

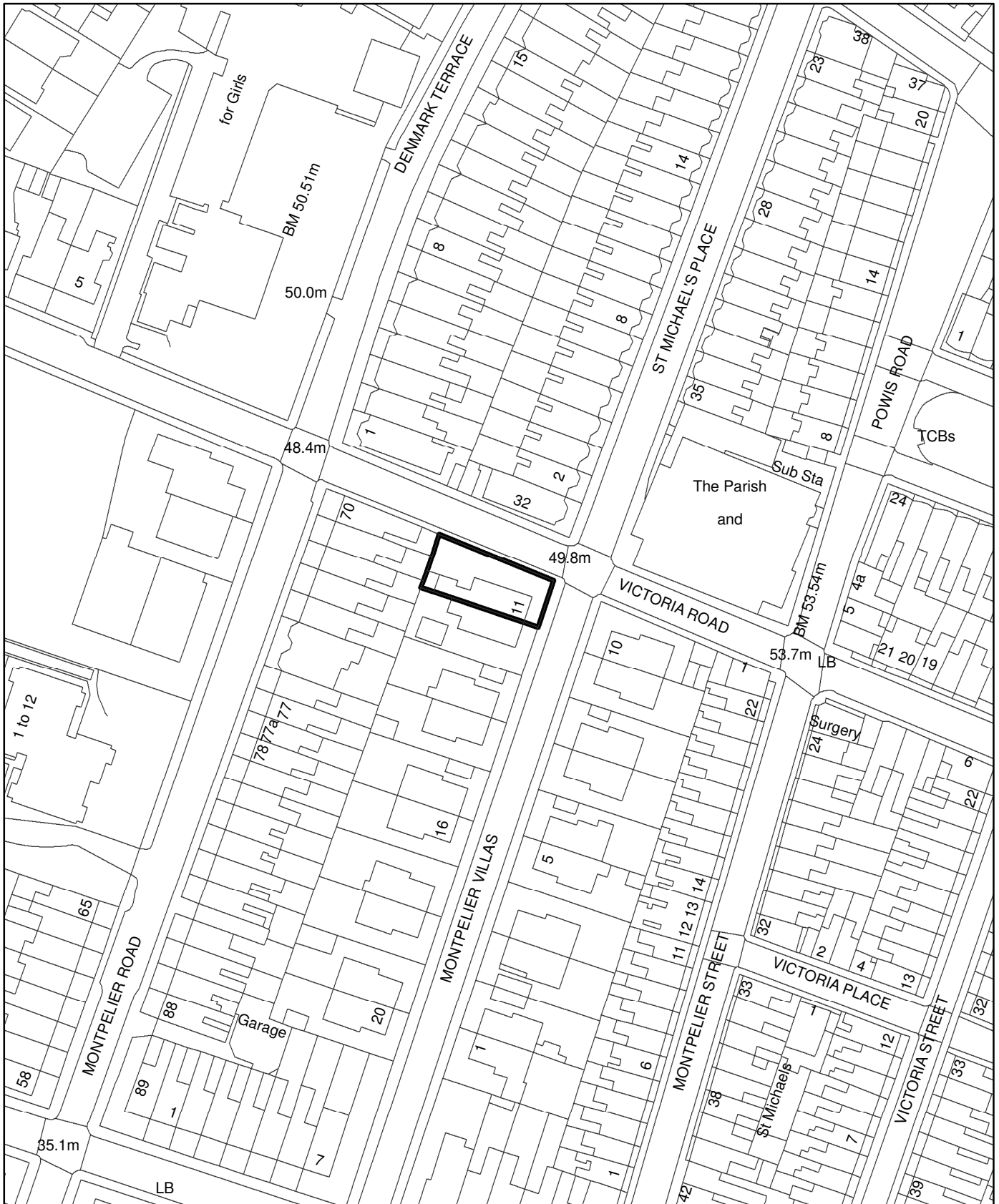
ITEM F

11 Montpelier Villas, Brighton

BH2013/03248
Listed building consent

19 FEBRUARY 2014

BH2013/03248 11 Montpelier Villas, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/03248	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	11 Montpelier Villas Brighton		
<u>Proposal:</u>	Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site, along with associated works.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	23 September 2013
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	18 November 2013
<u>Listed Building Grade:</u>	Grade II Listed		
<u>Agent:</u>	John Whiting Architect, 14 Bates Road, Brighton BN1 6PG		
<u>Applicant:</u>	Mr Ray Bullock, 11 Montpelier Villas, Brighton BN1 3DG		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission following expiry of the neighbour notification period and subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a two storey plus basement semi-detached Victorian villa situated on the west side of Montpelier Villas and on a corner plot with frontage onto Victoria Road also. The property is of the typical Italianate villas style which characterises the locality. The existing property is divided into a self contained basement flat and upper maisonette.
- 2.2 A two storey residential annex, used in connection with the original maisonette, has been constructed to the rear of the property and has a front entrance, driveway and garage, accessed off Victoria Road. It is not clear from the planning history when this wing was added to the property.
- 2.3 The building is Grade II Listed and situated in the Montpelier and Clifton Hill Conservation Area.

