

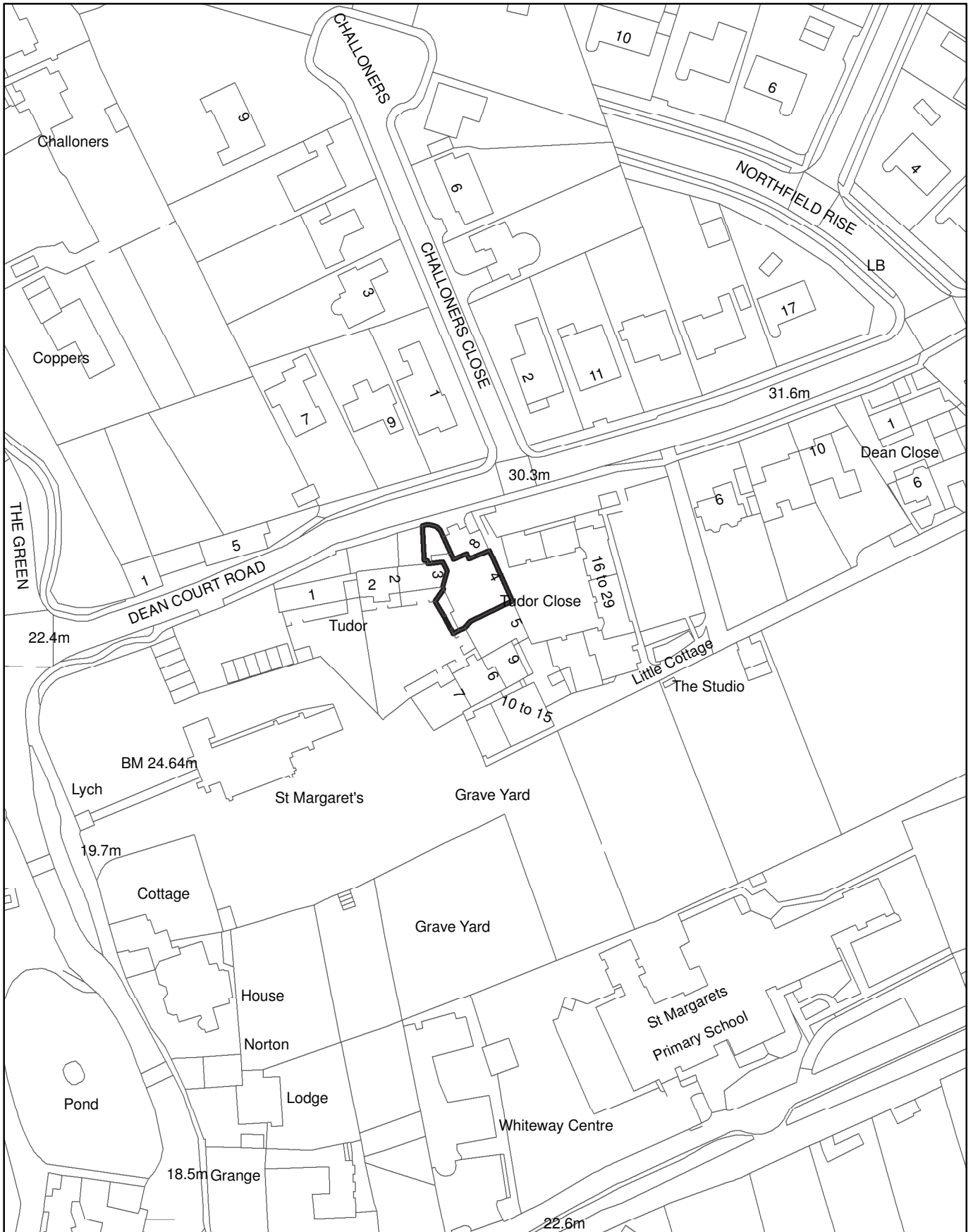
**PLANS LIST  
ITEM F**

**4 Tudor Close, Dean Court Road,  
Rottingdean, Brighton**

**BH2012/02883  
Listed Building consent**

**21 NOVEMBER 2012**

# BH2012/02883 4 Tudor Close, Dean Court Road, Rottingdean



**Brighton & Hove  
City Council**



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<b><u>No:</u></b>	<b>BH2012/02883</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>4 Tudor Close, Dean Court Road, Rottingdean, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Replacing existing brick external access steps and hard standing to front door with Victorian reclaimed brick steps and hard standing.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel: 291709	<b><u>Valid Date:</u></b>	12/09/2012
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	07/11/2012
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Bold Architecture Design, The Cottage, 104 Hallyburton Road, Hove		
<b><u>Applicant:</u></b>	Mr & Mrs Trevor Hopper, 4 Tudor Close, Dean Court Road, Rottingdean		

