

<b><u>No:</u></b>	<b>BH2019/01136</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>24 Montpelier Street Brighton BN1 3DL</b>		
<b><u>Proposal:</u></b>	<b>Removal of existing butterfly roof and construction of roof terrace and sunroom.</b>		
<b><u>Officer:</u></b>	Jack Summers, 296744	tel: <b><u>Valid Date:</u></b>	16.04.2019
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.06.2019
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Archangels ARCHITECTS Ltd 3 Dorset Place Brighton BN2 1ST		
<b><u>Applicant:</u></b>	Mr David Nassif-Farah 28 Montpelier Street Brighton BN1 3DL		

## 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 **REFUSE** planning permission for the following reasons:

1. The proposed alterations, by virtue of the loss of the historic roof-form and addition of an incongruous and visually prominent extension would detract from and cause harm to the character and appearance of the host building, wider Montpelier & Clifton Hill conservation area and the setting of the Grade I listed Church of St Michael & All Angels. This harm is considered contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
2. The proposed terrace, by reason of it having the potential to create activity and visual clutter at rooftop level in a historically sensitive location, would appear as an unsympathetic feature that detracts from the historic character and appearance of the wider streetscene within the Montpelier & Clifton Hill conservation area. This harm is considered contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and 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. This decision is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	19009-P-001	-	16 April 2019
Proposed Drawing	19009-P-010	-	16 April 2019

Proposed Drawing	19009-P-011	-	16 April 2019
Proposed Drawing	19009-P-012	-	16 April 2019
Proposed Drawing	19009-P-013	-	16 April 2019

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a three-storey over basement historic terraced dwellinghouse on the east side of Montpelier Street. This property lies within the Montpelier and Clifton Hill conservation area, which was developed from the 1830s and is a mix of detached and semi-detached villas, set-piece developments of grand townhouses and narrower streets of smaller terraced houses; it is notable for its hilly siting. Montpelier Street is one of the terraced streets leading uphill from south to north. The west side is consistently 2 storey houses in Regency style, all Grade II listed. The east side is mix of two storey to the lower part and 3 storey Victorian style houses with canted bays to the upper part above Victoria Place. They are unified by the use of white painted stucco, bays with sash windows, classically-derived mouldings and cast iron front railings. The whole street contributes very positively to the appearance and character of the conservation area.
- 2.2. Number 24 is part of the 3 storey terrace on the east side and forms the end house of this coherent group. These houses have roofs hidden behind parapets from the front but with the characteristic V shape at the rear. Adjoining number 24 to the north is the 2 storey number 2 Victoria Road, which elegantly turns the corner with a corner entrance below a segmental curved recess. This makes the parapeted roofline of number 24 prominent from Victoria Road and Powis Road looking downhill. Adjacent here is the imposing, red brick Church of St Michael and All Angels of 1861-62 by George F Bodley, which is listed grade I and local landmark.
- 2.3. Planning permission is sought to replace the original butterfly-style rooftop with a flat-roofed extension to be used as a sun room.

## 3. RELEVANT HISTORY

- 3.1. There is no relevant planning history specific to the application site but there are a number of properties in the vicinity which have been the subjects of proposals for similar works to their roofs.
- 3.2. **BH2018/02998 & BH2018/02999 - No.45 Norfolk Square** Installation of railings to form roof terrace. Refused - Appeal in Progress  
**Reason for Refusal** : The proposed balustrading, by reason of it creating visual clutter at rooftop level within the Grade II listed terrace, would appear as an unsympathetic addition that detracts from the historic character and appearance of the host property and wider streetscene within the Regency Square conservation area. This harm causes the proposal to be contrary to policies HE1, HE3 and HE6 of the Brighton and Hove Local Plan and CP15 of the City Plan Part One.