3 RELEVANT HISTORY

- BH2013/00533** – Listed Building Consent. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.
- BH2013/00532** – Full Planning. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.

- BN96.1525** – New garage to replace existing and other alterations including erection of veranda with canopy at rear. Approved 2 November 1976.
63.2207 – Additional garage. Refused 10 December 1963.
1558.689 – Alterations to flats. Approved 19 June 1958.

4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the demolition of the existing modern 2 storey annex to the rear of the main dwelling and the construction of a replacement building with basement level, and would comprise of a 2-bedroom dwellinghouse. Internal alterations are proposed to the main building.
- 4.2 A separate application for planning permission has also been submitted, **ref. BH2013/03247**.
- 4.3 The new dwelling would, in terms of scale and form, follow the same footprint as the existing annex, but would be 900mm near to the street and the link would be recessed 700mm from the line of the front elevation.
- 4.4 The new build would be the same overall width and height as the existing annex. The single storey side element, replacing the existing garage, would be raised 600mm so the flat roof would line up with the decorative band around the main part of the proposed dwelling.
- 4.5 Windows are proposed to be timber sliding sashes and the building would incorporate a first floor level window recess on the link element, to appear as a blocked up window. Architectural details proposed include ironwork railings to the entrance steps and ground floor balcony and a parapet wall incorporating a decorative cornice to match existing.
- 4.6 The external finish of the wall is proposed to be white render.
- 4.7 The accommodation of the annex includes:

Lower ground floor:

- Sitting room/study
- Guest bedroom
- Utility room.
- Shower and W.C.
- Light well in front.

Ground floor:

- External steps to main entrance
- Living room
- Kitchen
- W.C.

First floor:

- Master bedroom

- En-suite

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Four (4)** letters of representation have been received from **Flat 1B 32 Victoria Road; 1A Denmark Terrace; 3 St. Michael's Place; and 3 Montpelier Villas**, in support of the application for the following reasons:-

- Positive improvement to neighbourhood.
- Temporary construction noise will not be a problem.
- Fits in with surrounding area.
- Attractive and sensitive to area.

5.2 **One (1)** letter of representation has been received from **12 Montpelier Villas**, objecting to the application for the following reasons:

- Overbearing.
- Terracing effect.
- Detract from character of listed building.
- Danger to neighbouring properties from excavating cellar.
- Over extended unduly dominant appearance.
- Harm to amenity.
- Loss of private amenity space.
- Impact on trees.
- Not appropriate to develop within grounds of a listed building.
- Will set a precedent for lower ground floor levels.
- Lack of outlook and amenity space for future occupiers.
- Front elevation is same as previously refused applications.
- No Party Wall agreement.
- Horizontal emphasis of building.

5.3 **Conservation Advisory Group: No objection.**

The Group recommends approval for the subdivision of the existing dwelling including demolition and reconstruction of the rear annex to form 1no two bed dwelling and associated works subject to the following points: iron work for the balcony should match the main building including the supporting bracket and the king post fennels on the gate to hardstanding be identical to what is existing on the main railings.

5.4 **English Heritage: No objection.**

Subject to amendments. It is noted that the secondary door detail has been refined and the belvedere on top of the new extension has been removed. It is considered that as a result of these changes the new extension now reads as a more subservient element to the main house than the previous scheme did, and on balance it is considered that in these respects the proposal would seem acceptable.

5.5 However, the application also proposes internal alterations to the main house by sub dividing some of the rear rooms to form bathrooms. From the submitted plans it appears that the existing plan form of the house is fairly intact. The

Planning Practice Guide to PPS5, which remain valid under the NPPF, explains in paragraph 182 that plan form and layout in houses of this age are key to their significance and can be their most important feature. The drawings show new partitions at ground and first floor level abutting chimney breasts leaving them in some cases, awkwardly placed in the corners of the newly created bathrooms, and in another area abutting a door resulting in an uncomfortable space. The rooms affected are not of the highest order of significance with the house, but it is considered that a more thoughtful subdivision is possible that would improve both the experience of using the rooms while also respecting more of the historic plan form of the house. It is therefore advised that amendments are sought in these parts of the scheme.

Internal:

5.6 **Heritage:** Seek amendments.

This application follows the refusal of BH2013/00533 for a similar proposal. There was no objection in principle to the proposals but there were concerns over the bulk of the rebuilt dwelling and the design of the entrance.

5.7 The first reason for refusal referred to the new entrance and has been addressed by narrowing the entrance steps and railing and this is now considered acceptable. The entrance door would still have an aediculated surround but it would be of simpler design than that of 11 Montpelier Villas and is considered acceptable in principle as this is to be a separate dwelling. The detail of this will need to be approved by condition.

5.8 The second reason for refusal has been addressed by omitting the proposed conservatory/belvedere feature and the scale and massing of the new dwelling is now considered to be just about acceptable.

