

<b><u>No:</u></b>	<b>BH2020/02454</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Basement Flat 74 Montpelier Road Brighton BN1 3BD</b>		
<b><u>Proposal:</u></b>	<b>Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat. Internal alterations to layout of flat.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	10.09.2020
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	05.11.2020
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Mr Raphael Goldberg, c/o Lewis And Co Planning 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** Listed Building Consent for the following reasons.
1. The proposed front excavation works including demolition of the coal stores would have a detrimental impact upon the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill Conservation Area. No public benefits have been identified sufficient enough to outweigh this harm. The proposal is therefore contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies HE1 and HE6 of the Brighton and Hove Local Plan.

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A0.1		10 September 2020
Proposed Drawing	A0.3		10 September 2020
Proposed Drawing	A0.5		10 September 2020
Proposed Drawing	A0.7		10 September 2020
Proposed Drawing	A0.8		10 September 2020
Proposed Drawing	A0.9		10 September 2020

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a grade II listed property on the eastern side of Montpelier Road. It is a terraced house dating from c1840, now converted to flats, and forming a group with numbers 70-74. It has four storeys over basement

with a butterfly pitched roof behind a front parapet. The front elevation takes the form of a full height, full width segmental bay. The site is within the Montpelier and Clifton Hill Conservation Area.

- 2.2. Listed building consent is sought for excavation works to the front of the property including the removal of the historic coal store. The application also includes the reinstatement of railings to the front of the property, new decorative pathway tiling, the creation of new access stairs to the basement flat and internal alterations.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/02453** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat. Under consideration
- 3.2. **BH2020/01031** - External and internal alterations incorporating reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property. Internal alterations to layout and associated works. Refused
- 3.3. The reason for refusal was as follows:  
'The proposed demolition of the front coal stores, the blocking up of the storage area access door and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1, HE3 and HE6 and Brighton & Hove City Plan Part One policy CP15.'
- 3.4. **BH2020/01030** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property and associated works. Refused
- 3.5. The reason for refusal was as follows:  
The proposed demolition of the front coal stores and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1 and HE6 and Brighton & Hove City Plan Part One policy CP15.
- 3.6. **BH2014/03164** - Certificate of lawfulness for existing UPVC windows and door to rear elevation at basement level. Approved

### 4. REPRESENTATIONS

None received.

## 5. CONSULTATIONS

### 5.1. Heritage: Objection

The subject application follows an earlier scheme (BH2020/01030 & BH2020/01031) which was refused on heritage grounds on 8 June 2020. The current scheme has been amended to remove the issues addressing the unauthorised works to the windows and is as follows:

- demolition of the coal cellars within the front setback
- reinstatement of railings to front elevation
- re-tiling of entrance threshold path
- new access stair to basement
- alterations to access to the central store area within the basement
- removal of hallway partitions

### Proposed external works

5.2. The proposed demolition of the front coal vaults/stores is not supported as it would have an adverse effect on the architectural and historic character of the listed building contrary to policy HE1. As described in the submitted HOP Engineering letter, the cellar is brick-arched with the possibility of a further cellar to the south of the one proposing to be demolished. Coal cellars are important features of listed terraces in Brighton as they played an important role in the history of the building and their relationship with the main house. As shown in the 1871 drainage plan extract within the Heritage Statement, these coal cellars are historic and integrated into the overall design of the building. Whether or not the historic coal cellars are in continued use is not a heritage consideration. The onus is on the owner to maintain the listed building and to ensure proper maintenance of all areas of the building.

5.3. The historic layout of the front setback can also be seen in the 1871 drainage plan, showing that the existing layout is likely the original layout with the stairs to the basement along the southern boundary. It is unclear from the photographs submitted, however the existing stairs to the basement may be original as they follow the stair layout on the 1871 drainage plan.

5.4. The existing front entrance path appears to be paved with a modest terracotta and black encaustic tiles with a checkerboard pattern. The tiles appear to be historic however further investigation is required. The proposed removal of these tiles and replacement with large black and white tiles is more akin to Edwardian, not Regency style is not supported.

