

<b><u>No:</u></b>	<b>BH2017/01352</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>6 Olde Place Mews The Green Rottingdean Brighton BN2 7HA</b>		
<b><u>Proposal:</u></b>	<b>Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation rooflights to rear elevation.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett, tel: 292525	<b><u>Valid Date:</u></b>	20.04.2017
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	15.06.2017
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	ARCH angels 3 Dorset Place Brighton BN2 1ST		
<b><u>Applicant:</u></b>	Mr Jason Vaughan-Phillips 99 Wicklands Avenue BN2 8EQ		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan Proposed	16183-P-001	-	20 April 2017
Location Plan	16183-P-002	-	20 April 2017
Elevations and sections proposed	16183-P111A	A	20 April 2017
Floor Plans Proposed	16183-P110A	A	20 April 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 4 The rooflights 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 a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

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 DESCRIPTION AND APPLICATION DETAILS**

- 2.1 The application site relates to a two-storey terraced property, located to the southern side of Old Place Mews, The Green, Rottingdean.

- 2.2 The Olde Place Hotel, as a whole, is Grade II listed (date of first listing 20 August 1971). The listing summary is as follows:

*Single house, now hotel. Early C19. Cobbles and flint with dressings of red brick now painted, roof of tiles. 2 storeys, 2 windows. Flat-arched entrance with pilasters, cornice now missing, panelled door of original design with top panels now glazed; brick quoins; all windows flat-arched; single-storey bay to ground floor; storey band; first-floor window over bay with tripartite sashes, and both windows with brick dressings; brick dentil cornice; hipped roof; right-hand return of flint with dressings of red brick, now painted; **range to west set forward from original building not of special interest.** INTERIOR: not inspected. (Carder T: *The Encyclopaedia of Brighton: Lewes: 1990-*).*

- 2.3 Section 7 of Chapter II of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that:

*‘Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.’*

- 2.4 Section 8 sets out:

*‘Works for the alteration or extension of a listed building are authorised if—*

- a) *Written consent for their execution has been granted by the local planning authority or the Secretary of State; and*
- b) *They are executed in accordance with the terms of the consent and of any conditions attached to it.*

- 2.5 In this case, it is considered that the range, of which the application property forms a part, is not of special interest. It is therefore the opinion of the Local

Planning Authority that works to the application property do not require Listed Building Consent. The works proposed under the current application would not affect the character of the listed building as a building of special architectural or historic interest.

2.6 As the building is listed, relevant national and local planning policies and guidance apply including s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

(1) *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.*

2.7 The application seeks planning permission for the erection of a ground floor side extension with associated alterations to include a new front entrance and a loft conversion with two conservation rooflights to the rear elevation. Notwithstanding the above guidance, the determination of this planning application is not prejudiced by the consideration whether Listed Building Consent is required or not.

### 3. RELEVANT HISTORY

**BH2017/00385:** Creation of 2no dormers to front, installation of 3no rear rooflights and alterations to front entrance. Refused (30.03.2017). *'The proposed roof alterations, by virtue of their cumulative number and inclusion within an otherwise unaltered historic roofslope, would unbalance and disrupt the continuity of the terrace, which would harm the character and appearance of the building and surrounding Rottingdean Conservation Area, contrary to policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One'*.

**96/0773/LB:** Partial demolition of and alterations in connection with the conversion from hotel to four residential units. Approved with Conditions (29.10.1996).

**96/0772/FP:** Partial demolition, alterations and conversion from hotel to four residential units and provision of 2 no. car-parking spaces. Approved with Conditions (29.10.1996).

**93/1026/FP:** Alterations and change from 12 bedroom Motel to 11 self-catering apartments. Alterations to access and re-arrangement of parking to provide 11 spaces. Withdrawn (22.02.1994).

**93/1025/FP:** Alterations and change of use from Motel to 10 self-contained flats with 14 car parking spaces. Approved after Section 106 signed (29.07.1994).

**89/521/F:** Alteration to change the use of existing motel building into 8 flats with 12 parking spaces. Defer (23.05.1989).

**74/426:** Erection of 2 staff rooms above 3 garages. Granted Conditionally (12.03.1974).

**73/2654:** Erection of 2 staff rooms above existing garages. Withdrawn (14.08.1973).

#### **4. REPRESENTATIONS**

4.1 Five (5) letters have been received objecting to the proposed development on the following grounds:

- The loss of a parking space and the storage behind it means additional strain on village parking and no replacement for cycle, buggy etc. storage fronting onto a right of way.
- The application introduces rooflight windows (in a conservation area) which are out of character, and would adversely impact the appearance of the mews as an integral unit in keeping with other adjacent buildings. This would be contrary to local policies.
- The change from dormer to rooflight does not substantially affect the reasons given for the refusal of the previous application.
- An approval of this application could create a dangerous precedent.
- The rooflights would overlook gardens and could allow the others along the row to do the same.
- The mews has already lost a garage which is being converted into a flat at Cavendish. And, due to the Cavendish development there will be two extra dwellings in the mews without parking.
- Although, there has been a suggestion by Highways that a bicycle store could make up for the loss of the parking space, there would be nowhere to position such a store as the property has no land at back or front. The existing car port is the only space available for storage.

