

<u>No:</u>	BH2024/02554	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	9A Harrington Road Brighton BN1 6RE		
<u>Proposal:</u>	Roof alterations including gable end extensions, addition of dormers to north & south elevations, installation of rooflights & solar panels to east and west elevations.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	31.10.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	26.12.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.03.2025
<u>Agent:</u>	Mr Darryl Shear Unit Echo 3 Maritime House Basin Rd N, Portslade, Brighton BN41 1WR United Kingdom		
<u>Applicant:</u>	Enas Abu Shah 9A Harrington Road Brighton Brighton & Hove BN1 6RE		

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 and block plan	SY1		31-Oct-24
Proposed Drawing	PL1	C	18-Mar-25
Proposed Drawing	PL2	F	13-Mar-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.

3. The glazing in the north, south and west elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the glazing is more than 1.7 metres above the floor of the room in which it is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

4. The dormer windows in the north and south elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

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. The application site relates to a part-single, part-two storey detached dwellinghouse on a rear plot behind houses fronting the northern side of Harrington Road. The property has a detached garage and is accessed via a long access road to the south. The house has a dual pitched roof form with three hipped roof ends.
- 2.2. The site lies within the Preston Park Conservation Area. It borders St Bernadette's Primary School to the north, with neighbouring houses to the south and west.

3. RELEVANT HISTORY

None relevant

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for roof alterations including three hip to gable enlargements, the addition of dormers to the north and south elevations and the installation of rooflights and solar panels to the east and west elevations.
- 4.2. The application description was amended to remove mention of the raising of the roof ridge height, which is now not part of the proposal.
- 4.3. During the course of determining the application, the proposal was amended in the following ways:
- Decrease the size of the proposed dormers
 - Add non-opening obscurely glazed windows below 1.7m above internal floor level to both dormers
 - Remove the Juliet balcony from the front dormer
 - Reduce the amount of glazing to the gable ends
 - Obscurely glaze the proposed glazing to the gable ends
 - Replace two solar panels to the east elevation with an additional rooflight
- 4.4. The existing plans and elevations were also amended to centre the property within the location plan. Distances to neighbouring properties were added to the location plan on these drawings.

5. REPRESENTATIONS

- 5.1. **Seven (7) objections** have been received raising the following concerns:
- Overlooking/loss of privacy
 - Noise disturbance
 - Property not centred on location plan
 - Breaches original planning permission by extending footprint of property
 - Intrusive and excessive design
 - Not in keeping with conservation area
 - Loss of privacy to school
 - Overbearing dominant design
 - UPVC windows not appropriate
 - Loss of view
 - Proposed third floor (loft conversion) not in keeping with existing building
- 5.2. It should be noted that the above objections were all received prior to the proposed scheme being amended. Following amendments to the design of the proposal, neighbours were reconsulted on the scheme.
- 5.3. **Five (5) objections** were received during the reconsultation period. These objections were received from previous objectors and no additional material considerations which had not already been considered were raised.

- 5.4. **One (1) representation** was received from a previous objector during the reconsultation period confirming that they no longer have any objection to this application stating that it would not affect their property or privacy. They raised that it may still impact the school playground.
- 5.5. **One (1) additional representation** was received during the reconsultation period neither objecting to nor supporting the planning application. The representation raised the following points:
- Addition of solar panels is supported
 - Overlooking/loss of privacy

6. CONSULTATIONS

- 6.1. **Heritage (Verbal):** Initial Comment - Objection
The roof would become cluttered, aluminium frames are preferable to uPVC and the extent of glazing is considered excessive and should be reduced.

Final Comment - Objection

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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
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DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

Preston Park Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the Preston Park Conservation Area.

Design and Appearance and Heritage Impacts:

- 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.
- 9.3. 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".
- 9.4. The proposed glazing to the north, south and western elevations, as originally proposed, would have covered the majority of the proposed gable ends. Heritage Officers objected to the original application, namely the proposed uPVC framed windows, the excessive amount of glazing and the overall cluttered appearance which would result from the roof additions/alterations. As a result, the glazing to the north, south and west gable ends was reduced in area and amended to aluminium, which heritage confirmed was preferable to uPVC.
- 9.5. The proposed gable ends to the north, south and west elevations are considered acceptable in terms of design. They would not add a significant amount of mass to the property and would remain subservient to it. Hip to gable roof enlargements are a common alteration and feature heavily in the locality. The sides would be finished in plain tiles to match those of the main roof. The gable ends would be clad in vertically hanging tiles, which is considered appropriate and sympathetic to the host property.
- 9.6. The proposed front and rear dormers have been amended to reduce their scale. The Juliet balcony to the front facing dormer originally proposed was removed from the design and replaced with two smaller windows. The dormers would

have dual pitched roofs and would be finished in materials to match the main roof. The dormers, as amended, have been kept to a modest scale and are not considered to dominate the roofslopes. Many dormers of varying scale and design exist within the locality, so the proposed dormers are not considered to appear overly incongruous within their setting.

