

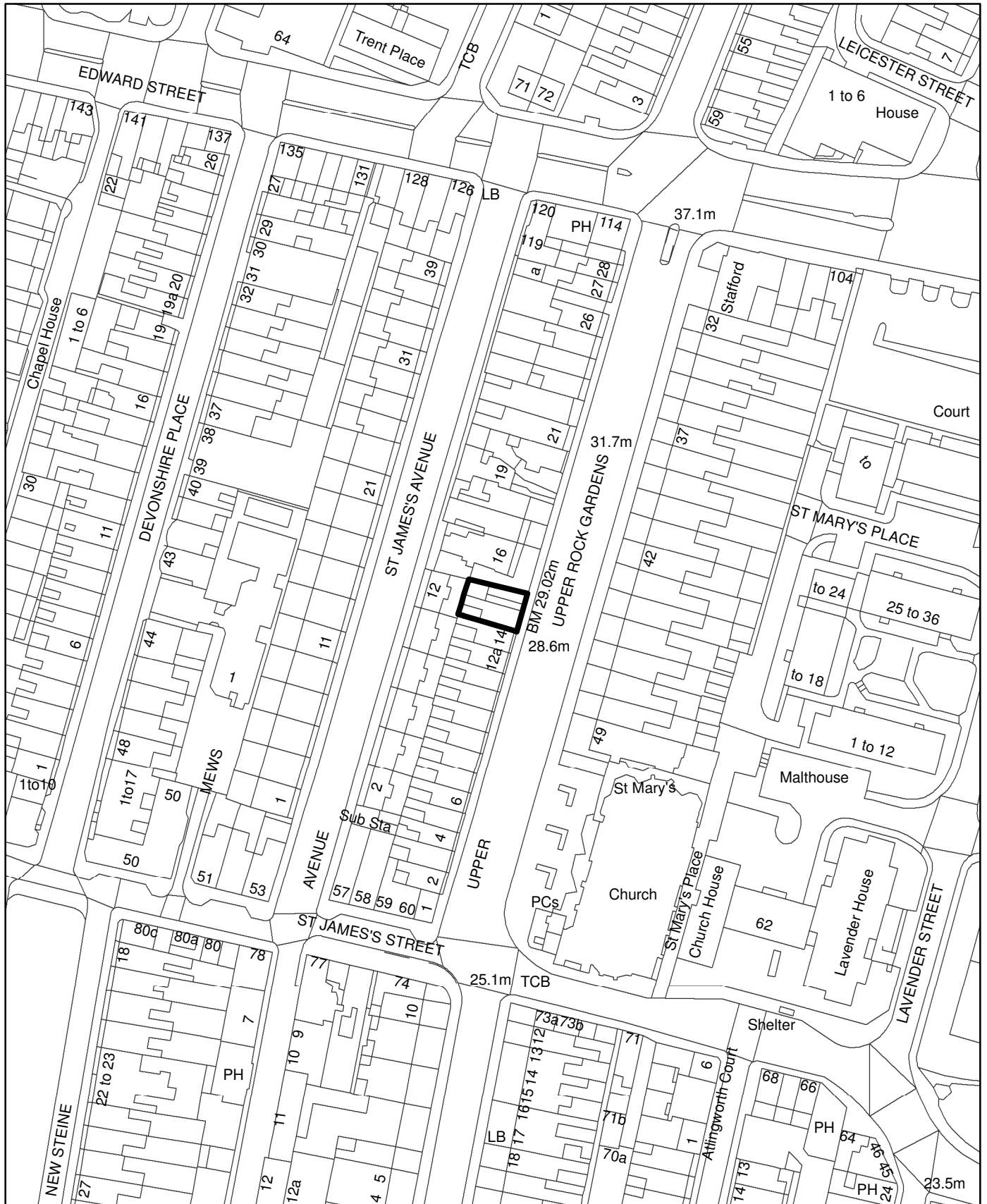
# **ITEM F**

**15 Upper Rock Gardens, Brighton**

**BH2014/00646  
Listed Building consent**

**08 OCTOBER 2014**

# BH2014/00646 15 Upper Rock Gardens, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/00646</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>15 Upper Rock Gardens Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two storey one bedroom house to side/rear of 15 Upper Rock Gardens.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292454	<b><u>Valid Date:</u></b>	26 February 2014
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	23 April 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Graham Johnson Designs, 134 Hollingbury Road, Brighton BN1 7JD		
<b><u>Applicant:</u></b>	David Beckley, 29 St Andrews Mews, Wells BA5 2LB		

## 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 **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to part of the garden of 15 Upper Rock Gardens and to the rear of the outrigger of the existing building. The property is a 5 storey end of terrace building which forms a House in Multiple Occupation (HMO), is Grade II Listed and within the East Cliff Conservation Area.
- 2.2 The property has a garden to its north side which is approximately 4m wide x 15m which is slightly raised from the path and contains shrubs/hedge and a hard surface with outdoor furniture. The entrance to the existing house is situated within the north elevation facing the garden.