## 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** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two storey single dwellinghouse located on the southern side of Dean Court Road within the historic Tudor Close, a development by the Saltdean Estate Company. The comprehensive Tudor Close development contains 'Tudorbethan' style buildings which were converted from farm buildings in 1929 to a hotel. The properties were extended to the design of Richard Jones between 1936 and 1937 and converted into either single dwellings or flats in the 1950s.
- 2.2 Tudor Close is divided into two distinct U-shape built forms. The application relates to a property located on the eastern side of the western U-shaped form. A communal courtyard is located within the centre of both forms, with buildings around three sides. From the western sided courtyard area access to nos. 1 to 7 Tudor Close is achievable, via a doorway which provides access to the related garages and access to Dean Court Road. Access to nos. 1, 2, 3 and 4 is also achievable from Dean Court Road.
- 2.3 The properties located around the western courtyard have principle features of half-timber, gabled two storey porches, Tudor-arched windows with wooden mullions, jettied and gabled upper storeys, ornamental carving and brick chimneys. The southern wing of the western group of properties in the Close is notably shorter. Within the centre of the east wing a particularly ornate porch with stained glass above and side lights is located, this porch relates to no. 4.
- 2.4 Although the steps in the courtyard do not exactly match, the presence of one shallow step followed by two deeper steps leading to a platform is a consistent

feature which adds to the courtyard's unity. However, the character of the Listed complex as a whole is significant due to its irregularity and eclectic character; which is central to its vernacular, Tudorbethan style. This is borne out in the varied detail of the step designs (e.g. some are herringbone some are runner bond and they have a varied number of steps at the threshold).

- 2.5 The properties within the Tudor Close development are Grade II Listed Buildings in addition to being located within the Rottingdean Conservation Area and being sited within an Archaeological Notification Area.

### 3 RELEVANT HISTORY

**BH2011/03592:** Installation of angled window sill to replace existing sill and installation of external water tap. Approved 26/01/2012.

**BH2011/03589:** Installation of stove to replace boiler in kitchen fireplace. Approved 26/01/2012.

**BH2011/03572:** Replacement of existing brick steps and hardstanding to front door with new brick steps and hardstanding. (Retrospective). Refused 24/01/2012.

**BH2002/02946/LB:** Replacement of temporary lantern lights. Repairs/replacement of windows to match existing. Approved 24/12/2002.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of the existing brick external access steps and hard standing to the front door. The proposed steps and hard standing would be constructed in Victorian reclaimed brick.
- 4.2 The steps and hard standing currently on site are unauthorised following refusal of retrospective application BH2011/03572. The steps currently in situ replaced the original steps.

### 5 PUBLICITY & CONSULTATIONS

#### External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **1(x4), 5, 6, 7 Tudor Close** objecting to the application for the following reasons:
- the application does not address objections of the residents of Tudor Close to the unauthorised demolition of the original steps and hardstanding,
  - inappropriate material,
  - the application description implies the same development but with Victorian bricks. The application should clearly state that the steps and hard standing should be put back to its original format as this is a Listed Building and no changes to the external appearance of the original should be allowed. Any repairs should be carried out using suitable materials and in keeping with the original dimension and conform with the existing original appearance and the steps at no. 4 should be put back in keeping with those seen at no. 5,

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- the development would replace the existing bricks with Victorian bricks but essentially would leave both steps and elevated hard standing at the present level. This does not conform to the original design of the Close and is unacceptable,
- if materials and dimensions are altered it will set a precedent that alteration will be accepted and the whole of the environment of the Close will be at risk,
- it is not a like for like rebuild of listed steps. The first step should be only one brick height as it has been for the first 82 years of its build. It is obviously clear from the photograph of the original listed steps that the first step is laid face down on its 10mm mortar unlike the proposed plan where they have the first row of brick placed on their side and then a second brick placed flat on top with 30mm of mortar. This means the total height of the proposed steps is a least 6” higher than the original. To use 15mm of mortar is also excessive. This is all so the steps reach the applicants new patio area they raised without planning permission,
- the main fault is that it has three full steps and not just two and a half steps. All the five sets of steps within the courtyard were all of the same design. The steps at houses no. 1, 2, 3 and 5 have two and a half steps each then a hard standing before any more steps up to the front doors. House 4 is trying to have 3 steps and a slope up to the front door instead of a fourth step as in the originals in photo. A slope is definitely not a “Tudor” feature,
- it is almost like for like with the existing steps which the planning department have already turned shown,
- the proposed design is ugly and out of keeping with all the other steps in the courtyard,
- the photographic justification is misleading as it shows the steps of 3 Tudor Close whereas the steps and hard standing of no. 4 should match those of 5 Tudor Close,
- the proposed bricks are of the same proportions as the originals and if were built to the same design as those in the photograph would achieve the desired proportions and bring this on going saga to a logical conclusion,
- the Close is a much loved (and protected) architectural treasure and, if the mistaken desecration is to be resolved, then it should be undertaken wholeheartedly and correctly rather than attempting some botched up compromise,
- these steps are the centre piece of the Close. This half step gives an optical illusion of low wide steps and makes the front doors appear grander and wider, all the sets of steps in the Close are like this,
- 1 to 7 Tudor Close is made up of 7 freehold houses in a U-shape with no obvious boundaries between them. Therefore it is viewed as a whole. It was Grade II Listed because of its unique architectural qualities and to protect it from seven owners’ personal tastes.

