

<b><u>No:</u></b>	<b>BH2022/03842</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>2 Bishops Walk Crown Street Brighton BN1 3EH</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace existing conservatory; roof alterations incorporating fitment of solar tiles and 3no. rooflights; new green roof on existing flat roof and reduction of small sloping roof to flat roof at the rear; composite timber cladding on rear elevations; replacement windows and doors to front and rear and associated alterations. (amended)</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	15.12.2022
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	09.02.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.04.2023
<b><u>Agent:</u></b>	SC Planning 21 Prince Edwards Road Lewes BN7 1BL		
<b><u>Applicant:</u></b>	Mr and Mrs Christopher and Rachel Twigg 2 Bishops Walk Crown Street Brighton BN1 3EH		

## 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 and block plan	1.001	Rev B	28 February 2023
Proposed Drawing	2.003	Rev B	28 February 2023
Proposed Drawing	2.004	Rev A	16 March 2023
Proposed Drawing	2.005	Rev B	28 February 2023

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 colour of the approved PV solar slate tiles hereby permitted shall match in colour the existing tiles of the existing east facing and neighbouring roofslopes.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM20, DM26 of Brighton & Hove City Plan Part 2 and CP12 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 policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One
5. The second floor windows in the east facing elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
6. Access to the first floor rear living flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. The development hereby permitted shall incorporate at least one swift bricks/boxes within the external walls of the development and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height

above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

## **2. SITE LOCATION**

- 2.1. The application site comprises of a two storey dwellinghouse located on the north west corner of Bishops Walk. Bishop's Walk is a terrace of houses situated at the northern end of Crown Street within the Montpelier and Clifton Hill Conservation Area. It is on a site of a former school and factory. The existing building was constructed in the mid 1980's.
- 2.2. The building is finished in white painted render, fitted with white aluminium powder coated windows and the principle roof is pitched and fitted with grey slate roof tiles. The application site currently has white timber windows to its street elevation which differs from those installed in the remainder of the Bishops Walk building. To the rear, the site building has a ground floor conservatory extension that leads out to a small courtyard. There is a first floor rear bay that connects to an existing small rear terrace at first floor. The property has been altered with the addition of a first floor rear extension with a flat roof that sits to the north of the enclosed courtyard. The street scene is primarily residential and Bishops Walk appears as a newer terrace within the street scene.
- 2.3. The site is not listed however it does share a boundary with two Listed Buildings situated to the north of the site at no. 47 and no. 48 Upper North Street.

## **3. RELEVANT HISTORY**

- 3.1. **BH2003/03178/FP** First floor rear extension. Approved 01.12.2003

## **4. APPLICATION DESCRIPTION**

- 4.1. As originally submitted, the scheme included a roof terrace on the flat roof of the first floor extension. During the application amendments were received removing this element.
- 4.2. Planning permission is sought for erection of single storey rear extension to replace the existing conservatory; roof alterations incorporating fitment of solar

tiles and 3no. rooflights; new green roof on existing flat roof and reduction of small sloping roof to flat roof at the rear; composite timber cladding to the rear elevations; replacement windows and doors to front and rear and associated alterations.

## 5. REPRESENTATIONS

5.1. **Eight (8)** representations have been received objecting to the proposal on the following grounds:

- Adversely affects the Listed Building
- Adversely affects Conservation Area
- Detrimental affect on property value
- Noise
- Overshadowing/ loss of light
- Restriction of view
- Too close to the boundary
- Loss of privacy
- Inappropriate height of development
- Overbearing
- Impact to wildlife

5.2. **One (1)** representation has been received, making the following comments on the proposal:

- As my main concern was the impact of the roof terrace and this has now been withdrawn from the proposal I am happy to withdraw my objection. However I am still worried about damage to the ivy on the adjacent wall which is very close to where the cladding will be fitted. This ivy currently supports some roosting and nesting house sparrows. Would it be possible to include a clause in any approval to the effect that the ivy must not be damaged by the works.

## 6. CONSULTATIONS

None

## 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 Two (adopted October 2022);
- Brighton & Hove City Plan Part One (adopted 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 (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development  
 CP10 Biodiversity  
 CP12 Urban design  
 CP15 Heritage

#### Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix  
 DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM26 Conservation Areas  
 DM29 The Setting of Heritage Assets  
 DM37 Green Infrastructure and Nature Conservation  
 DM43 Sustainable Drainage  
 DM44 Energy Efficiency and Renewables

#### Supplementary Planning Documents

SPD09 Architectural Features  
 SPD12 Design Guide for Extensions and Alterations

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact upon the Conservation Area, the impact upon the adjacent Listed Buildings and the impact on neighbouring amenity.
- 9.2. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, the site visit and from recently taken aerial imagery of the site.
- 9.3. 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. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

