

<u>No:</u>	BH2024/03121	<u>Ward:</u>	Kemptown Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 2 Princes Mansions 31 Sussex Square Brighton BN2 5AB		
<u>Proposal:</u>	Replacement of existing conservatory glazed roof.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	29.01.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	26.03.2025
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	15.05.2025
Building Grade I			
<u>Agent:</u>	HTP Architecture LLP 35 Strawberry Hill Road Twickenham TW1 4PZ		
<u>Applicant:</u>	Mrs Susan Beech 35 Strawberry Hill Road Twickenham TW1 4PZ		

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.

Plan Type	Reference	Version	Date Received
Location Plan			29-Jan-25
Block Plan			24-Dec-24
Proposed Drawing	24001.PL01		24-Dec-24
Proposed Drawing	24001.PL02		24-Dec-24
Proposed Drawing	24001.PL03		28-Jan-25
Proposed Drawing	24001.PL04		28-Jan-25

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.

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.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. Princes Mansions, 31 Sussex Square is a grade I listed building within the Kemp Town Conservation Area. It forms part of a formal architectural set piece, comprising Regency townhouses set around a square. As such, its front elevation is of particular significance. Regency features such as the classical façade and hung sash windows are also important survivals.
- 2.2. The building has been converted to flats, which has led to some loss of original plan form and features internally.
- 2.3. This application relates to Flat 2 on the ground floor of the building, specifically its conservatory, a later addition to the house, located within the rear garden to the east.

3. RELEVANT HISTORY

- 3.1. **BH2024/03122** - Replacement of existing conservatory glazed roof. Concurrent Listed Building Consent application
- 3.2. **BH2024/00449** - Certificate of lawfulness for existing use of Ground Floor Flat 2, 31 Sussex Square to include the side extension containing the conservatory and ensuite bathroom. Approved 08.05.2024
- 3.3. **BH2003/02489/LB** - Internal renovation work. Approved 14.10.2003

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for replacement of the existing conservatory glazed roof.

- 4.2. As existing the conservatory roof is glazed with hardwood rafters internally. Externally it has an aluminium finish to the vertical struts and rooflight frames. The entire extent of the roof is glazed with clear glazing.
- 4.3. The proposed new roof would have a lead covering to the end panel on each end of the roof. There would also be changes externally to the sides where the lead covering would extend down either end, replacing hanging tiles at one end and rendered finish at the other. The roof structure would internally retain the hardwood rafters and externally retain a powder coated aluminium finish with the new roof structure. The aluminium caps to the glazing bar of the roof structure would have a heritage profile with the new roof. There would also be new guttering with a traditional 'ogee' profile in metal.

5. REPRESENTATIONS

- 5.1. Representations have been received from 16 people, objecting to the proposed development for the following reasons:
- Roof covering is an eyesore and is not in keeping with the listed building.
 - New glass windows would cause a loss of privacy and cause light pollution to neighbours.
 - Concern about flat being used as a 'party house'.
 - Potential safety impacts for asbestos.
 - Presence of the structure and age of the structure.
 - Noise from building works.
 - Adverse impact on conservation area
 - Land on which the lean-to structure sits is not within Flat 2's demise.
 - Fire safety concerns.
 - Compromises lower level of the building.
 - Restriction of view
 - Inappropriate height of the development
 - Overdevelopment
 - Lack of planning permission for existing structure.
 - Weight from a lead roof not sufficiently considered.

6. CONSULTATIONS

Internal:

6.1. **Heritage:** No objection

No reason in principle to object to these works. Further drawings initially sought but updated submission provided reassurance that proposal would not affect the historic parts of the building. No conditions sought.

External:

6.2. **Historic England** No Comment

Historic England have not made a comment on this application but directed that advice should be sought from our specialist conservation advisor (this is detailed above).

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).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

Brighton & Hove City Plan Part Two:

DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Listed Buildings.

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

Other Documents

Kemp Town Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the proposed changes to the roof covering are considered acceptable for the

Grade I listed building and Kemp Town Conservation Area and any impacts on neighbour amenity.

- 9.2. A site visit was conducted by the Case Officer to assess the existing conservatory roof. The visit looked at the roof from within the garden of Flat 2, Princes Mansions, 31 Sussex Square.

Principle of the Development:

- 9.3. In 2024, a Lawful Development Certificate was sought regarding the use of the internal space within the conservatory as part of the residential use of Flat 2, Princes Mansions, 31 Sussex Square. Because listed building consent was granted in 2003 for works to the property, showing the conservatory in situ, it was confirmed as being lawfully part of the dwelling at Flat 2. In principle, therefore, the conservatory is a lawful structure so works to it can be lawful if planning permission is granted.

Design and Appearance, including Impact on Heritage Features:

- 9.4. 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.
- 9.5. 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".
- 9.6. The Heritage Officer has reviewed the proposals and concluded that there is no 'in principle objection' to the alterations to the external appearance. Further plans were requested to demonstrate that the proposal was not affecting the historic part of the building. Following receipt of the additional plans no further concerns were raised. The conservatory is to the rear so the changes would have no impact on the public realm.
- 9.7. Overall, the proposed changes are considered appropriate for the Grade I listed building and Kemp Town Conservation Area and would be in accordance with policies DM26, DM27 and DM29 of the City Plan Part Two and policy CP15 of the City Plan Part One.

Impact on Amenity:

- 9.8. The proposal would lead to a reduction in rooflights overall so would have less of an impact from a privacy and light overspill perspective. It was noted at the site visit that the existing windows appeared to be openable.
- 9.9. Overall, the proposed changes to the roof covering and reduction of rooflight openings would reduce amenity impacts on the neighbour at Flat 3, 32 Sussex Square.

Other Matters Including Those Raised in Representations:

- 9.10. Several representations mention the presence of asbestos within the building. This is not a planning matter as it is dealt with through the separate Control of Asbestos Regulations 2012 overseen by the Health and Safety Executive.
- 9.11. Other representations cite concerns about fire risk and noise from the proposed construction works. These are not matters which are considered as part of the planning application.

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 does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

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 with the responses from consultees and 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.