5.2 **Brighton & Hove Archaeological Society:** Suggests that the County Archaeologist is contacted for recommendations.

- 5.3 **County Archaeologist:** Although this application is situated within an Archaeological Notification Area, it appears to be a retrospective application. For this reason have no further recommendations to make in this instance.
- 5.4 **Rottingdean Parish Council:** Has no objections to the proposed Victorian bricks that are to be used and welcomes this, However, it notes that this planning application refers to “replacing existing brick external steps and hard standing” and wants to remind the Council that the brick external access steps and hard standing that are currently to be replaced were erected without planning permission in 2011 and that retrospective planning permission for these were subsequently refused.
- 5.5 Therefore, what is there now and proposed for replacement is not what was there originally. To be meaningful to the Listed status of this property, the replacement that is now applied for in the current application should relate to replacing like-for-like to the original Listed build (not the build that has been refused retrospective planning permission). Nowhere in the application is there reference to the original elevation and alignment of the steps. This is a Listed Building in a sensitive semi-circle of cottages in a Conservation Area. Number 4 is the centre point and the proposed external brick replacement does not address the difference in the alignment of the original building’s steps with what was erected without planning permission and what is proposed here. This difference in the height measurement of the steps was part of the original retrospective planning application which was refused. Thus the correct original height/depth measurement of the bricks was considered to be of importance yet are not referred to in the current application. Objects to this omission.
- 5.6 **Rottingdean Preservation Society:** Welcomes the replacement of the steps with more appropriate brick but has to object to the fact that the design and layout of the application does not mirror what is needed in order to restore it to its Grade II Listed status.
- 5.7 Wish to see the steps and hard standing restored to their original design in order that they fit in with the 7 houses that form this U-shape crescent. Approaching the Crescent through the main gate no. 4 is the focal point. The importance of its external steps cannot be too highly emphasised in relation to its adjoining properties.

**Internal:**

- 5.8 **Heritage:** (*Original comments 18/10/2012*). As the current steps were undertaken without Listed Building Consent, this application should be judged against the character of the original steps and Close as a whole, rather than the new steps. As such, more evidence should be provided on the original design/appearance of the steps.
- 5.9 The top step should have no line of stretchers; it should go straight in to running bond. The steps should also splay out to follow the curve of the adjacent flint walls. The edgers should not extend to the top of the step. The majority of the thresholds in the courtyard are timber. Therefore it would be most appropriate for the threshold to be oak. A sample of the proposed reclaimed imperial



Victorian bricks has been viewed and is an acceptable match for the original. The use of lime mortar is also appropriate. Samples of the brick and mortar should be submitted as well as the mortar specifications. It is important that the lime mortar matches the original colour and consistency.

- 5.10 (*Additional comments 23/10/12 following submission of further information, amended drawings and a site visit*). The submitted photos, as well as an on site assessment provide evidence of the original steps. It is likely that the original steps comprised one shallow step and two deeper steps. It is unclear how this height of steps related to the height of the door opening however. The steps are viewed in direct relation to those at no. 5. However, there is a substantial difference in the heights of the terrace levels and openings to suggest that they were not exactly the same design. This is also evident in the height of the retaining wall to the terrace; there is a change in wall height at the boundary between the two properties.
- 5.11 The steps should extend out to meet the boundary of the flower bed. Further detail should be provided of the threshold step as it is unclear in the drawing.
- 5.12 (*Additional comments 24/10/2012 following receipt of amended drawings*). A sample of lime mortar (and specification) will be required by condition.
- 5.13 (*Final comments 1/11/12*). A photograph forming part of a previous application on the site (BH2002/02946/LB) shows the top half of the steps and entrance. Although it is not exactly clear in the photograph, it appears to show a shallow brick step and the threshold and further supports that the entrance did not exactly match that to no. 5.