## Design and Appearance and Impact on Heritage Assets

- 9.4. Planning permission is sought for alterations to the front elevation of the dwellinghouse that include the fitment of photovoltaics (PV) slate roof tiles on the south facing front roofslope, the insertion of 3no. conservation style rooflights to the front facing roof slopes and the replacement of the existing timber framed windows and door with white aluminium double glazed windows and new timber framed double glazed door.
- 9.5. Concerns were raised during neighbour consultation that the proposed alterations would detrimentally affect the Conservation Area and Listed Buildings within the vicinity of the site.
- 9.6. The proposed PV slate tiles are considered an acceptable alteration to the roof that would be sympathetic to the existing materials and would not harm the conservation area. Due to their position upon the front roof slope, it is considered that they would not detract from the appearance of the Listed Buildings on Upper North Street and are considered an acceptable distance from the southern Listed Buildings on Crown Street. A condition is attached requiring that the colour of the PV tiles match the existing slate as to not cause harm to the appearance of the building or wider conservation area. Subject to this condition this aspect of the proposal is considered to be acceptable.
- 9.7. The 3no. proposed rooflights would be fitted to the front elevation of the roofslope, 2no. fitted to the south facing slope and 1no. to the east facing slope. They would be suitably scaled and positioned discreetly within the roof space to not appear visually cluttered. They would not appear incongruous with the street scene as it is noted that no. 12 and no. 10 Crown Street have a rooflight fitted to the front elevation of their roof slopes. A condition is attached requiring that the rooflights are black conservation style and fitted flush to the slope of the roof. Only in this instance is the number of rooflights considered acceptable due to the site's discreet location set within the western corner of the terrace at Bishop Walk's. There is no through road connecting Crown Street to Upper North Street which would limit their visibility and impact upon the Conservation Area.
- 9.8. The new glazing proposed upon the front elevation would replace the existing 3no. timber framed sash windows with white aluminium double glazing to match the adjacent properties of Bishop's Walk and replace the existing timber framed door with a new timber solid door with an obscured double glazed pane of glass.
- 9.9. The site visit demonstrated that the existing windows are in poor condition and it is acknowledged that they are in need of replacement. It also demonstrated that all of the other glazed windows to the front elevation of Bishop Walk at the neighbouring properties are white aluminium units and non original. Bishop Walk appears as a relatively new addition to the conservation area, built approx. in the mid 1980's. Therefore, whilst the proposed use of modern materials upon the front elevation would not normally accord with SPD09 there is some rationale to this alteration due to the context of the site. Due to the prevalent material of aluminium and double glazing on all of the other dwellings, it is not considered in this instance that the proposed alterations would cause significant harm to the

appearance of the building, conservation area or Listed Buildings on Crown Street to warrant refusal.

- 9.10. Permission is also sought for alterations to the rear to replace the existing conservatory, which is approx. 1.3m deep x 2.7m in height with a pitched roof and 4.3m wide, situated centrally upon the rear elevation within the courtyard. The new conservatory would retain the same depth, slightly increase the height to approx. 2.9m, increase the width to 5.7m abutting the shared boundary wall with no. 1 Bishop Walk that is approx. 3.5m in height.
- 9.11. The courtyard is modest in size and surrounded by a tall boundary walls, making the conservatory largely unseen. Due to the presence of the high boundary wall, the courtyard would have little enjoyment of natural light to be used as an outside space therefore a wider conservatory would be an appropriate use of this space and still retain a sufficient amount of uncovered external yard for use by the occupants. The materials would be powder coated aluminium framed glazing that would maximise the ingress of natural light into the kitchen/ diner. Whilst the use of glass would not accord with the materials of the host building due to its orientation at the rear and concealment below the boundary walls is considered an acceptable alteration that would not cause harm to the conservation area or setting of the Listed Buildings within the vicinity of the site.
- 9.12. Permission is also sought to replace the existing felt flat roof of the first floor rear extension with a green living roof and to insert 2no. obscured glazed rooflights. The alterations would not be visible from the street scene and are considered an improvement upon the current materials. It is not considered that the alterations would result in harm to the setting of the Listed Buildings north on Upper North Street. Due to the orientation of the works at the rear it is not considered to be harmful to the appearance of the building or character of the wider conservation area in accordance with SPD09.
- 9.13. Permission is also sought to replace the existing windows upon the rear elevation with grey powder coated aluminium framed units and to change the material pallet at the rear to grey timber cladding. The existing rear elevation of the building is a mixture of brick, render and brown and black hung tiles and the existing glazing is a mixture of white timber and white aluminium windows. The rear elevation of the building is largely concealed from view by the tall boundary walls of the courtyard. Due to the orientation of the site the rear elevation would not be visible to the public realm and are considered, on balance, acceptable. They are not considered to cause harm to the appearance of the building, character of the conservation area or the setting of the Listed Buildings within the vicinity of the site.
- 9.14. Permission is also sought to replace the existing pitched roof of the first floor rear addition with a flat roof and fit 2no. windows to the rear elevation to provide natural light into the loft conversion which would be used as an artist studio. The proposed alteration to the pitch of the roof would be a modest alteration that is not considered to cause harm to the appearance of the building. The new windows would be grey powder coated aluminium windows that would accord

with the other fenestration on the rear elevation and would accord with the new material palette of grey timber cladding.

