

<u>No:</u>	BH2023/03067	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Garden Villa 11C Montpelier Villas Brighton BN1 3DG		
<u>Proposal:</u>	Erection of single storey side extension at first floor level.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	21.11.2023
<u>Con Area:</u>	Montpelier and Clifton Hill	<u>Expiry Date:</u>	16.01.2024
<u>Listed Building Grade:</u>	Listed Building Grade II		
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<u>Applicant:</u>	Mr Ray Bullock C/O Lewis and Co Planning 2 Port Hall Road 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 extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	2209/P/001		21 November 2023
Proposed Drawing	2209/P/101		21 November 2023
Proposed Drawing	2209/P/102		21 November 2023
Proposed Drawing	2209/P/103		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/105		21 November 2023
Proposed Drawing	2209/P/201		21 November 2023

2. SITE LOCATION

- 2.1. 11C Montpelier Villas is an 1840s grade II listed building in the Montpelier and Clifton Hill Conservation Area on the corner of Montpelier Villas and Victoria Road. No. 11 forms half of a pair of villas with No 12 and fronts on to Victoria Road. Pairs of dwellings (Nos. 1-20) line the street on both sides of Montpelier Villas. They are all two storey plus lower ground, white stuccoed substantial semi-detached houses with banded rustications on the upper ground floors and bow windows with curved glass on the lower and upper ground floors, the upper ground floor having a balcony with balustrade and zinc canopy above.
- 2.2. The principal significance of 11C is its impact on the listed house to which it is attached and the intact architectural details and its impact on the hierarchy and scale of the original parts of No. 11, these pairs, and their contribution to the group value of the street frontages which is dominated by these imposing early Victorian villas. The extension also has the potential to affect the setting of the grade II listed terrace 70-74 Montpelier Road to the west and its significance.

3. RELEVANT HISTORY

- 3.1. **BH2023/03066** Erection of single storey side extension at first floor level. Concurrent Householder Planning Consent application under consideration
- 3.2. **BH2022/03078** (Planning Application): Erection of single storey side extension at first floor level. Refused 27.03.2023
- 3.3. **BH2022/03079** (Listed Building Consent): Erection of single storey side extension at first floor level. Refused 27.03.2023

4. APPLICATION DESCRIPTION

- 4.1. Listed building consent is sought for the erection of a flat-roofed single storey side extension at first floor level over an existing ground floor extension to create a master bedroom with en-suite and dressing room. The extension would be to the west of the dwelling which fronts Victoria Road, and would abut the rear of dwellings on Montpelier Road.

5. REPRESENTATIONS

- 5.1. Nine (9) letters have been received in support of the application for the following reasons:
 - The extension would complete the elevation and give it a better balance
 - It would enhance the Montpelier neighbourhood

6. CONSULTATIONS

- 6.1. **Heritage 08.01.2024** Objection

- 6.2. This application is for an extension that is the same as a previously refused application (BH2022/03078 & BH2022/03079) The scale of the addition will enlarge the two-storey extension. This would result in the extension becoming barely subordinate in scale to the original building. The building has already been considerably enlarged. The extension already occupies all of what was originally the rear garden. Therefore, the current extent of the building should be regarded as having reached its limit. This current proposal does not change any of the reasons why that application was refused. There is still no public benefit for this application in heritage terms.
- 6.3. Conservation Advisory Group 09.01.2024 Objection
- Light will be blocked to the rear gardens of Montpelier Road.
 - There will be overlooking issues.
 - The Group supports all the comments made in the Heritage Officer's recommendation to refuse.

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 Joint Area Action Plan (adopted October 2019)
- 7.3. 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.

8. 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 City Plan Part Two

DM26	Conservation Areas
DM27	Listed Buildings

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
SPD09 Architectural Features

Montpelier and Clifton Hill Conservation Area Character statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on the historic character and significance of the Grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill Conservation Area.
- 9.2. 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. 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 should be given "considerable importance and weight".
- 9.3. The application follows a previously refused Listed Building application for exactly the same extension (ref. BH2022/03079). There was one reason for refusal of application BH2022/03079 which was as follows:
"The extension would result in additional building bulk to an already extended part of the building giving undue dominance to this elevation, contributing to an overextended appearance and an overdevelopment of the plot. The development would harm the historic character and significance of 11 Montpelier Villas, a grade II listed building and, by further enclosing the rear of 70 and 71 Montpelier Road, the setting of neighbouring listed buildings. In addition, the works would erode the space between the buildings, harming the Victoria Road street scene and the historic character of the Montpelier and Clifton Hill Conservation Area. The application is contrary to policies CP15 of City Plan Part One and DM26 and DM27 of City Plan Part Two. "
- 9.4. The reason for the refusal of the previous application has not been addressed in the current application. No amendments have been made to the refused scheme so the works are still considered to cause harm to 11 Montpelier Villas, the setting of 70 and 71, and to undermine the historic significance of these buildings and the wider Montpelier and Clifton Hill Conservation Area. As there is no public benefit to outweigh this harm, the development is not considered to be acceptable under paragraph 202 of the NPPF and conflicts with policy CP12 of the CPP1 and DM26 and DM27 of the CPP2.

- 9.5. It is acknowledged that a significant number of letters of support have been received for this application, and the issues raised are given weight. However, it is considered by the Local Planning Authority that the development would cause clear harm to the listed building, adjoining heritage assets and the wider Montpelier and Clifton Hill Conservation Area and therefore Listed Building Consent should be withheld.

10. CONCLUSION

- 10.1. The works would harm the historic significance and character of the Grade II listed building and the wider conservation area contrary to policy DM26 and DM27 of the CPP2 and CP15 of CPP1.

11. EQUALITIES

- 11.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.

