

<b><u>No:</u></b>	<b>BH2021/02689</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>19 Hampton Place Brighton BN1 3DA</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel: <b><u>Valid Date:</u></b>	11.08.2021
<b><u>Con Area:</u></b>	Clifton Hill	<b><u>Expiry Date:</u></b>	06.10.2021
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	3W Architecture Limited Studio 1S.09 The Barley Mow Centre 10 Barley Mow Passage London W4 4PH		
<b><u>Applicant:</u></b>	Ms Allison Brown 19 Hampton Place Brighton BN1 3DA		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	246(05)001	A	22 July 2021
Block Plan	246(05)002	A	11 August 2021
Proposed Drawing	246(12)001	D	28 January 2022
Proposed Drawing	246(10)002	E	28 January 2022
Proposed Drawing	246(11)002	C	28 January 2022

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 installation of secondary glazing hereby permitted shall not take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, 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 until full details of the proposed materials and detailing for the rear extension 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 works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

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

5. No works shall take place until full details of the existing dormer window and proposed materials and detailing for the new dormer window 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 works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

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

6. No cables, wires, aerials, pipework, meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of 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.

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 building is listed Grade II, part of group listing, Nos.19 and 21 and attached railings and is located in the Montpelier and Clifton Hill Conservation Area. Number 19 is mid terraced built c1825. Stucco, roof obscured by parapet. 3 storeys over basement, one-window range. Steps up to flat-arched entrance framed by pilasters and architrave with over-light and panelled door of original design; 2-storey segmental bay with tripartite windows and cornice.

- 2.2. At the rear there is a single storey side return. The rear elevation, whilst of less significance than the primary appears to have retained architectural integrity.
- 2.3. Hampton Place as a whole, with groups of uniform terraced houses and the dominance of stucco, retains a high level of architectural integrity and is of high significance. The interior of the heritage asset (not inspected) contributes to the significance of the building through remaining plan-form, architectural features and historic materials and finishes. It is clear from the planning history and information submitted that some fairly minor partitioning has taken place internally, leading to some loss of significance.

### **3. RELEVANT HISTORY**

- 3.1. **BH2021/02690** - Erection of single storey rear extension to replace existing, construction of glass enclosure to existing rear lightwell, additional rear dormer, installation of flat rooflight, photovoltaic panels and air source heat pump on roof, revised fenestration and associated works. Concurrent Listed Building Application.

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for:
  - The erection of a single storey rear extension to replace the existing;
  - The construction of a glass enclosure to the existing rear lightwell;
  - An additional rear dormer;
  - The installation of a flat rooflight;
  - The installation of photovoltaic panels and air source heat pump on roof; and
  - Revised fenestration and associated works.
- 4.2. In order to address concerns raised by Heritage Officers, the plans have been amended. These amendments included:
  - Removing the changes to the front elevation
  - Replacing the full width glazed extension with a glazed outrigger extension
  - Removing the terrace from the roof of the extension
  - Addition of a service riser
  - Removing the changes to fireplaces and cupboards
  - Replacing the wide rear dormer with smaller dormer matching the size and design of the existing

### **5. REPRESENTATIONS**

- 5.1. **Six (6)** letters have been received objecting to the proposal on the following grounds:
  - Adverse impact on listed building, street and conservation area
  - Not in keeping with Regency style
  - Detrimental to property value

- Noise from proposed terrace
- Noise from heat pump
- Overdevelopment
- Overshadowing
- Restriction of view
- Too close to the boundary
- Inappropriate height
- Poor design
- Privacy
- No other properties on the terrace have usable outdoor space above ground level

## 6. CONSULTATIONS

### 6.1. **Heritage** 02.09.2021

Several responses during course of application, with additional information submitted to overcome concerns raised, specifically noting that the removal of the proposed alterations to the front basement area, installation of double glazing and internal insulation from the scheme are welcomed. Secondary glazing remains part of the work and is considered acceptable in principle, subject to approval of details which can be conditioned.