- 3 **BH2014/00645** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens. This is a tandem application in conjunction with this listed building consent application and is still under consideration.
- BH2012/01816** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – full planning application refused 16/08/2012. Appeal dismissed 7/10/13. There were three reasons for refusal, which were as follows:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance in close proximity to the entrance portico of 15 Upper Rock Gardens would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and

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appearance of the listed building. The scheme is therefore considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

2. Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users. The proposed development, by virtue of its overbearing height and its close proximity to 12 St. James's Avenue and 16 Upper Rock Gardens, would serve to significantly oppress and enclose the outlook to neighbouring residents, contrary to the above policy.
3. The proposed loss of the existing raised garden that serves as amenity space for residents at 15 Upper Rock Gardens would be detrimental to the existing and future occupiers of the building. For this reason the proposal is considered contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

The applicant subsequently appealed the decision and the appeal was dismissed in October 2013.

**BH2012/01817** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – listed building consent was refused on the following grounds on the 08/08/2012:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance close to the entrance portico of the existing portico would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and appearance of the listed building. The scheme is therefore considered contrary to policy HE1 of the Brighton & Hove Local Plan.

The appeal was subsequently allowed in October 2013.

**BH2011/03873** Removal of rear fire escape at second and third floor levels – approved 13/02/2012

**BH2006/01111** Formation of bedsit unit in roof space with proposed rear dormer and installation of velux roof light. New window to north elevation – refused 17/10/2006

**BH2004/01101/LB** Internal alterations to form 5 self-contained flats. Demolition of existing rear extensions. Six-storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 02/06/2004 (Appeal dismissed 02/03/2005)

**BH2004/01100/FP** Internal alterations to change use of building from existing studio flats and HMO to form a total of 5 self-contained flats. Six storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 04/06/2004 (Appeal dismissed 02/03/2005)

**BH1999/02307/LB** 5 Storey rear extension to provide new shower/w.c. accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved

02/12/1999

**BH1999/02304/FP** 5 storey rear extension to provide new shower/wc accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved 02/12/1999

#### **4 THE APPLICATION**

4.1 Listed building consent is sought for the erection of 1 no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton and for alteration to the rear of the exiting outrigger. The building would be attached to the side (north) elevation of the existing 5 storey building.

4.2 The proposed dwelling to the side of the existing building consists of:

- Removal of the existing single storey timber shed/store.
- Erection of a two storey structure to form a one bed roomed house, set back 6.1m from the front elevation of existing house and to extend to the rear boundary of the site.
- Property to be maximum of 6.4m wide x 7.1m deep x 5.8m in height.
- Layout: Ground floor – living room/dining room, kitchen, w.c, floor area approximately 28m<sup>2</sup> floorspace. First floor – bedroom, bathroom - 21m<sup>2</sup> floorspace. Total floorspace 49m<sup>2</sup>.
- Detailing:  
Front elevation: segmental bay with timber framed sliding sash windows at ground and first floor levels, panelled front door with recessed dummy window panel above at first floor level, cornice to parapet wall at roof level.  
Rear elevation: mono-pitched roof with rooflight in lower portion, to be obscure glazed and fixed shut, French doors to patio.
- Materials: walls –rendered, roof – dark grey slates, windows/doors – painted soft wood.
- Amenity space: rear patio area 4m<sup>2</sup>.

4.3 Existing building:

- Rear area of outrigger at ground floor level, 2.0m x 3.3m deep, currently forming store and laundry room, to be incorporated into proposed dwelling, to form kitchen.
- Provision of timber framed rooflight within mono-pitched roof to outrigger to proposed kitchen.

This application is accompanied with a full planning application BH2014/00645.

