

<u>No:</u>	BH2020/01509	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46 Queens Gardens Brighton BN1 4AR		
<u>Proposal:</u>	Loft conversion incorporating the installation of one front and one rear conservation style rooflight and the replacement of windows and doors to the rear and side elevations with uPVC double glazed units, and the replacement of front windows and doors with timber double glazed units to match existing, and associated works.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	05.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	31.07.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Wang Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Huanyu Li 46 Queens Gardens Brighton BN1 4AR		

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
Proposed Drawing	1918 PL1 07	C	30 July 2020
Proposed Drawing	1918 PL1 04	C	30 July 2020
Location and block plan	1918 PL1 01		5 June 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be commenced until full details of all new sliding sash window(s) and external doors 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. The windows shall be painted timber double hung vertical sliding sashes with concealed trickle vents. New doors shall be of traditional timber panel construction. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The rooflight(s) hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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 & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey terraced property on the eastern side of Queens Gardens, within the North Laine Conservation Area. The site is covered by an Article 4 Direction which, among other things, removes 'permitted development' rights relating to improving/altering front facades and roofs.
- 2.2. Planning permission is sought for a loft conversion, incorporating the installation of one front and one rear 'conservation-style' rooflight, and the replacement of windows and doors to the rear and side elevations with uPVC double glazed units, and the replacement of front windows and doors with timber, double-glazed units to match the existing, and associated works.
- 2.3. Since submission of the application the description has been amended to better reflect what is proposed, including the removal of front rooflights.

3. RELEVANT HISTORY

- 3.1. **BH2016/05033** Certificate of Lawfulness for proposed conversion of 2no. flats to 1no. residential dwelling (C3). Approved 05.12.2016
- 3.2. **BH2017/01075** Enlargement of existing rear dormer Refused 26.02.2018
- 3.3. **BH2019/03445** Roof alterations incorporating raising ridge height, reroofing, installation of 2no. front and 1no. rear rooflights. Replacement of all windows, doors and rooflights with uPVC double glazed units. Refused 17.01.2020

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received objecting to the proposal on the following grounds:
 - Overlooking
 - Privacy
- 4.2. **One (1)** letter has been received from The North Laine Community Association objecting to the scheme on the following grounds:
 - Rooflights altering roof line
 - Use of UPVC windows and doors contrary to Article 4 direction
 - Detrimental to the character/appearance of the North Laine conservation area
- 4.3. **Councillor Deane** has objected to the proposal. A copy is attached to the report.

5. CONSULTATIONS

- 5.1. **Heritage 27.07.2020**

Due to the covid-19 pandemic, officers have been unable to attend site. Therefore, the following assessment is based on information and photographs submitted with the application.
- 5.2. An Article 4 Direction is in place for the North Laine conservation area, removing a number of permitted development rights including improvement or other alteration to the front facades and roofs of dwelling houses and applies to the subject site.
- 5.3. The justification behind implementing Article 4 Directions within the North Laine conservation area was to resist the loss of important architectural features which make a positive contribution to the character and appearance of the conservation area such as timber windows and doors.
- 5.4. The proposed alterations include one horizontally proportioned three-light roof light to the front elevation of the subject site. Few rooflights exist on street facing slopes along Queen's Gardens and there are no examples where properties have such horizontally proportioned rooflights on the front roof slope. Therefore, only one conservation style vertically proportioned (metal flush fitting) rooflight would be appropriate to the front roof slope. This rooflight should also relate to the scale and proportions of the elevation below, guidance is provided in SPD12. Similarly, to the rear, the rooflight is horizontally proportioned and does not relate to the windows below.
- 5.5. The proposed windows and entrance door to the street elevation are acceptable, however large scale details of these will be required, either at application stage or as a condition (should the application be determined favourably).
- 5.6. The proposal fails to respect, preserve or enhance the North Laine conservation area and will have a detrimental impact on the areas character and appearance.

The proposal fails to meet the criteria of policy HE6 and is recommended for refusal.

