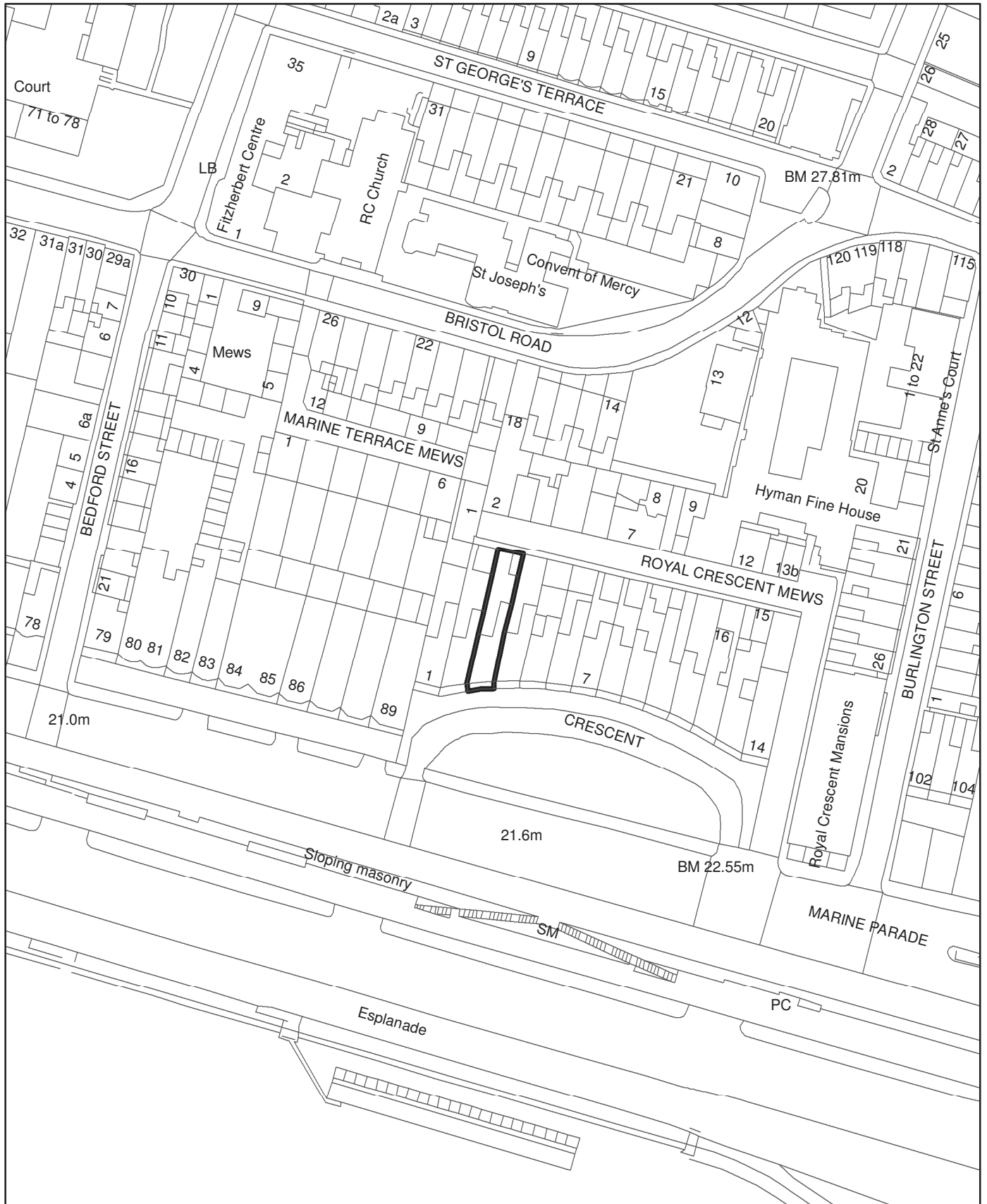


ITEM K

**3 Royal Crescent, Brighton,
BN2 1AL**

**BH2013/02139
Full Planning**

BH2013/02139 3 Royal Crescent, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02139	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Royal Crescent Brighton		
<u>Proposal:</u>	Demolition of existing garage/store in rear garden and erection of garden room.		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	24/06/2013
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	19 August 2013
<u>Listed Building Grade:</u> Grade II*			
<u>Agent:</u>	Acronym A & D Ltd, 262 Ditchling Road Brighton BN1 6JF		
<u>Applicant:</u>	Ms Helen Smith, 3 Royal Crescent Brighton BN2 1AL		

