

ITEM G

6 Cornwall Gardens, Brighton

**BH2013/02685
Householder Planning Consent**

09 OCTOBER 2013

BH2013/02685 6 Cornwall Gardens, Brighton



<u>No:</u>	BH2013/02685	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 Cornwall Gardens Brighton		
<u>Proposal:</u>	Alterations to front boundary wall. (Part-retrospective)		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	12/08/2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	07 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	AP Architectural Consultants, 20B Montague Road Lewes BN7 1EW		
<u>Applicant:</u>	Mr J Blackmore, 6 Cornwall Gardens Brighton BN1 6RJ		

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 comprises a two storey detached house located on the west side of Cornwall Gardens, Brighton, within the Preston Park Conservation Area. The front boundary wall to the property has recently been re-built and the front garden replaced with a brick hardstanding.
- 2.2 Cornwall Gardens features a mix of traditional Edwardian semi-detached houses with the majority being set to the eastern side of the street. The western side of Cornwall Gardens comprises a predominance of detached two storey houses of non-uniform appearance. The street is generally characterised by low boundary walls with taller brick piers and iron/steel gates.
- 2.3 The Preston Park Conservation Area is covered by an Article 4 Direction that requires planning permission for the demolition, alteration, or erection of front boundary walls, fences or railings.

3 RELEVANT HISTORY

BH2013/00055- Erection of single storey porch at front elevation. Refused 11/03/2013. Appeal dismissed.

BH2012/02471- Erection of single storey porch at front of property. Refused 15/10/2012

BH2011/01347- Erection of two storey rear extension and associated roof alterations incorporating rear dormers. Approved 23/06/2011.

4 THE APPLICATION

- 4.1 Part retrospective planning permission is sought for the demolition of the front boundary wall and the erection of a new 1m high brick front wall with flint detailing, including 1.7m high brick piers and black steel gates. The walls, piers and caps have been erected however the proposed flint detailing and steel gates have not been installed.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **5; 7 Cornwall Gardens; 17D Clermont Terrace; 10 Clermont Road; and the Preston & Patcham Society**, objecting to the application for the following reasons:

- The boundary wall and gate design fails to preserve or enhance the character and appearance of the conservation area, contrary to policies QD2 & HE6 and SPD9 & 12.
- The paving of the garden, type of brick wall, and the siting of the pier are out of character with the conservation area
- The removal of the entire mature well planted front garden is damaging to the character and appearance of the area. 'Well planted gardens' are identified as a 'special feature' in the character statement for the conservation area
- The northern driveway pier is not aligned with the southern side of the house and appears incongruously located, detracting from the rhythm of the street
- Although there is some variation in the front walls in the area, driveway widths appear limited to approximately 2.75m, whereas the drawings show a width of 4.7m. The previous driveway was approximately 3m in width
- Inaccurate drawings
- The proposed gate is too big to blend in with its surroundings and much higher and wider than what was there before
- The effect of the development is very bleak compared with the relaxed and leafy surrounding front gardens
- There is no properly authorised drop kerb to the property
- Flood risk from the non-permeable hardstanding

- 5.2 **Conservation Advisory Group: Objection**

The Group recommend REFUSAL to the application. The Group are concerned about the demolition of the original wall and the creation of the existing wall and pier. The Group are also concerned about the amount of garden used for hard standing and question whether the materials used would be permeable. Ideally, the Group would like to see the reinstatement of the garden in its original state and the wall reinstated to its original dimensions. The design of the new wall and the scale of the gates are not in keeping with the neighbouring properties.

Internal:

5.3 **Heritage:** No objection

This property lies within the Preston Park conservation area, which is a largely residential suburb of two storey housing dating from the mid to late 19th with some early 20th century development. Cornwall Gardens is a wide road that has Edwardian red brick terrace houses of c1900, typical of the conservation area, on the east side and larger inter-war houses on the west side, mostly detached. The inter-war houses have larger front gardens with carriage entrances but a common, unifying feature of the street is brick front boundary walls with tall pillars denoting pedestrian and carriage entrances. Many of the walls have flint panels.

