

<u>No:</u>	BH2019/02273	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	218 Dyke Road Brighton BN1 5AA		
<u>Proposal:</u>	Internal alterations and the erection of a two storey rear extension, with associated works.		
<u>Officer:</u>	Jonathan Martin, tel:	<u>Valid Date:</u>	31.07.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	25.09.2019
<u>Listed Building Grade:</u>	Listed Building Grade II		
<u>Agent:</u>	CMK Planning 11 Aymer Road Hove BN3 4GB		
<u>Applicant:</u>	LAN Estates Ltd C/O Agent 11 Aymer Road Hove BN3 4GB		

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 **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)

b) samples of all hard surfacing materials

Development shall be carried out in strict 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 and CP15 of the Brighton & Hove City Plan Part One.

3. The works hereby permitted shall not be commenced until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority and implemented thereafter. All replacement and reinstatement features must match exactly the original in materials and detail.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No works shall take place to the windows until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and

sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. All existing doors are to be retained, except where indicated on the drawings hereby approved. New doors shall be of traditional timber panel construction. Any fireproofing to doors should be an integral part of the door construction.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with 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 and CP15 of the Brighton & Hove City Plan Part One.
7. The new walls shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls to match exactly the originals in each respective part of the building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
8. No internal walls or partitions shall be removed or part removed until details of any consequent structural interventions, including any new steel beams, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
9. All new and replacement rainwater goods shall be in cast iron and shall be painted black and retained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
10. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to

and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	TA 1151-12	A	4 December 2019
Proposed Drawing	TA 1151-13	A	4 December 2019
Proposed Drawing	TA 1151-14	A	4 December 2019
Proposed Drawing	TA 1151-10	A	4 December 2019
Proposed Drawing	TA 1151-15	A	4 December 2019
Proposed Drawing	TA 1151-20		31 July 2019
Proposed Drawing	TA 1151-21	A	5 December 2019
Proposed Drawing	TA 1151-22	A	5 December 2019
Proposed Drawing	TA 1151-23	A	4 December 2019
Proposed Drawing	TA 1151-24	A	4 December 2019
Proposed Drawing	TA 1151-25	A	4 December 2019
Proposed Drawing	TA 1151-26	A	4 December 2019
Proposed Drawing	TA 1151-27	A	4 December 2019
Proposed Drawing	TA 1151-28		31 July 2019
Proposed Drawing	TA 1151-29	A	4 December 2019
Proposed Drawing	TA 1151-30		31 July 2019
Proposed Drawing	TA 1151-31		4 December 2019
Location and block plan	TA 1151-01	C	4 December 2019
Proposed Drawing	TA 1151-11	A	5 December 2019

2. SITE LOCATION & DESCRIPTION

- 2.1. This property is a grade II listed building. Whilst historically used as a Public House, the ground floor of the building was recently used solely for retail purposes (through Permitted Development Rights) but in June of 2019 planning permission was granted to change part of ground floor (the western part) back to a public house. With regards to the upper floor, in 2018 an Enforcement Investigation confirmed that the upper floor of the property had been in lawful use as two residential units, separate to the ground floor commercial uses.
- 2.2. It is a purpose-built improved public house of 1895 to designs by Charles Henry Buckman in Tudor Revival Arts and Crafts style for Tamplins Brewery; it has small 1930 extensions to north and east.
- 2.3. The ground floor is of red brick in English bond with stone dressing; the first floor mainly timber-framed with plaster or brick infill but part is tile-hung. The rear elevation is mainly rendered. Clay tiled roof with three tall ribbed brick chimneystacks. It is an asymmetrical building of two storeys and four bays along Dyke Road and three bays along Highcroft Villas. The original ground floor plan had a bar servery to the south-west divided between a private bar,

public bar and off licence, a bar parlour in the centre and a coffee room to the south-east, with a tap room. The kitchen was extended in 2010.

- 2.4. This application seeks Listed Building consent for internal works to convert existing 2no flats at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00325** Pre-application for a proposal to convert and extend the upper parts of the premises to create two additional flats, and to erect a new dwelling to the rear.

- 3.2. The response summary regarding the conversion was as follows:

- Development in the roof of the former pub would be harmful to the fabric of the Listed Building and will not be approved.
- The proposed internal layout should more accurately detail the remaining original features and better preserve or enhance their place in the building.
- The terraces and balconies at the rear and sides of the proposed development should be removed as they are likely to be harmful to the listed building and to the amenity of neighbours.
- Consider the provision of alternative private amenity space for occupants of the flats.