5.9 There are also internal alterations proposed to the original house which would result in a more intensive subdivision, with new partitions to form bathrooms and cupboards. As submitted these are considered to be contrary to SPGBH11 as a result of the new partitions that abut and bisect chimney breasts and create awkwardly sized or shaped rooms. Amendments should be required as follows:

5.10 Ground floor – the new bathroom in bedroom 1 should have its doors in the same plane as the partition wall, not set at an angle, so that it does not abut the chimney breast and to avoid creating an irregular shaped space.

5.11 First floor – the subdivision of the former bedroom 3 to create two small bathrooms, bisecting is harmful to this room. This room should be a single bathroom only. The new en-suite shower room in bedroom 2 should not abut the chimney breast.

5.12 The scheme has subsequently been amended to incorporate the recommendations of the Heritage Officer.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- | | |
|-----|--|
| HE1 | Listed Buildings |
| HE3 | Development affecting the setting of a listed building |

Supplementary Planning Guidance:

- | | |
|---------|----------------------------------|
| SPGBH11 | Listed building interiors |
| SPGBH13 | Listed building – general advice |

Supplementary Planning Documents:

- | | |
|-------|------------------------|
| SPD09 | Architectural Features |
|-------|------------------------|

Brighton & Hove City Plan Part One (submission document)

- | | |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact on the setting, character and historical and architectural significance of the Grade II Listed Building.

Impact on Listed Building:

- 8.2 Policy HE3 of the Local Plan states that development will not be permitted where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.3 For the most part the proposed development would re-construct an existing building in the same position in relation to the original dwelling, but with a basement level and improved architectural detailing. It is considered that it would be difficult to justify a refusal based on the impact on the setting and space around the original listed building because there is an existing structure of the same height and scale on the site. The two key differences between the existing annex and proposed scheme would be the creation of a basement level and small increase height over the existing garage adjacent to the rear boundary of the site with Montpelier Road. The Heritage Team raises no objection to the proposal in principle and is satisfied with the amendments to the design of the entrance and the removal of the formerly proposed belvedere over the garage. The style and detailing of the proposal is in keeping with, but subservient to, the character of the original dwellinghouse.
- 8.4 The application seeks to retain a planted garden area in front of the re-built wing and this would be in keeping with the garden setting of the Listed Building.
- 8.5 Policy HE1 of the Local Plan states that proposals involving the alteration, extension, or change of use of a listed building will only be permitted where:
- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b. the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric.
- 8.6 The proposed development would replace an existing annex building and would utilise appropriate materials and finishes and design details that would be complimentary to, and subservient in scale and dominance to the main Listed Building.
- 8.7 There is no objection to the sub-division of the annex from the original maisonette.
- 8.8 The comments of both the Heritage Team and English Heritage have been acknowledged and the applicant has submitted revised plans of the proposed layout in the existing maisonette which have removed the partitions which

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would have abutted chimney breasts and created irregular shaped spaces within the original dwellinghouse.

- 8.9 In view of the above the proposal is considered compliant with policies HE1 and HE3 of the Local Plan.

9 CONCLUSION

- 9.1 The proposed development would not have an adverse impact on the setting of the Listed Building and would respect the scale, design, material and finishes of the main dwelling. The proposal would respect the original plan form of the Listed Building and would not result in the loss of its original fabric. Accordingly application is recommended.

10 EQUALITIES

- 10.1 Not applicable.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 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 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
Ground & Lower Ground Floor As Proposed	1121/P/201/C		13 Nov 2013
First Floor & Roof Plans As Proposed	1121/P/202/C		13 Nov 2013
Sketch View from North East	1121/SK/10		23 Sep 2013
Sketch View of North Elevation	1121/SK/11		23 Sep 2013
Location & Block Plans	1121/P/001/A		23 Sep 2013
Site Plan As Existing	1121/P/002/A		23 Sep 2013
Ground & Lower Ground Floor Plans As Existing	1121/P/101/A		23 Sep 2013
First & Second Floor Plans As Existing	1121/P/102/A		23 Sep 2013
North Elevation As Existing	1121/P/103/A		23 Sep 2013
East & West Elevations As Existing	1121/P/104/A		23 Sep 2013
South Elevation As Existing	1121/P/105/A		23 Sep 2013
North Elevation As Proposed	1121/P/301/B		23 Sep 2013
East & West Elevations As Proposed	1121/P/302/B		23 Sep 2013

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South Elevation as Proposed	1121/P/303/B		23 Sep 2013
Front Façade Wall Section As Proposed	1121/P/304/A		23 Sep 2013

- 3) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

- 4) The windows hereby approved shall be single glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 5) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 6) This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 7) All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 8) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

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Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

- 9) No development shall commence until full details of the proposed works including 1:1 scale sections and 1:20 scale elevational details of architectural features (steps, railings, gate, windows, door and door surround) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.
- 10) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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 to grant listed building consent has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed development would not have an adverse impact on the setting of the Listed Building and would respect the scale, design, material and finishes of the main dwelling.

The internal alterations would respect the original plan form of the Listed Building and would not result in the loss of its original fabric.