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 site is located on the northern side of Marine Parade. The property on the application site is a 4 storey Regency terrace, which forms part of a crescent of 14 houses. 3 Royal Crescent is a grade II* listed building in the East Cliff Conservation Area. The rear of the property fronts Royal Crescent Mews, which has a mixed character but is undeveloped on the southern side. The rear garden boundary to 3 Royal Crescent extends to the frontage of Royal Crescent Mews and includes a garage dating from the late 1950s.

3 RELEVANT HISTORY

- BH2013/02140** - Demolition of existing garage/store in rear garden and erection of garden room. Undetermined – report also on this agenda.
- BH2006/00628** - Render repairs, joinery repairs and decoration work to rear elevation. Approved 15/05/2006.
- BH2006/00188** - Alterations and repairs to front elevation to match original (existing). Approved 21/03/2006.
- BH2006/00145** - Alterations and repairs to front elevation to match existing design. Approved 15/03/2006.
- BH2004/03028/LB** - Internal works to create a maisonette over basement flat and external works to front elevation to refurbish balcony railings, front door/portico and joinery. Approved 18/01/2005.

BH2004/03027/FP - Change of use from 4 no. self-contained flats to a maisonette over basement (retention of flat on lower ground floor). Approved 31/01/2005.

BH2003/03636/LB - Removal of corroded cast-iron fire escape ladder from rear elevation. Approved 05/02/2004.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing garage/store in rear garden and erection of a garden room.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** 8 letters of representation have been received from **1, 2, 3, 5, 6 and 7 Royal Crescent Mews** and one representation on behalf of **4 Royal Crescent Mews** objecting to the application for the following reasons:

- Loss of flint wall.
- Loss of roses and mature planting.
- Garden room does not require enlarged timber doors and a level access.
- The creation of a garage is unacceptable and would reduce parking and turning space on the mews.
- Parking in Royal Crescent Mews is reserved for residents of the Mews only and not for residents of Royal Crescent.
- The proposal would obstruct the pavement and roadway.
- Modern design not in keeping with the listed building or conservation area.
- The glazed roof lantern would be obtrusive and cause a loss of privacy.
- The glazed roof lantern would cause glare at night when the lights were on.
- Sunlight would be reflected from the lantern and through neighbour's windows.
- Concerns over noise levels.
- Lack of consultation.
- Proposal is a fire danger.
- Level access would create drainage problems.
- A condition should be attached to ensure it remains a garden room.

- 5.2 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal

- 5.3 **Heritage:** This proposal includes improvements to the detailing of the openings in this part of the rear boundary wall, as well as traditional timber doors fronting Royal Crescent Mews, the new structure behind will not be visible from the Mews and as such the character of this frontage is preserved or improved.

The contemporary treatment of the internal elevations is considered an honest approach and will not detract from the special qualities of the listed building.

- 5.4 **Transport:** The Highway Authority has no objections to the above application. The application is for a garden room and is therefore not considered to have any increase in trip generation associated with the site or a negative highway impact.

Irrespective of this, should the application be for a private car parking space the Highway Authority would also not have any objections. Royal Crescent is a private street which the Highway Authority does not have any liability for and the provision of 1 car parking space would be in line with the maximum car parking standards in SPG04. The Highway Authority would recommend that the proposed doors to the garden room only open inwards and this could be secured via condition. The Highway Authority would look for the doors to open inwards to ensure that the doors don't pose any safety concerns to other road users using Royal Crescent.

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.
- 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.
- 6.5 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.
- 6.6 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:

TR7	Safe development
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD27	Protection of Amenity
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH13	Listed Buildings General Advice
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact on the character and appearance of the existing listed building, the wider East Cliff Conservation Area and the impact on neighbouring amenity.