- 3.3. The following changes were recommended to improve the proposal:

- Remove alterations to the roof space, and limit flats to the first floor only.
- Remove balconies and terraces from the proposed layout for the first floor flats.
- Consider utilising existing outdoor space as private amenity space for the flats.

- 3.4. **BH2019/02290** - Conversion of existing 2no flats at first floor level to create 2no two bedroom flats & 1no one bedroom flat incorporating part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations. Concurrent Application.

- 3.5. **BH2019/02289** - Erection of 1no two storey three bedroom dwelling house (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews. ul Concurrent Application

- 3.6. **BH2019/01912** - Application for approval of details reserved by conditions 3, 4 and 5 of application BH2019/00914. Approved 26/11/2019

- 3.7. **BH2019/00915** - Interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019

- 3.8. **BH2019/00914** - Partial change of use of existing retail unit (A1) to public house (A4), including interior alterations to form new cellar and refurbishment of kitchen and bar. Approved 07/06/2019
- 3.9. **BH2010/00601** - Erection of ground floor rear kitchen and cold store extension with associated extension of kitchen extract ducting. ul Approved 12/05/10.
- 3.10. **95/1320/FP** - Elevation alterations and rear extension to the public house. Erection of pergola in rear garden area. Approved 17/01/1996

4. REPRESENTATIONS

- 4.1. **Sixty Four (64)** letters have been received, objecting to the proposed development for the following reasons:
- Impact on Listed Building
 - Traffic, Parking and Congestion
 - Impact on the Dyke Pub
 - Rubbish and litter
 - Overdevelopment
 - Loss of privacy/overlooking
- 4.2. **Councillor Amy Heley** objects to the proposal, a copy of the letter is attached.
- 4.3. **Councillor Hugh-Jones** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

- 5.1. **Heritage:**
Initial Comment 02/09/2019: Requested Amendments
The alterations as currently proposed would cause harm to the listed building and could not be supported by the Heritage Officer.
- 5.2. This application follows on from pre-application advice earlier this year. The Design and Access Statement sets out how that advice has been taken into account in the submitted scheme but aspects of the proposals have not properly or fully reflected the advice given.
- Internal alterations
- 5.3. The first floor is a very intact late 19th century interior; it largely retains its original plan form unaltered and the rooms include much original joinery including panelled doors, built-in cupboards, architraves and skirting boards as well as plaster cornices and original fireplaces with surrounds, tiling, grates and hearths. These features are generally typical of late 19th century good quality interiors. The interior is very sensitive to change.

- 5.4. The proposals involve significant and harmful alteration to the original plan form to the northern half of the first floor and a consequent harmful loss of architectural features. Of greatest concern is that at the northern end the distinctive pair of angled chimney breasts, with original fireplaces would be lost and the two room proportions greatly altered, whilst the angled chimney breast and fireplace in the kitchen in the north-west corner would also be lost.
- 5.5. The current wall between Bedroom 2 and the boiler room appears to be a masonry wall and may therefore be structural. Its demolition may require the insertion of alternative means of structural support but no such intervention has been indicated on the drawings (plan and section) and no structural engineer's report has been included.
- 5.6. The internal section drawings refer generally to new 4 panelled doors to match existing and it is not clear that existing panelled doors that are to be removed will be re-used and relocated.

External Alterations

- 5.7. The rear of the building has been successively extended and altered over a period of time and its current appearance is disjointed, relating neither to the original 1895 design or to the 1930s remodelling. It does not present an attractive composition as seen from Highcroft Villas or Old Mills Mews. Therefore the rear elevation is not considered to be sensitive to change.
- 5.8. In principle therefore it is considered that the first floor gabled rear extensions as shown would be acceptable, subject to them closely matching the materials and detailing of the original building, which could be secured by condition and subject to improvements to the rear of the ground floor. The southern-most gable, however, should be brick faced to match the existing one, to maintain symmetry. The rear window to the gable to be blocked up is not a historic window. The original copper roof vent would be lost and this would need to be carefully recorded prior to removal.
- 5.9. At pre-application stage it was advised that the utilitarian 2010 flat-roofed ground floor extension (freezer room) should be removed and it would also be beneficial to consider removal of the adjoining monopitch roofed area that appears to date from the same time. Whilst the freezer room extension has been removed it has been replaced by a further extension of the monopitch roofed extension.

