

<b><u>No:</u></b>	<b>BH2016/05330</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 2 11 Sillwood Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat.</b>		
<b><u>Officer:</u></b>	Ryan O'Sullivan, tel: 290480	<b><u>Valid Date:</u></b>	07.10.2016
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	02.12.2016
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mrs Chloe Lewis, 7 Queen Square, Brighton, BN1 3FD		
<b><u>Applicant:</u></b>	M Banner, Flat 2, 11 Sillwood Place, Brighton, BN1 2LH		

## 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>
Floor plans and elevations proposed	16-130-02	B	26 January 2017
Block Plan Proposed	16-130-03	-	16 September 2016
Existing Floor Plans and Elevations	16-130-01	B	26 January 2017
Design and Access Statement		-	16 September 2016

- 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 Before works commence a full method statement detailing how the existing flint boundary wall will be protected and retained during construction works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

**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 works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the new windows and doors 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.

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. RELEVANT HISTORY**

**BH2004/00270/FP** - Construction of rear conservatory to ground floor flat. (Re-submission of Withdrawn application **BH2003/03481/FP**). Approved 17 March 2004

**BH2004/00272/LB** - Construction of rear conservatory and internal alterations to ground floor flat. (Re-submission of Withdrawn application **BH2003/03532/LB**). Approved 17 March 2004

**3. REPRESENTATIONS**

- 3.1 **Seven (7)** letters of representation have been received objecting to the proposed development for the following reasons:

- Works not in keeping with Grade II listed building and character of conservation area
- Extension would block daylight and sunlight to basement bedroom window and patio area (Basement Flat (Flat 1) 11 Sillwood Place), and cause overshadowing
- Loss of privacy
- Overlooking
- Increased noise disturbance
- Loss of visual amenity
- Construction phase disturbance

**4. CONSULTATIONS**

- 4.1 **Heritage:** No objection

The proposed internal alterations are comparatively minor and would not impact adversely on the surviving architectural and historic character of the interior.

Externally the existing early 20th century conservatory is of no significance and its replacement by a larger extension would still be appropriately subservient in scale and would cause no harm given the past degree of alterations to the rear elevations of numbers 10 and 11. A substantial garden area would remain. The extension would be a clearly contemporary addition but in sympathetic materials. The new south side wall would be built independently of the existing flint boundary wall, which would remain intact, though this would need to be controlled by condition.

## **5. MATERIAL CONSIDERATIONS**

5.1 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

5.2 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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

5.3 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.

## **6. POLICIES**

The National Planning Policy Framework (NPPF)

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):

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

HE6 Development within or affecting the setting of conservation areas

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design guide for extensions and alterations

## **7. CONSIDERATIONS & ASSESSMENT**

7.1 The main considerations in the determination of this application relate to the impact of the proposed works upon the appearance and historic character of the Grade II listed building and wider conservation area, and the impact upon the amenities of surrounding occupants.

### **7.2 Design and Appearance:**

Subject to the receipt of acceptable details as required by the recommended conditions, and in concurrence with the comments of the Heritage Team, it is considered that the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE6, and QD14 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

### **7.3 Impact on Amenity:**

The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy following a site visit.

7.4 It is acknowledged that the proposed may result in some loss of light to the occupants of the Basement Flat at 11 Sillwood Place, given the additional depth (2.8m) and more opaque form of the extension relative to the existing conservatory, and the orientation of the site. However, given the existing form to the rear of this site, with ground floor outrigger and solid wall to the southern side of the conservatory, in conjunction with the full height of No. 10 Sillwood Place to the south, it is considered that the proposed extension would not result in a further loss of light to an extent that would warrant a recommendation of refusal.

7.5 Similarly, with regards to the property at No.10 Sillwood Place, it is considered that the additional depth and opaque form of the proposed extension relative to the existing conservatory, orientated to the north of aforesaid properties, would not result in a significant loss of light to occupants therein, nor result in a harmful sense of enclosure to the outdoor amenity space.

7.6 The conservatory as existing has north facing doors and windows, and the outrigger a north facing sash window (currently obscurely glazed, but openable). The east facing sash window serving the living room, in combination with the north facing features, already facilitates a degree of overlooking to the patio and/or bedroom window of the Basement Flat at 11 Sillwood Place. Although it is proposed for the obscure glazing within the north facing sash window to be replaced with clear glass, it is considered that the proposed works would not result in a significantly harmful increase in overlooking of and loss of privacy to the occupants of the Basement Flat at 11 Sillwood Place. It is considered that none of the other surrounding occupants would suffer from a significant loss of privacy as a result of the proposed works.

7.7 It is considered that use of the proposed extension as a bedroom with en-suite would not - in normal domestic use - be likely to result in a significantly harmful increase in noise disturbance to any of the surrounding occupants. Any

disturbance that may arise during the construction phase is not a material consideration which should influence the determination of this application.

- 7.8 As such, the proposed works are considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan, and it is recommended that consent is granted.

**8. EQUALITIES**

- 8.1 None identified.