Planning Policy:

- 8.2 Policy QD1 states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.3 Policy QD1 does not seek to restrict creative design provided that new development can still be integrated successfully into its context. It is possible to integrate modern developments whilst respecting the character of areas that are attractive and worthy of preservation
- 8.4 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- 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
 - the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - b) the use of building materials and finishes which are sympathetic to the area;
 - c) no harmful impact on the townscape and roofscape of the conservation area;
 - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - e) where appropriate, the removal of unsightly and inappropriate features or details; and
 - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

- 8.6 SPD12 states that proposals for extensions and/or alterations to listed buildings will be expected to demonstrate that the significance of the building has been understood and conserved, and will be expected to show an exceptional level of design quality and detailing. In addition, previous unsympathetic alterations to a listed building will not be considered to set a precedent for further unsympathetic works.
- 8.7 Policy QD27 states that planning permission for any development 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.

Design and Character:

- 8.8 The proposal is for a new garden room, which replaces an existing garage store. The demolition of the existing garage/store is considered acceptable as this is a relatively modern intervention of a poor design and is not in keeping with the parent property.
- 8.9 The proposed garden room is of a modern design apart from the elevation on Royal Crescent Mews, which is more traditional and as the new structure behind will not be visible from the Mews, the character of this frontage is considered to be preserved.
- 8.10 The rear of the crescent along Royal Crescent Mews has been considerably altered from what it would have originally been, with many properties having large garages. The rear of No. 3 does retain some of the original flint wall

between the garage and pedestrian access door where there is also a concrete patch up of the wall. While the rear wall is certainly not intact, it does contribute positively to the character and appearance of Royal Crescent Mews and the East Cliff Conservation Area. While the proposal would result in the loss of part of the flint wall, it also includes improvements to the detailing of the openings in this part of the rear boundary wall, as well as timber doors fronting Royal Crescent Mews.

- 8.11 The application does lack some detail and it is not clear how the doors will open and therefore, exactly how the doors will look. However, it is considered that this could be satisfactorily covered via a suitably worded planning condition to ensure that the timber doors onto Royal Crescent Mews have a traditional appearance and are therefore, in keeping with the character and appearance of the area. Weighing up the loss of some of the flint wall against the improvements to the detailing of the openings, it is considered that the alterations to the rear of No.3 Royal Crescent Mews would preserve the character and appearance of the conservation area and would not adversely affect the setting of the listed building.
- 8.12 It is considered that it is necessary to ensure that the new flint and brickwork matches the character and detailing of the original wall in order to preserve the character and appearance of the conservation area. In addition, a sample of the stone proposed for the lintels above the doors would be required to ensure that they had the necessary high quality finish. This detailing can be achieved by suitably worded conditions.
- 8.13 The contemporary treatment of the internal elevations is considered an honest approach and would clearly read as a modern intervention rather than some form of pastiche. It is considered that the proposal would not detract from the special interest or setting of the listed building. While the proposed garden room has a greater mass and bulk than the existing building, it is not of a scale which would be out of keeping with its surroundings or harmful to the Grade II* listed building.
- 8.14 The proposal would result in the planting over the existing building being removed, and this undoubtedly would have an impact on the appearance of the area. However, the planting over the garage could be removed at anytime and the Local Planning Authority has no control over this. While the planting on the Royal Crescent Mews side of the boundary is certainly attractive, and its loss would be disappointing, this cannot be a reason to refuse planning permission.
- 8.15 Therefore, it is considered that the proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. As such, the proposal is in accordance with Local Plan Policies HE1 and HE6, SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

Impact on Amenity:

- 8.16 The proposal would not have an adverse impact on neighbouring amenity due to its siting, height and distance from neighbouring properties in terms of daylight/sunlight or outlook.
- 8.17 The proposed garden room does have a roof lantern and there could be views into this room from first and second floor windows from the properties within Royal Crescent Mews. However, this would impact on the privacy of the occupiers of the garden room itself and views from the garden room would not be any worse for the properties on Royal Crescent Mews than existing views from within the garden of 3 Royal Crescent. As such, it is considered that the proposal would not have a detrimental impact on the privacy of neighbours.
- 8.18 Therefore, the proposal is considered acceptable in terms of impact on residential amenity.