Final Comment 06/12/2019: Approve with Conditions:

- 5.10. The amended plans have satisfactorily addressed all of the previous heritage concerns and approval is therefore now recommended, subject to conditions. The conditions relate to internal walls, schedule of features, window details, existing doors, existing architectural features, new walls, external finishes, rainwater goods and further works.
- 5.11. **Conservation Advisory Group: No Objection**

6. RELEVANT POLICIES & GUIDANCE

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 Joint Area Action Plan (adopted Oct 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 One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE4 Reinstatement of original features on listed buildings

Supplementary Planning Document:

SPD09 Architectural Features
SPG11 Listed Building Interiors
SPD12 Design Guide for Extensions and Alterations

Asset of Community Value (ACV)

7.1. Since December 2018 the ground floor and garden of 218 Dyke Road, the Dyke Pub, has been listed as an under Asset of Community Value, under reference ACV ACV/APP/2018/003.

7.2. The fact that the ground floor and garden is listed as an ACV is capable of being a material planning consideration in the determination of Listed Building applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the Local Planning Authority.

- 7.3. It should be noted that a listing as an ACV gives no right of access to the land concerned: the only right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 7.4. So far as the site proposed for development is concerned, the changes relate to the upper floor of the existing building which is not referenced in the ACV listing. The proposal would not result in the loss of any retail (Class A1) or pub (Class A4) floorspace and the changes relate solely to the upper floor of the property which is currently in use for residential purposes (Class C3).
- 7.5. Therefore it is considered that the proposal will have no impact on the ACV and would not impact on the local community's enjoyment of the listed Public House.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this Listed Building application relate to the impacts of the proposal on the historic character and appearance of the Grade II* Listed Building.
- 8.2. The application seeks Listed Building Consent for internal alterations to convert the existing 2no residential units at first floor level to 2no two bedroom flats & 1no one bedroom flat. A part two storey & part first floor rear extensions with gable roofs, front & rear terraces and associated alterations are also proposed to accommodate the proposed additional residential unit.

Statement of Significance:

- 8.3. The building is significant as an early example of a 'reformed' public house. It is a prominent corner public house with well-articulated frontages and decorative features, built in good quality materials to a high standard of craftsmanship; the exterior is little altered since the 1930s and the interior retains number of original or historic features. The building is considered to be Buckman's best public house built in Brighton, possessing all the features of the Tudor Revival style.

Heritage and Impact on Listed Building:

- 8.4. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions 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.
- 8.5. In considering whether to grant Listed Building permission which affects a listed building or its setting 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.

8.6. The proposed development was considered by the Council's Heritage Officer when this scheme was submitted as part of pre-application PREAPP 2018/00325. Detailed discussions took place and the applicant has sought to take on board the comments that were raised in order to make the scheme acceptable.

Exterior

8.7. The proposal would result in the provision of a new rear extension to provide additional floorspace at both ground and first floor levels. The proposed rear extension would comprise gables features, which would match the materials and detailing of the original gable on the rear elevation of the building.

8.8. Following submission of amended plans, and subject to compliance with recommended conditions, overall it is considered that the proposed rear extension would not be of significant harm to the character or appearance of the host listed property. As such the proposal complies with policies of the Brighton and Hove City Plan Part One and Brighton and Hove Local Plan.

Interior

8.9. In addition to the provision of a rear extension internal alterations are proposed to convert the existing 2 residential units into 3 residential units, including the creation of new doorways to coincide with the altered floor layout.

8.10. The first floor level of the property comprises intact 19th century interior and largely retains its original unaltered plan form and the rooms include and the rooms include much original joinery including panelled doors, built-in cupboards, door architraves and skirting boards as well as plaster cornices and original fireplaces with surrounds, grates and hearths.

8.11. Amended plans have been submitted to address original concerns raised by the Heritage officer. Overall is not considered that the internal alterations now proposed would not harm the historic character or appearance of the Grade II listed building. As such the proposal complies with policies of the Brighton and Hove City Plan Part One and Brighton and Hove Local Plan.

Other Considerations:

8.12. When considering whether to grant Listed Building permission for development which affects a listed building or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the building or its setting or any features of special architectural or historic interest which it possesses.

8.13. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

8.14. As noted earlier in the report, the works are considered acceptable in relation to the listed building and its setting and accordingly it is concluded that the proposal will not cause harm to these heritage assets.

Conclusion:

- 8.15. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II listed building in accordance with policies HE1, & HE3 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. **EQUALITIES:**
None identified