU6 8AU		
<u>Applicant:</u>	Rapido Services Weytots Wey Lane Addlestone KT15 3JR		

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	112/150/05	C	11 March 2024
Proposed Drawing	112/150/06	C	11 March 2024
Proposed Drawing	112/150/04	C	11 March 2024
Block Plan	112/150/07		29 December 2023
Location Plan			29 December 2023
Report/ Statement	Method Statement Listed Building Impact		27 March 2024

2. 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.

3. Any works to the flank walls of the adjoining listed building, at no. 131 Kings Road, shall comply with the Method Statement in respect of the proposed attachment to the listed building, received on the 27 March 2024, unless the Local Planning Authority gives written consent to any variation. All works of making good of the flank walls of the listed building shall match the existing

materials of the walls in that property, in its mortar colour, texture, composition, lime content and method of pointing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 and CP15 of Brighton & Hove City Plan.

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

- 2.1. The application relates to a late 18th century, four-storey building on the main seafront road in Brighton, incorporating a restaurant at ground floor level with residential accommodation above. The ground floor of the building and two storey additions to the rear historically housed a cinema that was in operation between 1896 and the 1950s.
- 2.2. The building itself is unlisted, however it is sited in the Regency Square Conservation Area and is flanked by a Grade II* listed building to the east (131 Kings Road) and a locally listed building to the west (Astra House, 133-134 Kings Road).
- 2.3. The application site has been significantly and harmfully altered by the addition of a first-floor enclosed glazed verandah projection, a modern shop front and the replacement of windows in uPVC, as well as the loss of the original pitched roof. The building's architectural interest has been significantly compromised however it retains historic interest as a reminder of the early history of this area.

3. RELEVANT HISTORY

- 3.1. **BH2023/03417** Erection of an additional storey to create 1 no two bedroom flat (C3) with front roof terrace and stone balustrade. Installation of a new lift and stairwell. Revised fenestration to front and rear elevation. Under consideration.
- 3.2. **PRE2023/00067** Pre-application Advice - Proposed Penthouse Roof Addition and Lift Shaft. Advice given.
- 3.3. **BH2021/00852** Erection of a four-storey extension onto existing building to form 2 no additional self-contained flats, and associated extensions to existing floors. Revised fenestration and associated works. Refused 21.09.2021 for the following reason:
 1. *The application fails to adequately assess or describe the significance of the site. The proposed development of four additional floors to the existing building, due to the overall scale, height and design of the proposal, would result*

in significant harm to the existing building's character, appearance and historic interest as well as detracting from the high status and deliberate prominence and grandeur of the adjacent grade II listed number 131. The proposal would consequently significantly detract from the setting of the listed building, the existing terrace including locally listed building, and the character and appearance of the surrounding conservation area. In addition, the application fails to provide sufficient evidence that the building would be structurally able to take the considerable weight of the additional floors, which could therefore result in further harm and damage to the existing building, the adjoining listed building and the character and appearance of the conservation area. There are limited benefits of the proposals to outweigh the harm identified. The development is therefore contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part 1 and HE3 and HE6 of the Brighton and Hove Local Plan and the NPPF.*

- 3.4. **BH2019/01553** Replacement of existing metal windows to first floor front bay with new aluminium windows. Approved 119.09.2019.

4. APPLICATION DESCRIPTION

- 4.1. The proposal is for the erection of an additional storey to create a two-bedroom flat (C3) with front roof terrace and stone balustrade. Associated alterations include the installation of a new lift and stairwell in a three-storey extension to the rear, and revised fenestration to front and rear elevation. After discussions with the planning agent, amended plans were submitted during the life of the application which added the stone balustrade to the front elevation.
- 4.2. Although the building at the application site is unlisted, the adjacent building at no. 131 Kings Road is a Grade II* listed building. The application states that there would be minor impact to the flank walls of no. 131 from the proposed development; the lead flashings would be set into a small horizontal slot made to the wall face, so as to seal all below from water ingress.
- 4.3. Such works would generally be considered 'de minimis', however the applicant is seeking listed building consent, alongside planning permission (BH2023/03417), as a belt-and-braces approach.

5. REPRESENTATIONS

- 5.1. **Twelve (12)** representations have been received objecting to the proposed development for the following reasons:
- Visual impact/ poor design
 - Height
 - Overdevelopment
 - Impact of heritage assets
 - Structural issues
 - Submission inaccuracies
 - Lack of consultation

- 5.2. In addition, a petition has been received with 32 signatures objecting to the application on the following grounds:
- Impact on heritage assets
 - Structural issues
- 5.3. The Georgian Group has objected, supporting the reinstatement of the balustrade but raising concerns over harm to the significance of a non-designated heritage asset and the Regency Square Conservation Area.
- 5.4. **Councillor Chloe Goldsmith** has made representations objecting to the application. A copy of the letter is appended to the report.
- 5.5. Representations which include objections relating to loss of view, impact on property values, utility supplies, views, inconvenience from build, impact on amenity, and traffic issues are noted but are not material considerations in relation to listed building consent applications.

6. CONSULTATIONS

Internal:

- 6.1. **Heritage:** No objection - The building is not listed, and the proposal would not cause harm to the building's historic significance, nor harm the fabric of the neighbouring grade II* listed building if appropriate conditions are applied. The proposed balustrade would help obscure the extension as well as reinstate some of the architectural character of the building.

External:

- 6.2. **CAG:** Objection The proposal adversely affects the original form of the building and the original form of the adjoining building (Grade II Listed) and would be out of character for the conservation area.
- 6.3. **Historic England:** Comment Assessed however no comments offered. It is recommended advice is sought from the LPA conservation officer.

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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

Brighton & Hove City Plan Part Two

DM26	Conservation Areas
DM27	Listed Buildings

Supplementary Planning Documents:

SPD09	Architectural Features
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. In considering whether to grant listed building consent 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 listed building 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.
- 9.2. 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".
- 9.3. The proposed extension would adjoin with the listed building at no. 131 Kings Road via lead flashings that would be set into a small horizontal slot made to the wall face so as to seal all below from water ingress. This is considered to be a minor alteration that would not harm the fabric of the Listed Building.
- 9.4. Any making good of the flank walls of the listed building should match the existing materials. This can be secured by condition.
- 9.5. The proposed lift shaft structure would sit up against the party wall of the adjacent listed building, however, would not be built into it, thus avoiding any harm to the fabric of the listed building. The proposed works would not harm the significance of the listed building or the setting of the conservation area.
- 9.6. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II* listed building or wider

conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One, DM26 and DM27 of the Brighton & Hove City Plan Part Two.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal could give rise to material impacts on individuals or identifiable groups with protected characteristics, as follows:

10.3. Ideally new dwellings should be accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by Policy DM1 of the City Plan Part Two. However, the flat would be sited on the fourth floor of the building with an existing narrow ground floor access route and a lift from the first-floor landing. Given the existing layout of the historic building, it is understood that the scheme cannot comply with the above standard without significant internal alterations. Given this it is considered unreasonable to insist on compliance in this instance.