#### **5 PUBLICITY & CONSULTATIONS**

**External:**

5.1 **Neighbours: Nine (9)** letters of representations have been received have been received from the occupiers of **12, 16 (flats 2, 3, 4), 17, 27, 33, 34, 47 Upper Rock Gardens; objecting** to the application for the following reasons:

- The site is the garden of a Grade II Listed Building within a conservation area. A modern house in its garden, a very small piece of land, which adjoins a listed property is inappropriate and detrimental to the setting of the listed building and conservation area.
- An overdevelopment of the site. No need to cram a house on this site. There is very little space without building a house.
- Character of the existing building will be lost with external changes visible from the street.

5.2 **CAG:** Recommend approval of the application. CAG made no objection to the previous scheme and noted that the previous listed building application had been approved on appeal and that this application is for minor amendments.

**Internal:**

5.3 **Heritage:** No objection. This is a Grade II Listed Building in the East Cliff Conservation Area and is part of a mixed terrace which displays a range of historic detailing. This application takes a very similar form to the proposal under application BH2012/01817 and /01816, the heritage aspects of which were dismissed by the planning inspector. It is therefore not proposed to object to this application however the details of materials, cornice profile, window and door joinery etc are all really important for a successful result and as inadequate information has not been provided the details should be sought by conditions.

## 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.

The National Planning Policy Framework (NPPF) is a material consideration.

6.3 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.4 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.

- 6.5 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 Building Consent

#### 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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.
- 8.2 Policy HE1 states that proposals involving the alterations, 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(s), and preserves its historic fabric.
- 8.3 This proposal follows a previously refused application (BH2004/01101/LB) for a six storey side extension that would have taken the form of the existing building, and a later listed building application (BH2012/01817) in association with a full planning application (BH2012/01816) for a two storey extension to form a single dwelling house. The 2012 applications were refused and subject of appeals where the listed building application was allowed. The Inspector considered that the proposed building would not have adversely affect the Listed Building or Conservation Area. The full planning application was dismissed due to the effect on neighbouring amenity and adequacy of the private amenity space provided through the scheme.

- 8.4 This current application proposes a building of the same design, detailing and footprint as the listed building consent application allowed on appeal, with alterations to the roof to reduce impact on neighbouring properties. The proposed roof has been lowered to be below the height of the front parapet, and is mono-pitched. With the exception of the proposed alteration to the roof, the proposed building would appear as approved on appeal. Despite public comments which consider that a dwelling on the site would be cramped and detrimental to the character and appearance of both the Conservation Area and setting of the Listed Building, given the previous appeal decision, it is not considered that a refusal could be upheld. The Heritage Officer and CAG do not object to the proposal and consider the proposal subject to conditions to ensure appropriate detailing of cornice profile, windows and door joinery, and of materials. The provision of a small rooflight in the rear outrigger and blocking in two doors to transfer two small ancillary rooms from the existing dwelling to form the proposed kitchen is considered acceptable as the internal alterations are to part of the building with no architectural features of merit and the rooflight is modest in size and does not adversely affect the character or appearance of the building.
- 8.5 For these reasons it is considered that the proposal is acceptable and conforms with policy HE1 of the Brighton & Hove Local Plan.

## **9 CONCLUSION**

- 9.1 The proposed building, by virtue of its siting set back from the front of the adjoining listed building, and lower in height, would be subservient to the listed building. The alteration to the existing building area are a minor nature which, together with the proposed new building, would not adversely affect the character or appearance of the listed building.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 CONDITIONS / INFORMATIVES**

### 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. No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
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



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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 policy HE1 of the Brighton & Hove Local Plan.

4. No works shall take place until full details of all new sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No works shall take place until full details of the proposed works 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 maintained as such 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.
6. The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	31837/4		26 February 2014
Block Plan			26 February 2014
Existing details	31837/2		26 February 2014
Proposed details of cottage	31837/4	C	2 May 2014
Existing rear elevation	31837/7		26 February 2014
Proposed front elevation	31837/8A		26 February 2014
Proposed rear elevation	31837/9A		26 February 2014
Flank elevation – proposed section	31837/10A		26 February 2014
Existing flank elevation	31837/11		26 February 2014
Proposed courtyard elevation	31837/12A		26 February 2014
Boundary elevation	31837/13A		26 February

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			2014
Waste Minimisation Statement			26 February 2014
Heritage Statement			26 February 2014
Design and Access Statement			26 February 2014
Biodiversity Checklist			26 February 2014

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 Brighton & Hove Local 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 building, by virtue of its siting set back from the front of the adjoining Listed Building, and lower in height, would be subservient to the Listed Building. The alteration to the existing building area are a minor nature which, together with the proposed new building, would not adversely affect the character or appearance of the Listed Building.