- 3.3. **BH2015/01594 - No.44 Victoria Street** Removal of existing pitched roof and creation of roof terrace with glass balustrading to front and rear. Refused - Appeal Dismissed  
**Reason for Refusal** : The creation of a roof terrace with associated glass balustrading and green roofs, at main roof level would be a prominent, inappropriate and incongruous addition to the roofscape of the historic property and associated terrace. As such the proposal would be of detriment to the visual amenities of the parent property, the Victoria Street streetscene and the wider area including the surrounding Conservation Area and the setting of the listed Buildings located to the south of the site. The proposal is therefore contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.
- 3.4. **BH2013/02321 - No.22A Victoria Road** Construction of mansard roof to facilitate creation of third floor. Approved
- 3.5. **BH2010/00346 & BH2010/00347 - No.7 Victoria Road** Alterations to roof to form a hidden sunken external roof space incorporating removal and replacement of external features. Refused - Appeal Dismissed  
**Reason for Refusal** : The property is a Grade II listed building located within the Montpelier and Clifton Hill Conservation area. The proposal would result in a significantly altered roof form which would not be sympathetic to the existing building and harm the historic character of the listed building. The inappropriate roof form would be visible from the neighbouring properties and would detract from the character of the Conservation Area when viewed from these properties. As such, the proposal would be contrary to policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

#### 4. REPRESENTATIONS

- 4.1. **Two (2)** letters have been received, objecting to the proposal on the following grounds:
- Application BH2013/02321, offered as a precedent, has little relevance to the current proposal
  - Loss of light due to the added bulk of the proposal
  - Loss of privacy due to additional windows
  - Additional noise
  - Loss of historic roof-scape
- 4.2. **Ten (10)** letters have been received, supporting the proposal on the following grounds:
- Design is sympathetic to the character of the original building and considerate to neighbours
  - Will not adversely affect the conservation area or the nearby listed building
  - Home-owners should be able to enhance their homes

## 5. CONSULTATIONS

### 5.1. **Heritage: Objection**

SPD09 Architectural Features provides supporting policy guidance to policy HE6, which expects proposals within conservation areas to show no harmful impact on the townscape and roofscape of the area. The SPD makes clear that the form of a roof to a historic building is an integral part of its design. It notes that many historic buildings in Brighton & Hove have a double pitched roof with a central valley, often referred to as a 'butterfly' roof. That is the roof form at 24 Montpelier Street and is indeed typical roof form of this coherent terrace, where its characteristic V shape can be seen at the rear. SPD09 goes on to state that the main pitched roof of a building must not be removed to create a flat roof and that where a roof is visible from the street, its form and shape must not be altered.

5.2. It is therefore considered that the proposal to wholly remove the original pitched roof form and structure is contrary to policy. The proposal would result in the loss of the distinctive V shaped roof form to the rear, which is common to this historic terrace. The proposed sun room would partially raise the height of the already tall parapet, highly visible above 2 Victoria Road in views from the north and northwest and would result in an uncharacteristic stepped parapet line in these views. The existing chimney stack would no longer be the tallest feature on this elevation, which would diminish its visual and historic importance. Overall the proposal would cause clear harm to the appearance and character of the conservation area. This harm would be less than substantial under the terms of the NPPF but must nevertheless be given great weight. There are no heritage benefits to the proposal that may be weighed against the harm.

### 5.3. **Conservation Advisory Group: Objection**

The Group unanimously recommended Refusal to this application whilst noting that it seems that no pre-application advice was sought. Its comments are as follows;

- Montpelier and Clifton Hill CA is the most intact CA in the city with 351 listed buildings within its 76 acres, this proposal does not enhance this part of that.
- It is noted that previous applications for roof terraces nearby in the CA have been refused, 8 Montpelier Terrace, 44 Victoria Street BH2015/01594, and 7 Victoria Road, there should be no exception given to this application
- The present north side of this unusual butterfly roof can be seen from the raised ground at the east side of Grade I St Michael's Church, and the alteration of this to a roof terrace would not enhance the view at the junction of Montpelier Street and Victoria Road.
- This is an end of terrace building on the east side of Montpelier Street all of similar design, none of which have roof terraces
- The proposals would further dwarf the smaller building adjacent being 2 Victoria Road.
- The uniformity of rooflines on the east side of Montpelier Street, where there are many listed buildings opposite, would be compromised.