- 9.15. Overall, the proposed extension and alterations would represent an acceptable addition to the host dwellinghouse and would not detrimentally impact on the character and appearance of the streetscene given the modern materials already prevalent within the vicinity of the site and the enclosed rear of the site not being visible from the public realm. The extension would retain the same depth as the existing conservatory and the proposal is considered to be broadly in accordance with Brighton & Hove City Plan Part Two policies DM18, DM21, DM22, DM26 and DM29 and City Plan Part One policies CP12 and CP15.

Impact on Amenities

- 9.16. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.17. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation. The main consideration to the development would be the impact upon the neighbours amenity to the south at no. 1 Bishop's Walk, to the dwellings east on Dean Street and north on Upper North Street.
- 9.18. Concerns were raised during neighbour consultation that the proposed alterations to the dwelling house would result in detrimental levels of noise from the new roof terrace and that it would overlook habitable rooms and gardens. The proposed privacy screening needed to mitigate any overlooking would result in a loss of light, a restriction of view and be could be overbearing to the local residents.
- 9.19. Satisfactory amendments have been made to the proposed alterations and the applicant is no longer seeking permission to erect a roof terrace upon the flat roof of the first floor rear extension. A condition is attached restricting access onto the flat roofs at the rear of the building to be for repairs and maintenance only in order to protect the amenity of the neighbouring residents.
- 9.20. The proposed new glazing fitted to the rear of the building would replace existing windows, with the exception of the two new units fitted to the second floor of the rear elevation. The units would be an acceptable size that would provide natural light into the artist studio in the loft. Due to the high level glazing and already proposed obscuring of the northern most window it is not considered to detrimentally overlook the neighbours amenity to warrant refusal, however, a condition to ensure the obscuring of the windows up to 1.7m from floor level is proposed in the event of an approval.
- 9.21. Concerns were raised that the proposed alterations at the rear would be positioned too close to the boundary and an inappropriate height of development. The new ground floor rear extension would replace the existing conservatory and retain the same depth as the existing structure, only increasing

in height by 0.02m. The site visit demonstrated that the extension would not overshadow the neighbours amenity area due to the extensions positioning below the existing boundary walls with its southern and eastern neighbours and the increase in footprint would retain suitable courtyard amenity space for the occupants.

- 9.22. Overall the proposal would not cause harm to the residential amenity that would be considered so harmful to warrant refusal of the application.

#### Sustainability

- 9.23. The proposed solar tiles mounted on the principle roofslope would aid with meeting the building's heating and energy needs. This is in general compliance with City Plan Part One Policy CP8. The provision of a living green roof would help with the reduction of rainwater run-off, which is supported as is the water butt that is proposed in the courtyard which would accord with DM43 of City Plan Part Two to provide improved sustainable drainage on site.

#### Standard of Accommodation

- 9.24. The proposed external alterations would internally enlarge the existing ground floor kitchen/ dining room. The alterations to the smaller bedroom include the removal of the en-suite shower and fitment of built in storage. The re-configured bedroom would meet the Nationally described space standards minimum floorspace of 7.5msq for a single bedroom. The proposed new layout would improve the overall standard of accommodation which would accord with Policy DM1 of City Plan Part Two.

#### Other Matters

- 9.25. Concerns were raised during neighbour consultation that the proposed external alterations would detrimentally impact the property value of the adjacent dwellings. This is not a material planning consideration.
- 9.26. Concerns were raised during neighbour consultation that the noise from the construction of the building works would be detrimental to the local residents within the vicinity of the site. As the alterations to the dwelling are considered a minor development it would not be reasonable to condition the hours of construction. As noise from construction is not a material planning consideration it cannot be considered as such.

## **10. EQUALITIES**

- 10.1. None identified.

## **11. BIODIVERSITY/CLIMATE CHANGE**

- 11.1. Concerns were raised during neighbour consultation that the proposed external works would disturb the wildlife that nest in the ivy that borders the site and the dwellings on Dean Street and would disrupt the birds that nest upon the flat roof adjacent to where the proposed green roof will be fitted.

- 11.2. The agent has confirmed in their Wildlife Assessment that no hedges would be affected by the development on site and the summary concludes that an ecologist is not needed to be consulted. There is precautionary advice that details birds are legally protected during breeding season (March to August inclusive) and unless it can be confirmed that there are no breeding birds in the proposed area, works must undertaken outside of these months.
- 11.3. The comments from the local resident's indicate that their main concerns to the impact upon the Wildlife would be from the creation and use of the roof terrace, which is no longer proposed.
- 11.4. The site visit demonstrated that there is little bio-diversity gain on site due to the hardstanding courtyard and the only green verge is the ivy that borders the site and the dwellings east on Dean Street.
- 11.5. The proposed alterations including the living green roof fitted to the flat roof of the first floor rear extension and the insertion of a bee brick and swift box to the west elevation will improve the ecology outcomes on the site in accordance which would accord with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.