5.5. The proposal to reinstate the front boundary railings would make a positive contribution to the listed building, however these works would not mitigate the proposed harm by the demolition of historic fabric of the listed building. The reinstatement of the front boundary railings are not dependent on the proposed demolition of the front cellar and stair alteration works.

### Proposed internal works

5.6. The reintroduction of a separate doorway into the main front room is welcomed as this follows the historic floor plan. The reconfiguration of the hallway is

supported as this enclosure of the hall was likely introduced in the 1980s conversion. The proposed reconfiguration of access to the central store area is supported. As shown in the 1871 drainage plan, access to this central store space has previously been altered and the proposal will not cause any further harm to the historic fabric of the listed building.

- 5.7. Overall, the proposal would have an adverse effect on the architectural and historic character and appearance of the listed building and is not supported. Whilst the harm would be less than substantial, the proposal does not represent any public benefits which would outweigh such harm (as described above). Therefore, the proposed development is not supported. The proposal fails to meet the requirements of the NPPF and policies HE1 and HE6 and is not supported.

## **6. MATERIAL CONSIDERATIONS**

- 6.1. 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
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - 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).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which was completed on 30 October 2020.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. 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.
- 8.2. 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 should be given "considerable importance and weight".
- 8.3. The existing coal store is an important historic feature of the listed building, being integrated into the overall design of the building and illustrative of its past use. The demolition of the coal store would therefore have an adverse impact on the architectural and historic character of the listed building, and a resultant detrimental impact on the character and appearance of the Montpelier and Clifton Hill Conservation Area. It is recognised that the coal store is not currently in active use however this does not diminish its historic significance.
- 8.4. The existing access stairs leading down to the basement may also be original, as it is in the same location as shown on the 1871 drainage plan.
- 8.5. The proposed replacement Edwardian-style tiling would appear not to be an era-appropriate replacement for what appears (subject to further investigation) to be a historic Regency terracotta checkerboard pattern. Further investigation and possible amendments would be sought if the development were otherwise acceptable.
- 8.6. The reinstatement of front boundary railings would have a positive impact on the listed building, as would the proposed internal alterations which would return the internal layout closer to its historic floor plan. However, these positives are considered not to mitigate for the harm caused by the demolition of the historic fabric of the listed building and the inappropriate replacement tiling.
- 8.7. Overall, it is considered that the proposed external works would have a detrimental impact upon the character and appearance of the grade II listed building and the wider conservation area. This would, however, be judged as

'less than substantial' harm, and paragraph 196 of the NPPF states that, where a proposal would result in 'less than substantial' harm to a designated heritage asset, this harm can be accepted provided that there are public benefits arising from the development sufficient to outweigh this harm.

- 8.8. As aforementioned, the reinstatement of the railings would have a positive impact upon the character and appearance of the listed building and streetscene and this would be a public benefit arising from the proposal. However, in accordance with the advice of the specialist Heritage team, it is considered that the benefit arising from the reinstatement of the railings does not outweigh the harm caused by the loss of the coal store. Moreover, it is noted that the railings could be reinstated independently of the proposed works to the coal store and tiling.
- 8.9. It is recognised that the proposed works would improve access to natural light and outlook from within the basement flat. This, however, is a private benefit rather than a public benefit and as such is considered not to outweigh the above identified harm to the character, appearance and historic significance of the grade II listed building and conservation area.
- 8.10. It is therefore considered that, overall, the proposed external works would have an adverse impact upon the character, appearance and historic significance of the grade II listed building and the wider conservation area. Whilst this harm would be less than substantial, it is considered that there are no public benefits arising from the scheme sufficient to outweigh this harm as per the terms of the NPPF paragraph 196. The proposal is therefore contrary to policies HE1 & HE6 of the Brighton & Hove Local Plan, policy CP15 of the Brighton & Hove City Plan Part One and paragraph 196 of the NPPF.

**9. EQUALITIES**  
None identified