

<b><u>No:</u></b>	<b>BH2021/04479</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The Rottingdean Lounge And Bar 89 High Street Rottingdean Brighton BN2 7HE</b>		
<b><u>Proposal:</u></b>	<b>Installation of raised decking to rear (Retrospective).</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	20.12.2021
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	14.02.2022
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
Building Grade II			
<b><u>Agent:</u></b>	Mr Adrian Gammon 10 Rectory Gardens Worthing BN14 7TE		
<b><u>Applicant:</u></b>	Mr Phil 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** listed building consent 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.

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

2. Within three (3) months of the 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 the 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 policies HE3, HE6 and QD27 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26, DM27 and DM29 of the emerging Brighton and Hove City Plan Part Two.

### Informatives:

1. 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. The current use is as a public house with beer garden to rear.

### Statement of Significance

- 2.2. 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.
- 2.3. 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. BH2021/04244 - Installation of raised decking to rear (Retrospective). Pending - Full planning 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 retrospective as the works had already been completed on the 08/03/2020.

## **5. REPRESENTATIONS**

- 5.1. **Two (2)** representations have been received from members of the public objecting to the application for the following reasons
- Adversely affects Conservation Area
  - Additional Traffic
  - Noise
  - Too close to boundary
  - Detrimental effect on property value

## 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. 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  
CP15 Heritage

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

HE1 Listed buildings  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of Conservation Areas

#### 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.

DM26 Conservation Areas  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets

#### Supplementary Planning Documents:

SPD09 Architectural Features

#### Supplementary Planning Guidance:

Rottingdean Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

9.1. The sole consideration in the determination of this application relate to the impact of the development on the character of the Grade II Listed Building. The retrospective nature of the application is not a relevant consideration in determining this application.

9.2. In considering whether to grant listed building consent 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 listed building consent 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 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.
- 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.

#### Impact on the Listed Building

- 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 location to the rear ensures the impacts of the decking on heritage assets are mitigated.

9.12. Therefore, the works as amended, are not considered to harm the historic character or appearance of the Grade II listed building, and are therefore in accordance with policy HE1 and HE3 of the Brighton & Hove Local Plan, CP15 of City Plan Part One, and policies DM27 and DM29 of City Plan Part Two (DM27 and DM29 can be given significant weight), and SPD9 guidance.

**Conclusion:**

9.13. The development is considered acceptable as the works are not considered to harm the historic character or appearance of the Grade II listed building. Approval is therefore recommended.

**10. EQUALITIES**  
None identified