

<u>No:</u>	BH2021/04244	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Rottingdean Lounge And Bar 89 High Street Rottingdean Brighton BN2 7HE		
<u>Proposal:</u>	Installation of raised decking to rear (Retrospective).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	20.12.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	14.02.2022
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	18.02.2022
Building Grade II			
Agent:			
<u>Applicant:</u>	Mr Phillip Sherrington	89 High Street	Rottingdean Brighton BN2 7HE

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** planning permission subject to the following Conditions and Informatives:

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.

Plan Type	Reference	Version	Date Received
Existing Drawing	DD101A		4 February 2022
Location Plan			20 December 2021

2. Within three (3) months of date of this decision, the existing louvered timber fencing to the decking shall be removed, the area made good, and levels of soil raised where identified on the approved plan DD101A received on 4th February 2022. The decking and boundary treatment shall be provided in accordance with the approved plan and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and policies DM27 and DM29 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

3. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. SITE LOCATION

- 2.1. The application relates to a two storey terraced building located on the western side Rottingdean High Street. The building is grade II listed and within the Rottingdean Conservation Area and Article 4 direction. The current use is as a public house with beer garden to rear.
- 2.2. The site lies within an Archaeological Notification Area.

Statement of Significance

- 2.3. The Rottingdean Lounge and Bar (formerly The Rottingdean Club) is a grade II listed building and dates from the 18th century or earlier. It was built as single house but became part of the Olde Place Hotel, which included adjoining properties, in the early 20th century and then later a private members club. It is flint with dressings of red brick, roof of clay tiles; two storeys with dormer in the attic. To the front is a flat-arched entrance under a 20th century verandah between single storey bays. To the rear is a single storey flat-roofed extension leading to a large garden. The garden land was originally part of a larger separate plot of land, on which Olde Place Cottage and Olde Place Court were developed in the 20th century. The garden forms a positive element of the setting of the listed building and contributes to the semi-rural spaciousness and grain of the conservation area.
- 2.4. Rottingdean comprises a substantial downland village, with the medieval village core at its heart and some later 20th century development on its fringe. Although situated by the sea, the village's development was based primarily on agriculture. This site lies within the High Street character area, where the street morphology, plot size and a number of surviving buildings indicate the medieval antecedents of the village. Most existing buildings date to the 18th, 19th and 20th centuries. They display a range of designs and architectural styles but are unified through the use of predominantly vernacular and traditional materials such as flint, brick and render. The majority of buildings are of two storeys, with pitched roofs - either set parallel or with a gable end to the road.

3. RELEVANT HISTORY

- 3.1. BH2021/04479 - Installation of raised decking to rear (Retrospective). Pending - listed building consent application for the same works.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of raised decking to the rear garden. The application is part retrospective as the works, other than the proposed removal of the timber fencing had been completed by 8 March 2020.

5. REPRESENTATIONS

- 5.1. **Six (6)** representations have been received from members of the public objecting to the application for the following reasons
- Adversely affects Conservation Area
 - Overdevelopment
 - Additional Traffic
 - Noise
 - Residential Amenity
 - Adverse effect on listed building
 - Poor design
 - Too close to boundary
 - Detrimental effect on property value
- 5.2. **Two (2)** representations have been received from members of the public supporting the application for the following reasons
- Good design
 - In keeping with the listed building and conservation area

6. CONSULTATIONS

- 6.1. **Heritage:** No objection Final comment revised plans - 08/02/2022
Subject to a condition for removal of existing louvred fencing surrounding the decking. Post and rope retention to edges of decking is acceptable.
- 6.2. **Heritage:** Objection Initial comment - 13/01/2022
"Extensive fencing would in effect create haphazardly-shaped solid enclosures within the garden which do not relate to its simple historic character, and would clutter this open space and be visually intrusive. This would harm the setting of the listed building and would harm the character of the conservation area."
- 6.3. **Rottingdean Parish Council:** No objection Revised comment- 17/01/2022
Repeat earlier comment and elaborate on some consultation matters raised by the agent.
- 6.4. **Rottingdean Parish Council** No objection Initial comment - 04/01/2022
"We are of the opinion that this retrospective proposal will not have a direct impact on the Grade 2 listed building since the raised areas are not attached to and are located well away from the building. We consider that the proposed raised areas will not affect the structure, setting, character and appearance of the listed building and importantly means that greater use can be made of the garden as an outside dining area."
- 6.5. Additionally although the garden is directly adjacent to neighbouring properties which overlook the garden, we are of the opinion that given the height of the raised areas that they will not unduly impact on these properties."

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 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 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

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Supplementary Planning Guidance:

Rottingdean Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact on the character and appearance of the listed building and area, particularly the heritage assets of the conservation area, and the impact on residential amenity of neighbouring occupants.
- 9.2. In considering whether to grant planning permission for development 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. Moreover, when considering whether to grant planning permission 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.
- 9.3. 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 area should be given "considerable importance and weight".
- 9.4. Amended plans have been submitted during the course of the application to meet concerns raised by the LPA in respect of the fenced areas of the decking.

