

Report to **Planning Committee**  
Date **1 November 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/04119/LIS**  
Applicant **Mr M Bell**  
Application **New single family dwelling**  
Address **111 High Street**  
**Lewes**  
**East Sussex**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

### **1 Site Description**

- 1.1 The site is located between the High street and Rotten Row. It is occupied by a grade II \* listed property, St Anne's House, which fronts onto the High Street. This is a rather elegant Georgian house, with a large walled garden to the rear with access off Rotten Row. The building is now used as a gallery and offices for several businesses. The site covers an area of approximately 1320sq.m of which St Anne's House covers half. The remainder of the land is located to the rear and is part of what would have been a walled garden and which is now used largely for parking, with a smaller area of amenity space associated with the building.
- 1.2 The rear parking and garden area slopes down from the house to Rotten Row, where a high brick wall encloses the site and is punctuated with a vertical timber set of double gates. The levels within the site are higher than those of the adjacent highway so an existing hedge on the northern side of the boundary wall almost doubles the height of the boundary treatment. There are two mature trees (a yew and a sycamore) located in the south west corner of the site.

### **2 Proposal**

- 2.1 Listed building consent are being sought to construct a 2 storey dwelling in the south west corner of the plot adjacent to Rotten Row. The house would be an upside down dwelling, with three bedrooms on the ground floor and the main living/kitchen/dining area on the upper floor, with a south facing balcony. The roof would be mono pitch roof with a shallow slope from south to north. An additional gated pedestrian access would be created in the boundary wall to the west of the existing main gates to provide access to the dwelling. Two dedicated parking spaces would be provided for the occupiers of the dwelling.

### **3 Relevant Planning History**

3.1 There is no relevant planning history.

### **4 Consultations**

#### **East Hampshire Association of Parish and Town Councils**

4.1 Comments awaited.

#### **ESCC - County Archaeologist**

4.2 No objection subject to the following condition:

4.3 *No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.*

4.4 *Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework*

#### **LE - Design and Conservation Officer**

4.5 111 High Street is a grade II\* listed building within the Lewes Conservation Area. Notably, extensive pre-application discussions took place, with Historic England included, to establish an appropriate scheme for the site.

4.6 The proposed dwelling sits to the rear of 111 High Street where it would face on to Rotten Row. As existing this part of the garden is used as a car park, associated with the office use of 111 High Street. Concerning the context of the site, there is an established pattern of development where there are later infill houses along the rear the High Street, facing on to Rotten Row. All of these modern dwellings would have been built within the curtilage of listed buildings.

4.7 The proposed dwelling is considered to be a well-designed modern piece of architecture that sits well within the street scene. In terms of the impact on the setting of 111 High Street, the proposed dwelling will clearly be visible from the building within the existing parking area. However, because of the topography, the site slopes toward Rotten Row, it sits lower than the listed building. The result of this slope is the proposed dwelling will have a conspicuously subservient appearance within the curtilage of the listed building. The wider views from 111 High Street of the South Downs area are still maintained at first floor, allowing the listed building to maintain its attractive outlook.

4.8 The proposed dwelling is not objected to as it is considered to preserve the existing listed building, its setting and the wider Lewes Conservation Area. It is recommended the application be approved with the following conditions:

4.9 *Prior to commencement of works details of materials, to include but not be limited to samples, finishes, product information, etc shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.*

4.10 *Prior to commencement of works details of the windows and doors to include elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.*

- 4.11 *Prior to commencement of works details of minor enabling works such as vents, flues, meter boxes, external lighting, rainwater goods and any other associated works shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.*
- 4.12 *Prior to commencement of works details of: The method for creating a new opening for the new entrance door within the existing south boundary wall and of structural support for the existing boundary walls during works; The appearance of the new entrance gate, door and piers within the existing south boundary wall elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar; shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.*
- 4.13 *Prior to commencement of works details of hard and soft landscaping shall be submitted to, approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.*

### **Southern Gas Networks**

- 4.14 Comments awaited.

### **Historic England - South East Region**

- 4.15 Thank you for your letter of 16 August 2017 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.
- 4.16 It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### **Lewes Town Council**

- 4.17 No comment

## **5 Representations**

- 5.1` 5 neighbour objections - too near the boundary, mass and height would damage views from Rotten Row, mass and height would obscure views of St Anne's House, overlook and dominate neighbours, overdevelopment, negative visual effect on St Anne's House, loss of parking, amenity space too small, intrusive balcony, detrimental impact on views down Rotten Row, unsightly new opening, design not in keeping and out of character with surroundings, should consider an alternative design, too tall
- 5.2 I representation raising comments - should ensure sufficient parking space for existing business, all building works within the site, hedge and trees should remain.
- 5.3 LCAAG - The Group spent considerable time examining this detailed proposal, which clearly showed the Applicants thought process.
- 5.4 With such an Application it is worth reminding everyone that the CAAG limits its recommendations based on the potential impact, positive or negative, on the Conservation Area. Other planning parameters should not concern the Group.
- 5.5 The Group believes that the preferred option would be the most effective way to use the site and that the proposed design will fit into the existing pattern of additional properties developed in the gardens of houses on the North side of Rotten Row. Some degree of concern is shared with Historic England over the possible detriment of the view South from the existing Property (St Anne's House), but assumes that this will be scrutinised by the Planning Department. Hence decision is approve.