- Refer to SPD12

## 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);
- 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 One

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

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

TR7	Safe Development
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main consideration in the determination of this application relate to the impact of the proposed development on the character and appearance of not only the host building but also the wider Montpelier and Clifton Hill conservation area, which is also the setting for the nearby grade I listed Church of St Michael and All Angels. Also of consideration is the potential impact the proposal could have on the amenities of local residents.

### **Design and Appearance:**

- 8.2. Policies QD14 and HE6 of the Brighton and Hove Local Plan and SPD12 seek to ensure that roof extensions are well designed and sited in relation to

the host property and that they preserve and enhance the character or appearance of the area, including showing no harmful impact on its roofscape. This approach is supported in City Plan Part One, in which policies CP12 (urban design) and CP15 (Heritage) seek to ensure that new development respects the character of the area and conserves the City's built heritage.

- 8.3. This is encapsulated in Supplementary Planning Document 09: Architectural Features, which notes that with regard to roof form and structure, the Local Planning Authority's policy approach within conservation areas is:
- 8.4. *"The main pitched roof(s) of a building must not be removed to create a flat roof. Where a roof is visible from the street, its form and shape must not be altered. Where a roof has a group or street value its ridge height must not be raised."*
- 8.5. The proposal would result in the loss of the original butterfly roof-form of this historic building and introduce a taller flat-roof form that would be highly visible from the north and northwest.
- 8.6. In support of the application it has been suggested that the extension would not be visible from the street. Whilst this is disputed and it is considered that it will be visible from certain vantage points within the public realm, it is also noted that the alterations will be visible from the rear windows and gardens of nearby properties, especially those on Victoria Street directly the east of the application site. Although these are private views that would not successfully diminish the harm that would occur. Notwithstanding this, the roof is a distinctive feature of this and other properties in the area. The loss of such a feature would adversely affect the quality of the heritage asset particularly as the proposal would erode the character and appearance of the house and wider area. In view of the above the proposal is considered to be contrary to policies QD14 and HE6 of the Local Plan and CP15 of the Brighton and Hove City Plan Part One and the guidance in SPD09 and SPD12.
- 8.7. The creation of a roof-terrace at the front of the property also creates the risk of additional clutter and activity at rooftop level that would be highly visible from the streetscene, causing further harm to the local area. Although the proposed plans show that the front parapet wall would conceal anything up to a height of approximately 1.7m, paraphernalia such as sun umbrellas or tall plants that might be kept on the balcony, would reach above the parapet wall. Such items would not constitute development and so could not be satisfactorily controlled with the implementation of planning conditions. Recent proposals at Cavendish House and 45 Norfolk Square (in the neighbouring Regency Square conservation area) to create a roof terrace, were refused, due to the harm the activity and paraphernalia would have on the host property and wider conservation area.
- 8.8. The grade I listed Church of St Michael and All Angels sits just to the northwest of the application site, and the grade II listed terrace of 1-22 Montpelier Street lies across the road from it. It is considered that the

proposal (which as aforementioned would be visible from the north and northwest) would also cause harm to the setting of these listed buildings, reducing both their historic value and that of the wider conservation area, contrary to policy HE3 of the Brighton and Hove Local Plan.

- 8.9. The proposal would not preserve the existing roof form or the appearance of the existing dwelling, contrary to guidance and would fail to comply with policies QD14, HE3, HE6, CP12 and CP15. As such the proposal would erode the appearance and character of the building and wider conservation area. Although this harm would be less than substantial harm, the loss of original features would adversely affect both the appearance and character of the conservation area. It is acknowledged that there has been support for the development, including the assertion that owners should be able to extend their properties to meet their living requirements. Attention has also been drawn to an extension at 22A Victoria Street (granted planning permission under application BH2013/02321) but these matters do not constitute a public benefit to be weighed in favour of the scheme and accordingly the application should be refused.

**Impact on Amenity:**

- 8.10. The increased roof height would lead to a slight additional loss of light to the front elevations of properties on north side of Victoria Road, but this is not considered significant enough to warrant refusal in itself.
- 8.11. It is noted there are no rear or side-facing windows in the proposal that might compromise the privacy of local private gardens.
- 8.12. It is considered that the additional increase in noise due to the increased floor-space and creation of a balcony is not great enough to warrant refusal.

**9. EQUALITIES**

None identified.