## **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:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton & Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

- 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
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance:

SPGBH13 Listed Building – General Advice

## 8 CONSIDERATIONS & ASSESSMENT

### **Background**

- 8.1 Within the information submitted it is stated that the original steps comprised “severely crumbling bricks and mortar ridges standing proud” and that “Some bricks held pools of water due to their concave shape and most were crumbling”. It was the intention of the applicant to replace the most worn bricks and turn decent ones where possible however it is stated that this did not turn out to be an option as most bricks were crumbling on the underside and as a result the entire steps and hard standing area were replaced.
- 8.2 Listed Building Consent application BH2011/03572 sought retrospective consent for the replacement of the original brick steps and associated hard standing with new brick steps and hard standing. This application was refused on grounds that “the replacement steps and related hardstanding, by virtue of the construction materials used and the design and layout, have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building and the wider listed comprehensive Tudor Close development”.
- 8.3 The steps and hard standing refused under the 2011 application are the steps that are currently in situ at the site and which the current application seeks to replace. As the steps currently in existence at the site are unauthorised, this application should be judged against the character of the original steps and Close as a whole, rather than the steps viewable at site. Comments regarding this issue raised within the letters of objections received from neighbouring properties are noted.
- 8.4 The main considerations in the determination of this application relate to whether the proposed alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building and the wider listed comprehensive Tudor Close.
- Planning Policy:**
- 8.5 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.
- 8.6 Policy HE3 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 siting, height, bulk, scale, materials, layout, design or use.

**Design:**

- 8.7 As set out above the replacement steps should be judged against the character of the original steps, which have unlawfully been removed and the Close as a whole. From photographs and an on site assessment it would appear that the original steps comprised one shallow step and two deeper steps. Requesting the provision of scaled drawings of the original steps and hard standing is considered to be a degree hypothetical.
- 8.8 Since submission of the application the design of the proposed steps has been altered in order to address concerns raised by the Council's Heritage Officer, namely amendments to include a splay to the steps in order to follow the curve of the adjacent flint wall, the omission of a line of stretchers to the top step and the omission of vertical joints in the brickwork lining up.
- 8.9 The steps relating to no. 4 Tudor Close is viewed in direct relation to those at no. 5. However, there is a substantial difference in the heights of the terrace levels and openings to suggest that they were not exactly the same design. This is also evident in the height of the retaining wall to the terrace as there is a change in wall height at the boundary between the two neighbouring properties.
- 8.10 The design of the proposed replacement steps comprises of three steps (each approximately 160mm in height) rising up to a platform ahead of the doorway with a further step/threshold at the door itself; this broadly matches the original steps. As with the steps currently viewable on site, the proposed steps would be built to a regular height. It is stated that this height alteration is as a result of Health and Safety Legislation, a number of documents regarding such issues have been submitted as part of the application.
- 8.11 The riser to each step would comprise a layer of bricks laid flat and a row of headers above. The overall height of the steps proposed (approximately 480mm) is most likely greater than the original but it is considered that this increase in height would be by a negligible amount. When viewed in relation to the irregular 'vernacular' style of the courtyard as a whole, it is not considered that the change in height would have a harmful impact on the significance of the group.
- 8.12 The proposed steps and hard standing would comprise reclaimed bricks (220mm by 105mm by 65mm) and lime mortar pointing (approximately 15mm). A reclaimed oak sill threshold on bricks laid flat would be installed adjacent to the related entrance door.

8.13 A sample of the proposed Hailsham Old Brewery Victorian red reclaimed brick has been provided and has been viewed on site in context with other bricks forming the steps within the Close. It is considered that this proposed brick type is an acceptable match for the original brick.

8.14 It is recommended that a condition is attached to an approval, if overall considered acceptable, requesting the submission of the lime mortar and its specification.

## 9 CONCLUSION

9.1 Overall, subject to the compliance with the attached conditions it is not considered that the proposed replacement steps would have a harmful impact upon the character, architectural setting and significance of the Grade II Listed Building and the wider listed comprehensive Tudor Close. The proposal accords with policies of the Brighton & Hove Local Plan, approval is therefore recommended.

## 10 EQUALITIES

10.1 None identified.

## 11 CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

- 1) 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.
- 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
Existing Steps	02	-	12/09/2012
Front External Steps Proposed	03	B	24/10/2012

- 3) The steps and hard standing hereby approved shall be constructed with Hailsham Old Brewery Victorian Red reclaimed bricks in accordance with drawing no. 03 rev B received on the 24<sup>th</sup> October 2012 and the brick sample provided to 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.

### 11.2 Pre-Commencement Conditions:

- 4) No development shall take place until a sample of the lime mortar and mortar specifications have been submitted to an approved in writing by the

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Local Planning Authority. Development shall be carried out in 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.

### 11.3 Informatives:

1. This decision to grant Planning Permission 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:-  
Subject to the compliance with the attached conditions it is not considered that the proposed replacement steps would have a harmful impact upon the character, architectural setting and significance of the Grade II Listed Building and the wider listed comprehensive Tudor Close.