- 9.7. The proposal would also involve the addition of eight rooflights and twenty-five solar photovoltaic panels, predominantly to the side roofslopes. A cabrio rooflight would also replace a large existing rooflight. These features are considered to clutter the roofslopes of the property and would be somewhat detrimental to the appearance of the dwelling. However, the solar panels would improve the sustainability of the dwelling, and this must be given significant weight when assessing the proposal. On balance, the sustainability benefits of adding this many solar panels are considered to outweigh the harm to the appearance of the dwelling.
- 9.8. Overall, the proposed roof alterations are still considered to result in a relatively cluttered appearance to the roof of the property. Although in design terms, the proposal is not fully supported by the LPA, given the secluded location of the property away from the main streetscene, the impact on the public realm and the heritage features of the conservation area would be minimal so the scheme is considered acceptable.
- 9.9. Heritage was verbally consulted on the application and objected to the proposed uPVC framed windows, the excessive amount of glazing and the overall cluttered appearance which would result from the roof additions/alterations. Following consultation with heritage, the glazing to the north, south and west gable ends was reduced in area and amended to aluminium, which heritage confirmed was preferable to uPVC. These issues are considered to be satisfactorily addressed in the amended design. Given the secluded location of the property away from the Harrington Road streetscene, the proposed loft conversion is not considered to be significantly harmful to the character and appearance of the Preston Park Conservation Area and would not warrant refusal of the application.

Impact on Residential Amenity:

- 9.10. A number of objections to the proposed development have been received. The primary concern raised is loss of privacy. In order to attempt to address the concerns raised, a number of amendments to the design were made. Firstly, the Juliet balcony to the front dormer was removed and replaced with two non-opening windows (below 1.7m above internal floor level) in obscured glazing. The same windows were added to the rear dormer. The proposed glazing to all three gable ends was amended to obscure glazing. A condition is attached ensuring that any glazing in these elevations below 1.7m above internal floor level will be obscurely glazed and retained thereafter.
- 9.11. The proposed rooflights to the front (south) elevation would be at the same level as the existing first floor windows and are not considered to provide any additional significant compromising views into neighbouring properties to the south. The proposed rooflights to the east and west side elevations would be at

a high level, so are also not considered to result in any significant privacy concerns. The proposed cabrio rooflight to the west elevation is not expected to provide a significantly increased view into the adjacent neighbours to the west when compared to the views already provided by the existing large rooflight which it would replace.

- 9.12. The proposed roof extensions would not be overbearing to the adjacent neighbours as they would be set away a substantial distance from all surrounding neighbouring properties. Because of this, they are also not expected to result in any loss of light to neighbouring properties.
- 9.13. It is considered that for the reasons set out above, the proposed development, as amended, would not cause significant harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.
- 9.14. In terms of the amenity of future residents, the accommodation generally accords with the Nationally Described Space Standards (NDSS). The additional bedroom proposed would have an approximate internal floor space of 15.2m². This exceeds the standard for two bedspaces of 11.5m². The outlook and natural light would be provided through the rear dormer windows. These windows would be predominantly obscurely glazed so the outlook would be limited, however given this is the fifth bedroom, this is considered acceptable.

Sustainability:

- 9.15. The proposal would also involve the addition of twenty-five solar photovoltaic panels on the eastern and western side roofslopes of the house. Although as previously mentioned within this report, this would clutter the roof, this is considered to improve the sustainability of the dwelling as it would reduce its reliance on fossil fuels for energy generation. The proposal would accord with Policy DM44 of the City Plan Part Two.

Other Considerations:

- 9.16. Objections have been raised in regard to potential for noise pollution from the enlarged property. Whilst the new windows, when open, could increase the breakout noise from the house, taking in to account likely background noise levels and the type of occupation in this domestic setting, any increase in noise would not be so significant as to warrant refusal.

Conclusion and Planning Balance:

- 9.17. The proposed works are considered to be acceptable in design and in terms of their impact on the surrounding conservation area, particularly given the site's location behind the dwellings fronting the road. The dwelling is set back from the boundaries, reducing the potential impact on neighbours, which has been further reduced by amendments to remove a balcony and other glazing. The incorporation of solar panels would have some visual impact but the benefits to the provision of renewable energy are considered to outweigh these. On balance, therefore the scheme is considered acceptable, and approval is recommended.

Biodiversity Net Gain

- 9.18. 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.