

<u>No:</u>	BH2024/03122	<u>Ward:</u>	Kempton Ward
<u>App Type:</u>	Listed Building Consent		
<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>	Kemp Town	<u>Expiry Date:</u>	26.03.2025
<u>Listed Building Grade:</u>	Listed Building Grade I	<u>EOT:</u>	15.05.2025
<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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part Two, and CP15 of the Brighton & Hove City Plan Part One

4. The works hereby permitted shall not be commenced until a method statement for the works of repairs consisting of the renewal of water damaged internal plasterboard wall and linings has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies DM27 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. This approval is based on the details/drawings submitted. The public comments have raised the presence of asbestos within the building. If this is the case and additional internal works are required, then this may require further listed building consent. The applicant is advised to check this prior to any works being undertaken.

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. The building has been converted to flats, which has led to some loss of original plan form and features. The conservatory of Flat 2 is a later addition to the east of the house.

3. RELEVANT HISTORY

- 3.1. **BH2024/03121** - Replacement of existing conservatory glazed roof. Concurrent Full Planning 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. Listed Building Consent is sought to replace the existing conservatory glazed roof.
- 4.2. 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 gazing 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 15 people, objecting to/supporting 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
 - It's on stilts
 - Ownership/leasehold issues

6. CONSULTATIONS

Internal:

- 6.1. **Heritage:** No objection
No reason in principle to object to these works. Further drawings were sought as the Heritage Officer considered that some of the originally submitted drawings were of poor quality. The addition drawings provided reassurance that the heritage officer sought to confirm that the proposal does not affect the historic parts of the building. No conditions have been suggested.

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);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. POLICIES

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

DM26 Conservation Areas

DM27 Listed Buildings

DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features

Other Documents

Kemp Town Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

9.1. In considering whether to grant listed building consent 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 listed building consent 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.

- 9.2. 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".
- 9.3. Internally the heritage statement also sets out that the internal plasterboard and linings will be renewed. A condition is attached to secure further details of these works.
- 9.4. 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.
- 9.5. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade I listed building or wider conservation area, in accordance with policies CP15 of the Brighton & Hove City Plan Part One, DM26 and DM27 of the Brighton & Hove City Plan Part Two.

Other Matters raised in representations:

- 9.6. The application has attracted a lot of representations, and a number of the comments submitted here have also been duplicated on the corresponding application for planning permission (BH2024/03121). This listed building consent can only consider the impacts on the listed building (other matters such as impacts on neighbouring amenity cannot be considered here but would be considered for BH2024/03121).
- 9.7. It is also noted that this application includes concerns that there are land ownership issues and discusses leases and lease extensions, these are not matters which are part of the planning process.

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 determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.