4.2 Following the committee meeting of the 12<sup>th</sup> of July a further representation has been received which raises the following points:

- It is still not clear that listed building consent is not required for the proposed works.
- The impact / significance of the conditions which were applied to the original permission for the conversion of the building in respect of permitted development rights, and in respect of the parking areas of the development, has still not been clarified.
- The permissions granted for the conversion of 'Cavendish' The Green Rottingdean from a single dwelling to three self-contained dwellings are of relevance to the current proposal.

#### **5. CONSULTATIONS**

- 5.1 **Sustainable Transport: No objection**  
 Recommended approval as the Highway Authority has no objection to the above application. It is noted that the proposals would result in the loss of one car parking space; however, it is not considered that displaced car parking of this level (one vehicle) could be considered to amount to a severe impact and therefore does not warrant refusal on these grounds under the National Planning Policy Framework.
- 5.2 **Recommendation:**  
 Approve. The Highway Authority would not wish to restrict grant of consent of this Planning Application.
- 5.3 **Heritage: Verbal: No objection**  
 The Heritage Team would not object to the proposed extensions. Given, that the proposed rooflights would be inserted on the rear roofslope and would be of a conservation style the Heritage Team has no objections.
- 5.4 **County Archaeology: No objection**  
 Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

## 6. **RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP15 Heritage

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

QD14 Extensions and alterations  
 QD27 Protection of Amenity  
 HE1 Listed Buildings  
 HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Document:

SPD09 Architectural Features  
 SPD12 Design Guide for Extensions and Alterations  
 SPD14 Parking Standards

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

## 7. **CONSIDERATIONS & ASSESSMENT**

### 7.1 **Background**

The current application is a re-submission of a previously refused application (**BH2017/00385**) for the 'creation of 2no dormers to front, installation of 3no rear

rooflights and alterations to front entrance'. The previous application was refused due to the following reason:

*'The proposed roof alterations, by virtue of their cumulative number and inclusion within an otherwise unaltered historic roofslope, would unbalance and disrupt the continuity of the terrace, which would harm the character and appearance of the building and surrounding Rottingdean Conservation Area, contrary to policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One'.*

- 7.2 The current application is seeking permission for the erection of ground floor side extension with associated alterations to include a new front entrance and loft conversion with two conservation rooflights to the rear elevation.
- 7.3 It is noted the current application differs from the previous refusal, as the front dormers have been removed and the number of rear conservation style rooflights has been reduced from three to two. The works to ground level remain unchanged from the previously refused scheme. The works at ground floor level were considered acceptable in the previous scheme.
- 7.4 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene, the Rottingdean Conservation Area and the amenities of adjacent occupiers.

**Design / Visual Impact / Impact upon the listed building**

- 7.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - d) Uses materials sympathetic to the parent building.
- 7.6 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 7.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 7.8 Policy HE1 of the Brighton & Hove 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(s), and preserves its historic fabric.
- 7.9 It is noted the unsympathetic dormers proposed in the previous application have been removed and the number of rear conservation style windows has been reduced from three to two. Given, the overall level of roof alterations have been reduced, the visual clutter proposed previously which gave rise to a refusal on design grounds has been sufficiently overcome to a point where the current application can be approved as having an acceptable impact upon the host building, the wider streetscene and the Rottingdean Conservation Area.
- 7.10 The works to ground floor level consist of a ground floor side extension, with associated alterations to include a new front entrance. As existing there is a small car parking area, with space for two cars located between nos. 5 & 6 Olde Place Mews. The proposed works would convert the existing car parking area into habitable accommodation and would equate to the loss of one car parking space. The extension would extend 1.7m to the eastern side of the site and would leave a gap of 2.4m. These works would result in an acceptable appearance.
- 7.11 It is acknowledged that the building in question is Grade II listed, and whilst it is confirmed that the range of which the application property forms a part, is of no special interest, the listed status of the building has been taken into account. It is considered that the proposed works would not have any adverse effect on the architectural and historic character or appearance of the building.
- 7.12 **Neighbouring amenity**  
Due to the ground floor location of the proposed extension and that the extension would not increase the overall footprint of the building; the bulk of the proposed extension would not have a harmful impact upon neighbouring amenity. The proposal would reduce the space in the undercroft and leave a smaller area of space for use by the neighbouring occupier, it is however considered to be reasonable for the applicant to seek to develop the area of the undercroft which is associated with their own dwelling.
- 7.13 The proposed rooflights would result in some additional overlooking, however the views provided would be primarily directed upwards, and the views outwards which the rooflights would provide would be of a similar nature to those which the first floor windows below already provide. In regard to noise disturbance, again, the rooflights would allow similar levels of noise to those which the existing windows allow.
- 7.14 Overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