Number 5 Cornwall Gardens is an inter-war detached house, rendered with half-timbering. It has a red/brown brick front boundary wall with a pedestrian opening to the right and a vehicular opening to the left, each flanked by pillars.

5.4 The existing arrangement of wall and pillars and the existing length of hard boundary treatment remains unchanged. The works involve altering the brick boundary wall to include flint panels and the installation of black metal gates to each opening. Given the form and variations of front boundary treatment in Cornwall Gardens there is no objection in principle to these alterations, subject to detail.

5.5 **Sustainable Transport:** No objection

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:

QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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 of the front boundary on the character and appearance of the Preston Park Conservation Area. Representations have been received raising concern at the replacement of the previously vegetated front garden with a large hardstanding. These works were carried out under the property’s permitted development rights and are not restricted by the Article 4 Direction in the area. The application does not seek retrospective consent for these works, only the works to the front boundary wall.

Design and Appearance:

- 8.2 Cornwall Gardens comprises large semi-detached Edwardian houses set above street level to the east side of the street. The front boundary walls to these properties comprise in the main brick retaining walls with flintwork panels and brick piers flanking pedestrian entrances. On the west side of the street the housing stock is more varied however brick boundary walls and piers generally prevail. The applicants have replaced their original low grey stone boundary wall with a 1m high brick replacement. New piers with stone caps have also been erected of similar scale and appearance to those adjacent at 4 Cornwall Gardens. The application seeks retrospective consent for these works, along with the proposed inclusion of flint panels to the walls and new black steel gates to the vehicular and pedestrian entrances.

- 8.3 It is considered that the principle of replacing the previous stone wall with a brick structure is acceptable, and would generally complement the character of the street. Whilst the boundary walls to the east side of the street are more regimented in scale and appearance, those to the west side vary in line with the more diverse housing stock. That said, there is a general pattern of low brick walls and brick piers which is broadly replicated in the applicant's proposal. It is noted that the previous low stone wall was individual to the street and did not have a significant positive impact on the appearance of the building or conservation area. As such its loss is not considered harmful to the area.
- 8.4 In terms of the gate design, there are a variety of discrete black metal gates in the street therefore the principle of gates is considered acceptable. A profile of the proposed gate has been submitted which is in keeping with those in the surrounding area, and would retain views through to the house behind. The council's heritage officer has raised no objection to the front wall and gate as detailed on the plans, subject to further detail of the flintwork panels and gate design. Such details are secured by condition.
- 8.5 Objections have been received identifying that the vehicular entrance is wider than those elsewhere in the street, with the northern pier offset from the flank wall of the house behind. Within the context of the west side of the street, the width of the vehicular entranceway is not excessive compared to others to the south and does not unduly detract from the appearance of the area. Further concern has been raised at the absence of a formal dropped kerb however it is noted that the kerb stones are consistently low along the street whilst a white line precludes parking outside the vehicular entranceway. In any case, planning permission is not required to install a dropped kerb along Cromwell Gardens as it is an unclassified road, whilst sustainable transport officers have raised no concern with the proposal's impact on highway and pedestrian safety.

9 CONCLUSION

- 9.1 Subject to conditions requiring further details of the proposed flintwork panels and metal gates, the boundary wall as part-implemented would not detract from the character or appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory 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.

PLANNING COMMITTEE LIST – 9th OCTOBER 2013

Plan Type	Reference	Version	Date Received
Site plan	CornG/02	-	05/08/2013
Block plan	CornG/01	-	05/08/2013
Existing plans	Cornwall/02	-	25/09/2013
Proposed plans	Cornwall/01	-	25/09/2013
Gate detail	03	-	25/09/2013

- 2) Prior to the installation of the flintwork panels, a sample panel of flintwork shall be submitted to and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 3) Within three months of the date of permission full details of the proposed gates shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be painted black within three months of installation and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.2 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:-
Subject to conditions requiring further details of the proposed flintwork panels and metal gates, the boundary wall as part-implemented would not detract from the character or appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.