Impact of Design and Appearance on Listed Building and Conservation Area

- 9.5. The rear garden area of the property was altered in 2020 with a new pathway and finish, including the provision of raised decking areas which require express planning permission and listed building consent. Prior to this, the rear garden was mainly laid to lawn with a smaller raised area to the rear which was at most 0.4m above ground level.
- 9.6. The decking structures are located to the rear (west) and side (south) of the garden. It is irregular in shape, with a rear area to a maximum height of 0.5m above ground level, a width of 11.5m, and a depth of 5m, accessed from the garden via two steps. The side decking is lower and has a maximum height of 19cm above ground level, with a maximum depth of 6.5metres and a maximum width of 4metres, again of irregular shape. The decking is constructed of timber

and has post and rope railings to the elevations that face into the garden and also surrounding the lower side decking.

- 9.7. The rear decking currently has louvered wooden fencing surrounding the elevations that face away from the garden and in proximity to the existing boundaries. The purpose of this fencing is to prevent falls into the gap between the raised decking and surrounding shrubbery/walls.
 - 9.8. The materials used are considered acceptable and the timber will likely weather over time to become darker in appearance. The size and height of the decking is assessed as appropriate in the context of the large rear amenity area, with suitable setting back from permanent boundary structures and not appearing fixed to any buildings or supporting structures.
 - 9.9. The principle of the decking in this location and the impact within the listed building curtilage has been thoroughly considered and Heritage Officers have been consulted. Heritage Officers consider that the raised decking itself does not have a significant impact on the historic and open nature of the garden. However, the provision of louvered wooden fencing is seen as creating enclosures that do not reflect the open nature of the pre-existing and historic garden.
 - 9.10. The agent has submitted amended plans which show removal of the fencing to the raised decking, with alteration of the ground levels to infill the gaps and ensure that public safety is not compromised through risk of falling. Heritage Officers have confirmed that this is an acceptable solution and removes those harmful elements of the decking. The removal of the fencing and infill of the gaps would be secured by condition to ensure compliance.
 - 9.11. The decking as amended on the supplied plans would not substantially disrupt the listed building, nor appear an incongruous addition. It is suited to the use of the garden in support of the Rottingdean Lounge and Bar. The location at the rear ensures visibility in the public realm is limited. The setting back from the majority of boundaries and historic structures ensures the impacts of the decking are mitigated.
 - 9.12. Therefore, the works are considered to be a suitable addition to the building that does not significantly harm its appearance or that of the wider conservation area, and are therefore in accordance with policy QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of City Plan Part One, policies DM21, DM26, DM27 and DM29 of City Plan Part Two (DM26, DM27 and DM29 can be given significant weight. DM21 carries more weight than QD14, the policy which it replaces), and SPD12 guidance.
- Impact on Residential Amenity
- 9.13. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) both state that planning permission for any development or change of use 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.

- 9.14. A recent site visit has been carried out by the case officer to fully assess the impact of the works.
- 9.15. The site is located within a densely populated part of Rottingdean with many residential properties in close proximity, some of which abut the rear garden. Therefore the pre existing and current situation means a relatively high degree of mutual overlooking and disturbance exists between the respective residential properties and the Rottingdean Lounge And Bar. This proximity exacerbates the amenity impacts of the differing uses.
- 9.16. It is considered that although the decking has changed the appearance of the garden and provided more elevated areas than previously in situ, the degree of harm to neighbouring properties over the pre existing situation is limited with the setting back from the boundaries and remaining degree of foliage to the boundaries. It is noted that objections mention the noise and disturbance from the use of garden area for dining, drinking and music, however this use existed prior to the installation of the current decking. To refuse the application purely on that basis would be unreasonable, and in any event would not cease the use of the garden for these activities
- 9.17. A condition would be attached to remove the existing wooden fencing to the decking and infill the gaps between decking and boundaries with soil and planting to ensure that no amenity harm is caused by potential fall risk.
- 9.18. Therefore, it is not considered that the decking causes any significant increase in harm to amenity, and is therefore in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2 (DM20 carries more weight than QD27, the policy which it replaces).

Archaeology:

- 9.19. The site sits within an area of Archaeological Interest. The works have very limited below ground impact and therefore it is unlikely to have had any adverse effects on archaeological deposits.

Conclusion:

- 9.20. The development is considered acceptable in terms of its impact on the listed property, the wider area conservation area, and would cause no significant harm to neighbouring amenity in excess of the pre-existing situation. Approval is therefore recommended.

- 10. EQUALITIES**
None identified

- 11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The works are considered to have a neutral effect, as although made from sustainable materials, lawn and foliage has been removed.