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- National Planning Policy Framework

Other plans considered:

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The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- H2 - Listed Buildings
- CPI1 - Built and Historic Environment and Design

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 9

The following policies of the **National Planning Policy Framework** are relevant to this application:

- NPPF12 - Conserving and enhancing the historic environment

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 9

#### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

## 8 Planning Assessment

### Policy

- 8.1 A broad summary of the main policies relevant to the determination of the application are set out below.
- 8.2 The site is located within the planning boundary and therefore there is a presumption in favour of development unless material considerations suggest otherwise.
- 8.3 Policy H5 of the LDLP seeks to conserve or enhance the special architectural or historic character or appearance of such areas.
- 8.4 Core Policy 11 of the LDLP JCS seeks to secure high quality design in all new developments.
- 8.5 The site is also located within the SDNP where one of its purposes is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Policy 9 of the Management Plan seeks to protect the historic environment from harm.

### Design

- 8.6 The building will be located in the south west corner of the site. The land within the site is raised in relation to Rotten Row. The building will not sit parallel to the southern boundary wall, being located between 3m at its eastern end and 7m at its western end back from the boundary, and 5m away from the western boundary.
- 8.7 The building will have a footprint measuring 9.5m deep and between 9.5m (north) and 13m (south) wide, giving a footprint of approximately 110sq.m. These measurements include the overhanging balcony to the south elevation. The shallow sloping roof, which slopes south to north, will be a green roof and will accommodate photovoltaic panels. The walls will be a mix of render, horizontal timber boarding and timber shingles. The windows will be timber framed, and the first floor balcony which runs across the south elevation at first floor level will be in timber (post and beams) with a black metal balustrade to the front edge. An amended plan has been submitted which the building being set 600mm into the ground thus reducing its overall height in relation to its surroundings.

### Impact on listed building

- 8.8 The site is located in the curtilage of a grade II\* listed building. Originally a prestigious dwelling house the application site is located in what would have been the dwelling's walled garden.
- 8.9 English Heritage has been involved in the pre-application discussion. They have acknowledged the current use of the building as a gallery and offices, and also that Rotten Row has over time developed to allow unobtrusive modern infill development, which has largely taken place in the large gardens which front onto Rotten Row and which at one time belonged to the listed dwellings which face onto the High Street. Therefore they have accepted the principle of developing a dwelling within the plot as it would in their opinion correspond to the more recently established street pattern. They also considered that the contemporary design and the use of natural materials, which occur elsewhere in the conservation area would also appropriate.
- 8.10 The main issue is therefore whether the siting of the new dwelling would impact on the setting of the listed building or prejudice the extensive views south from the listed building. English Heritage considered that the proposed siting would still allow views of the rear elevation of the building when viewed from the south and would allow views out to the south and towards the Downs.
- 8.11 The Council's Design & Conservation officer considers that the proposed dwelling will clearly be visible from the listed building. However, because of the topography with the slope away from the listed building toward Rotten Row, the new dwelling would sit lower than the listed building. The result of this is that the proposed dwelling will have a conspicuously subservient appearance

within the curtilage of the listed building, and that wider views from 111 High Street of the South Downs beyond will still be maintained at first floor, allowing the listed building to maintain its attractive outlook.

- 8.12 Overall it is not considered that the proposal would have a detrimental impact on the character or setting of the listed building. It is not considered that specific conditions relating to the design are required as these matters would be covered by conditions attached to any planning permission that would be forthcoming.

## **9 Conclusion**

- 9.1 It is considered that the development would provide a contemporary dwelling, of an appropriate design, form and scale that would sit comfortably within the space available, without detriment to the character and setting of the listed building.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

### **1. 3 year time expiry listed building**

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

**Reason:** To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

**Reason:** For the avoidance of doubt and in the interests of proper planning.

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents



## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	I3860/PA/001		20.07.2017	Approved
Plans -	I3860/PA/002		20.07.2017	Approved
Plans -	I3860/PA/003		20.07.2017	Approved
Plans -	I3860/PA/004		20.07.2017	Approved
Plans -	I3860/PA/005		20.07.2017	Approved
Plans -	I3860/PA/006		20.07.2017	Approved
Plans -	I3860/PA/007		20.07.2017	Approved
Plans -	I3860/PA/010 Rev A		02.10.2017	Approved
Plans -	I3860/PA/011 Rev A		02.10.2017	Approved
Plans -	I3860/PA/012 Rev A		02.10.2017	Approved
Plans -	I3860/PA/013 Rev A		02.10.2017	Approved
Plans -	I3860/PA/014 Rev A		02.10.2017	Approved
Plans -	I3860/PA/015		20.07.2017	Approved
Application Documents -	Arboricultural Impact		20.07.2017	Approved
Application Documents -	archaeological evaluation		20.07.2017	Approved
Application Documents -	design and access		20.07.2017	Approved
Application Documents -	initial arboricultural report		20.07.2017	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.