6.2. Revised drawings have been submitted with the required definition between the dining area and the snug, including a downstand beam to mark the position of the original rear wall and this is now acceptable.

6.3. The application now excludes proposals to alter the fireplaces and cupboards, therefore the heritage team considers that the application is now acceptable subject to conditions as outlined above.

### 6.4. **The Georgian Group** 07.09.2021 Objection

The Group has concerns over the plans to remove internal fittings within the house and a wall to the ground floor. Additionally, the removal of a rear window to allow for the new extension would cause an element of harm to the building and therefore requires a clear and convincing justification in line with paragraph 200 of the NPPF.

6.5. The Group supports the comments of your Conservation Team and requests the applicant provide a robust Heritage Statement as part of the application in line with paragraph 194 of the NPPF. If the applicant is unwilling to, then this application for Listed Building Consent should be refused.

6.6. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## 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 & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

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

SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

#### Brighton & Hove City Plan Part Two (Proposed Submission October 2020)

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
DM40	Protection of th Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations

Montpelier and Clifton Hill Conservation Area Character Statement

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character and significance of the Grade II listed building and the wider Montpelier and Clifton Hill Conservation Area.
- 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".

Design Comments

- 9.4. During the course of determining the application, a number of amendments to the design of the proposal were made to address the heritage concerns. These amendments included: removing the changes to the front elevation, replacing the proposed full width glazed extension with a glazed outrigger to maintain the crenulated development pattern of the terrace, replacing the flat roof and terrace on the proposed extension with a dual pitched glazed roof, a new service riser to accommodate the new wiring/pipework associated with the photovoltaic panels and air source heat pump, deleting the proposals to alter the fireplaces and cupboards, removing the wide rear dormer and proposing the retention of the existing dormer and the addition of another dormer which would match the

size and details of the existing (to reduce the bulk on the roof). A heritage statement was also received for clarification and justification purposes.

- 9.5. Following amendments to the design/detail and subject to the conditions recommended by heritage, the proposal is considered to be acceptable and would not be detrimental to the listed building, the setting of other adjacent listed buildings, the terrace or wider conservation area. The proposal would therefore be in accordance with Brighton & Hove Local Plan policies HE1, HE3, HE4 and HE6 and Brighton & Hove City Plan Part Two policies DM26, DM27 and DM29 (which are considered to have more weight than the adopted Local Plan policies HE1, HE3, HE4 & HE6).

Impact on Neighbours and Amenity

- 9.6. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) 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.
- 9.7. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The amendments to the design of the extension to reduce its width and height are considered to address some of the main points raised in the letters of objection including: overdevelopment, overshadowing, restriction of view, inappropriate height of development and poor design. The privacy issues raised have also been adequately addressed by the addition of raised planters to either side of the access steps from the extension into the garden. The terrace atop the flat roof of the original rear extension proposed has been removed from the design of the proposal in favour of a dual pitched glazed roof. This amended design is considered to address the neighbour's concerns regarding privacy, overlooking and the fact that no other properties on the terrace have usable space above ground level.
- 9.8. While the noise of the air source heat pump may be audible for adjacent neighbours, this amenity impact is not considered significant enough to warrant a refusal of the application. The pump would be located on the flat roof of the property, around the middle, so not adjacent to any windows or doors, reducing the potential for disturbance. Further, the installation of such plant would be 'permitted development' if the building was not listed, with noise impacts not taken into account.
- 9.9. It is considered that for the reasons set out above, the proposed development would not cause significant harm to the amenity of neighbours and would comply with policy QD27 of the Brighton and Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part 2 which now carries more weight than QD27.

**10. CLIMATE CHANGE/BIODIVERSITY**

- 10.1. The enlargement of the dwelling would help make more efficient use of an existing residential development and the installation of a rooflight would optimise daylight/sunlight and minimise the need for lighting/heating. Furthermore, the addition of solar photovoltaic panels and an air source heat pump provide a more sustainable way to provide electricity and heat.

**11. EQUALITIES**  
None identified