Other Considerations:

- 8.19 The objections received raise a number of other points that have not been covered in the body of the report, which include:
- Garden room does not require enlarged timber doors and a level access.
 - The creation of a garage is unacceptable and would reduce parking and turning space on the mews.
 - Parking in Royal Crescent Mews is reserved for residents of the Mews only and not for residents of Royal Crescent.
 - The proposal would obstruct the pavement and roadway.
 - The glazed roof lantern would cause glare at night when the lights were on.
 - Sunlight would be reflected from the lantern and through neighbour's windows.
 - Concerns over noise levels.
 - Lack of consultation.
 - Proposal is a fire danger.
 - Level access would create drainage problems.
 - A condition should be attached to ensure it remains a garden room.
- 8.20 It is not considered that any of the above points raised by neighbours either singularly or collectively warrant the refusal of planning permission for the following reasons. Whether or not the garden room requires enlarged doors or level access is not for the local planning authority to determine. The proposal has been considered on its merits and its need for larger doors or level access is not a planning consideration.
- 8.21 All the objections state that the proposal appears to be a garage and that it would reduce parking. The application proposal is for a garden room and it is on this basis alone the proposal has been considered. The Highway Authority has no objections to the proposed garden room as the proposal would not have any increase in trip generation associated with the site or a negative highway impact.

- 8.22 In addition, the Highway Authority would also not have any objections if the proposal were for a garage. Royal Crescent is a private street which the Highway Authority does not have any liability for, and the provision of 1 car parking space would be in line with the maximum car parking standards in SPG04.
- 8.23 The Highway Authority has recommended that the proposed doors to the garden room, only open inwards to ensure that the doors do not pose any safety concerns to other road users using Royal Crescent Mews. This can be secured by a suitably worded condition. Overall, it is considered that the proposal would have not impact on parking over and above the existing garage/store.
- 8.24 The application does not propose parking on Royal Crescent Mews and therefore cannot be a reason for refusal. Notwithstanding the slightly wider doors onto the Mews, the proposal would not have a detrimentally greater impact on the roadway or pavement above that of the present garage/store.
- 8.25 It is considered that any light emanating from the roof light, while potentially being visible from neighbouring properties, would be directed upwards and not toward neighbouring properties themselves. While any glazed or metalled area has the potential to cause some glare, the roof lantern is modest in size and it is not considered that these objections carry significant weight to warrant to refusal of planning permission.
- 8.26 While it is possible that the garden room would be utilised more frequently than the existing garage/store, it is not considered that this would be likely to have a detrimental impact in regard to noise disturbance. Furthermore, no evidence has been presented that this would be a fire hazard or would create drainage problems. Therefore, it is not considered that these would warrant the refusal of planning permission.
- 8.27 Finally, it has been suggested that any approval should be conditioned to ensure that the proposal could not be used as a garage in the future. The Highway Authority has raised no concerns in regard to the proposal or its potential to be used as a garage. Therefore, a condition to ensure it remains as a garden room would not be necessary.
- 8.28 Overall, the objections raised within this application do not outweigh development plan policy and therefore do not warrant the refusal of planning permission.

9 CONCLUSION

- 9.1 The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. Nor would the proposal have a detrimental impact on neighbouring amenity. As such, the proposal is in accordance with Local Plan Policies HE1, HE6 and QD27 and

SPD12 Design Guide for extensions and Alterations and SPGBH13 Listed Building – General Advice.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

- 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
Location Plan	380/PA1		24.06.2013
Existing Rear Garden Plan	380/PA2		24.06.2013
Existing Sections and Elevations	380/PA3		24.06.2013
Existing and Proposed Rear Elevation	380/PA4		24.06.2013
Proposed Rear Garden Plan	380/PA5		24.06.2013
Proposed Sections and Elevations	380/PA6		24.06.2013
Proposed Details	380/PA7		24.06.2013

- 3) 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 a satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 4) No works shall take place until full details of the proposed doors onto Royal Crescent Mews 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 retained as such thereafter.
Reason: As insufficient information has been submitted, to ensure a satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

- 5) Notwithstanding Condition 4 above, the proposed garden room doors facing onto Royal Crescent Mews, shall only open inwards and be retained as such thereafter.

Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. 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:- The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II* listed building and would preserve the character and appearance of the East Cliff Conservation Area. The proposal would not have a detrimental impact on residential amenity.