

<b><u>No:</u></b>	<b>BH2024/02132</b>	<b><u>Ward:</u></b>	<b>Rottingdean &amp; West Saltdean Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>14 Nicholson Place Rottingdean Brighton BN2 7FZ</b>		
<b><u>Proposal:</u></b>	<b>Loft conversion with rooflights to front, side and rear.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	18.09.2024
<b><u>Con Area:</u></b>	Rottingdean	<b><u>Expiry Date:</u></b>	13.11.2024
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Mr Julian Adams Spring Cottage Colwood Lane Warninglid RH17 5UE		
<b><u>Applicant:</u></b>	Benjamin Fisher 14 Nicholson Place Rottingdean Brighton BN2 7FZ		

## 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>
Proposed Drawing	Loft Plan		14 November 2024
Location Plan			30 August 2024
Proposed Drawing	F1/01	Rev A	7 November 2024

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 rooflights 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 Two, 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. This application relates to a new two-storey dwellinghouse, located on the southern end of Nicholson Place. The property lies within the Rottingdean Conservation Area and is within the boundary of the Rottingdean Neighbourhood Plan. There is also an Article 4 direction covering the conservation area which restricts alterations to dwellinghouses.

## **3. RELEVANT HISTORY**

- 3.1. The erection of the dwelling was originally consented as part of the St Aubyn's School development approved under application BH2017/02680, which was later amended by application BH2020/01395.
- 3.2. **BH2020/01395** - Application for variation of condition 1 (approved plans) and condition 39 (schedule of historic features) and removal of condition 42 (details of new Field House balcony) of application BH2017/02680 (Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.) for internal and external alterations to Field House, Rumneys and the cottages (condition 1), to remove requirement for submission of Schedule of Historic Features (Condition 39) and details for new Field House balcony (condition 42). Approved 16.08.2020
- 3.3. **BH2017/02680** - Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Approved 08.02.2019

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for six rooflights in the front rear and side roof slopes.
- 4.2. The application has been subject to amendments which have altered the rooflight provision in terms of arrangement and a reduction of the overall number proposed.

## 5. REPRESENTATIONS

- 5.1. Representations have been received from two people and Rottingdean Parish Council, objecting to the proposed development for the following reasons:
  - Detrimental effect on property value
  - Overlooking
  - Not in keeping with the newly constructed houses
  - Would encourage further alterations and extensions
  - Overdevelopment
  - Inaccuracies on the plans
  - Lack of consideration for the Conservation Area.
- 5.2. Full copies of the public representations are available on the online public register.
- 5.3. **Councillor Fishleigh** has objected to the application and requested it be heard by the planning committee. A copy of the request is attached to this report.

## 6. CONSULTATIONS

None undertaken

## 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 City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).
  - Rottingdean Neighbourhood Plan (made March 2024)

## 8. RELEVANT POLICIES & GUIDANCE

### 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 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

#### Rottingdean Neighbourhood Plan:

H2 Design

H3 Design Principle in the Conservation Area and its Settings

#### Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

SPD17 Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the development, and the impact on neighbouring amenity.

### Background

- 9.2. 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".
- 9.3. The application site is subject to a condition removing permitted development rights from the new properties, and an Article 4 direction which has removed any permitted change to the roof of a dwellinghouse, including the installation of rooflights, without the submission of a planning application.
- 9.4. For these reasons, a planning application is required for the installation of rooflights. This does not mean such works would never be acceptable. The purpose of these restrictions is to ensure that the Local Planning Authority retains the right to review further alterations within sensitive locations, such as conservation areas.

Design and Appearance:

- 9.5. The proposal has been amended since it was originally submitted, with the amendments reducing the number of rooflights from eight to six. The arrangement of the rooflights has also been revised.
- 9.6. The amended plans showing six rooflights, which will be required by condition to be 'conservation style', are considered a suitable addition to the property. The two front rooflights would be aligned on the front roof slope. The smaller rooflight above the staircase on the side elevation is discreetly placed and largely obscured from view. The other rooflight on the rear roof slope is well placed and the remaining two rooflights are situated on the inner part of the rear projection, with limited visibility from ground level. The placement and design of the rooflights is considered to accord with polices DM26, DM29 of the City Plan Part Two and policies CP15 and CP12 of the City Plan Part One.
- 9.7. The proposal has been considered against polices H2 and H3 of the Rottingdean Neighbourhood Plan and given the minor changes to the roof appearance and no change to the form or shape of the roof, it is considered that the proposal is in keeping with the Neighbourhood Plan.

Impact on Amenity:

- 9.8. The proposed rooflights would not result in unacceptable overlooking, loss of privacy or perceived loss of privacy to the neighbours of adjoining and adjacent properties. They would not allow any additional views of neighbouring properties or otherwise result in any impacts.
- 9.9. The arrangement of the loft level would allow for the provision of additional living space for the dwelling which is considered acceptable and in accordance with policy DM1.

Other Matters:

- 9.10. The representations have raised concern that the rooflights would have a detrimental impact on property value. The potential impact on property values are not matters which can be considered under a planning application.
- 9.11. It is noted that the Councillor representation sets out that the application is made by the initial purchaser of this property. Planning permission runs with the land so the applicant is not a material consideration.

Biodiversity Net Gain

- 9.12. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

**10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together any representations made by third parties and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.