**7.15 Transport / Highways**

In regard to transport / highways issues, it is acknowledged that under the original planning permission for the conversion of the building (ref. **96/0772/FP**), Condition 4 stated:

*'The car parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupant of the development hereby approved and by their visitors.'*

**Reason:** *To ensure that adequate parking provision is maintained and to safeguard the visual amenities of the area.'*

7.16 The Transport Officer has commented on this application and states that: *'The Highway Authority has no objection to the above application. It is noted that the proposals would result in the loss of one car parking space; however, it is not considered that displaced car parking of this level (one vehicle) could be considered to amount to a severe impact and therefore not warrant refusal on these grounds under the National Planning Policy Framework'.*

7.17 Therefore, whilst the content of the condition previously applied and the reason for its application at the time is noted, the application proposal must be considered having regard to current circumstance, policies and guidance. A new planning permission can permit development or use which is contrary to a previous condition.

7.18 Current policies do not seek to secure minimum levels of parking, and in this case the Transport Team considers that significant harm would not result in Transport terms. The potential for overspill parking caused by the loss of parking space which is proposed would not cause significant harm to the visual amenities of the area.

7.19 Representations received raise concerns in respect of highway safety. It is however considered that the proposed development would not increase highway safety risk. On parking space would remain and access into / out of this space would be of a similar character to the existing arrangement.

**7.20 Other matters**

Representations received have raised concern that the proposed development, if approved, should be considered in conjunction with recent permissions at 'Cavendish' The Green Rottingdean, which is situated on the northern side of Old Place Mews.

7.21 Under application ref. BH2015/01885, planning permission was granted 26/05/2015 for the conversion of this dwelling into 1no two bedroom house, 1no one bedroom flat and 1no two bedroom flat. An scheme proposing minor amendments to this consent was granted planning permission was granted 27/02/2017 under application ref. BH2017/00638.

7.22 In the report for application BH2015/01885 the Transport Team's comments were summarised as follows:

- 7.23 *‘Trip Generation*  
*The sub-division of the existing four-bedroom house into three residential units means that it is likely that trips will increase as a result of the proposals. However it is noted that the proposed dwellings are smaller than the existing house with a net addition of only one bedroom. Given the scale of the likely additional trip generation, no contribution is therefore requested on this occasion.*
- 7.24 *Access*  
*It is proposed to create new pedestrian entrances to the proposed dwellings accessed from Olde Place Mews, though vehicle accesses will remain as existing.*
- 7.25 *Car Parking*  
*No additional car parking is proposed. At present there is one car parking space with the maximum that would be permitted by SPG04 being four spaces. Car ownership within the Rottingdean Coastal ward averages 1.2 cars per household (2011 Census). On this basis, a degree of overspill parking could be expected as a result of the proposals. However, parking restrictions are in place in the immediate vicinity of the site and it is not expected this will result in a severe impact upon the highway.’*
- 7.26 The approvals at ‘Cavendish’ are acknowledged. Considering these approvals and the current application in conjunction, it is considered that harm of a magnitude which would warrant the refusal of planning permission would not result.
- 7.27 Representations received raise concerns in respect of Condition 3 applied to the original permission (ref. 96/0772/FP) for the conversion of the building:  
  
*Notwithstanding the provisions of the Town and Country Planning General Development Order (or amendments or re-enactment thereof) no extension, enlargement, or other alteration of the premises shall be carried out without the prior written consent of the council, to whom a planning application must be made.*  
**Reason:** *The Local Planning Authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties, and for this reason would wish to control any future proposals for alterations or extensions.*
- 7.28 This type of condition is commonly applied to new dwellings. The condition removes ‘permitted development rights’ which would otherwise allow some extensions and alterations to the building to be carried out without the requirement for an application for planning permission. The condition does not however preclude the possibility of applications for planning permission being submitted. As detailed above, a new planning permission can permit development or use which is contrary to a previous condition. The wording of the reason for the condition and the reference to the maximum development which can be allowed appears inappropriate, as clearly any subsequent

application submitted for extensions or alterations to the building must be considered on its own merits.

7.29 In this case, the impact of the proposed works upon neighbouring properties / occupiers has fully considered, and as set out above it is considered that no significant harm would result.

7.30 **Conclusion**

The proposed development would have an acceptable impact upon the listed building and would result in an acceptable appearance. No significant harm to neighbouring amenity would result, and the development is considered acceptable in transport / highways terms. Approval is therefore recommended.

**8. EQUALITIES**

8.1 No implications identified.