- 5.7. Further comments (06.08.2020): Previous concerns/comments have been addressed through amended drawings.
- 5.8. **Heritage 06.08.2020 Approval recommended**
The following comments relate to amended plans received on 4th August 2020 and should be read in conjunction with the initial heritage comments above.
- 5.9. The amended plans show the front rooflight has been revised to a vertically proportioned conservation style roof light in line with one of the windows below. The Agent has also agreed to a condition for window and door details.
- 5.10. The revised proposal respects the North Laine conservation area and will not have a detrimental impact on the areas character and appearance. The proposal meets the criteria of policy HE6 and is recommended for approval with conditions.

6. MATERIAL CONSIDERATIONS

- 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 October 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

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

Brighton & Hove Local Plan (retained policies March 2016)

QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character of the North Laine Conservation Area.
- 8.2. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight". When considering whether to grant planning permission for works within 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.
- 8.3. Pre-existing, existing and proposed plans have been submitted as part of this application. The pre-existing plans relate to ongoing works for a previously approved certificate of lawfulness (BH2016/05033) for the conversion of 2no flats to 1no residential dwelling (C3).

Design and Appearance:

- 8.4. The proposal seeks to install one conservation-style rooflight with metal fittings to the front elevation and one to the rear elevation. Following the initial comments from Heritage Officers, amended drawings have been received which show the front and rear rooflights as vertically-aligned, as opposed to horizontally, and positioned in line with the window/door below, improving the appearance of the proposed development.
- 8.5. Permission is also sought to replace the front door with a white-framed light grey timber door, and the front windows with double glazed timber sash windows. At the rear of the property, permission is sought to replace the existing window and doors with UPVC double glazed units and the first-floor timber balustrades with

glass balustrades. The two ground floor side windows are to be replaced with three uPVC, double-glazed bi-folding doors. It is noted that these rear replacement features would not be visible from the street scene and as such are not expected to be detrimental to the character or appearance of the North Laine Conservation Area.

- 8.6. All of the proposed replacement fenestration, except for the front door, would be white to match the colour of the existing fenestration of the dwellinghouse.
- 8.7. A similar application to the proposed (BH2019/03445) was submitted in 2019 which sought permission for the raising of the ridge height, two front rooflights, one rear rooflight and the replacement of all existing windows and doors with uPVC double glazed units. This proposal was refused on the grounds of harm to the appearance of the host building and North Laine Conservation Area. The full reason for refusal is outlined below:
- *The proposed development, by reason of the disruption to the pattern of roof ridgelines on Queens Gardens caused by the proposed raised roof ridge, the erosion of the uniformity of the fenestration on Queens Gardens caused by the proposed uPVC replacement fenestration and the cluttered appearance given to the roofslope by the 2no proposed front rooflights, would harm the appearance of both the host building and the wider North Laine conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.*
- 8.8. The current proposal under consideration addresses the visual amenity concerns from the previous application by removing the harmful features from the design. The current proposal does not seek to alter the ridge height or replace the fenestration to the front elevation of the building with uPVC - timber is the proposed material in the current application. The number of proposed front rooflights has also been reduced to one and the one proposed has slightly reduced in size to that previously proposed. This rooflight is positioned so that it aligns with the first-floor window below, by comparison it was off-centred in the refused application. Because this proposal has taken these previous reasons for refusal into consideration, it is no longer deemed to cause significant harm to the host building or North Laine conservation area and does not warrant a refusal in this instance.
- 8.9. Following receipt of the amended drawings and subject to the conditions recommended, it is considered the proposed works would not harm the character or appearance of the host building or wider North Laine conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Impact on Amenity:

- 8.10. With regard to amenity, the proposed front rooflight would not provide any additional compromising views into neighbouring properties and as such does not warrant a refusal on this ground. The rear rooflight would not result in any additional privacy issues over those experienced through existing doors within the roof. The replacement window and doors would be located in the same

position as those currently on the property. As such, the proposal is considered to comply with policy QD27 of the Brighton & Hove Local Plan.

9. EQUALITIES
None identified

