

<b><u>No:</u></b>	<b>BH2024/02796</b>	<b><u>Ward:</u></b>	<b>Kempton Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4/4A Church Place Brighton BN2 5JN</b>		
<b><u>Proposal:</u></b>	<b>External alterations to include removal of tile hanging, rendering, revised fenestration and regularisation of the shopfront fenestration</b>		
<b><u>Officer:</u></b>	Vinicius Pinheiro, tel: 292454	<b><u>Valid Date:</u></b>	13.01.2025
<b><u>Con Area:</u></b>	Kemp Town	<b><u>Expiry Date:</u></b>	10.03.2025
<b><u>Listed Building:</u></b>	Adj Grade I & II	<b><u>EOT:</u></b>	09.06.2025
<b><u>Agent:</u></b>	Studio Hekkel Ltd 9 Queens Road Brighton BN1 3XA		
<b><u>Applicant:</u></b>	M Barnes 4 Church Place Brighton BN2 5JN		

## 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	2322-P-301		08-Nov-24
Proposed Drawing	2322-P-306		08-Nov-24
Proposed Drawing	2322-P-307		08-Nov-24
Proposed Drawing	2322-P-308	C	08-Nov-24
Proposed Drawing	2322-P-309	A	08-Nov-24
Proposed Drawing	2322-P-310		08-Nov-24
Report/Statement	HERITAGE STATEMENT		08-Nov-24
Report/Statement	DESIGN AND ACCESS STATEMENT		08-Nov-24

2. The development hereby permitted (except for the existing shopfront) 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. All new renders shall be smooth in a lime-based mortar mix without expansion joints, external beads, stops or bell drips.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

4. The replacement windows to the front elevation hereby approved shall be white framed timber and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM29 of Brighton & Hove City Plan Part 2, 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.

**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 4/4A Church Place and comprises a two-storey detached building, with a flat roof and rear projection with a terrace above. The front elevation includes rendered walls and aluminium framed shopfront at ground floor level and hanging tiles and modern uPVC windows at first-floor level. The ground floor is occupied by a commercial unit whilst the first-floor is used as a residential unit.

- 2.2. The site is an unlisted building in the Kemp Town Conservation Area. It lies directly opposite St Mark's Church which is a Grade II listed building, and to the rear of the Grade I Listed Building 13 Sussex Square, that forms part of the wider Grade I Listed terraces at Sussex Square, which form an important group of heritage assets with Arundel Terrace, Chichester Terrace, Lewes Crescent and related structures on the Esplanade.
- 2.3. The south-east side of Church Place, within Kemp Town Conservation Area, predominantly constitutes of small-scaled structures with the rear elevation of the Sussex Square terraces dominating in the background. The contrast between the grand front facades and the more subservient rear street areas, of which Church Place is one such, are considered to be of an important character within the conservation area.
- 2.4. The footprint of the existing building is apparent on historic maps from 1872, however this is likely to have been a one storey structure. The modern additional storey is likely to have been added during the post-war period, when the rear gardens of the Sussex Square terraces were developed with the addition of one storey shed structures. The building, although compromised by some inappropriate later additions, has a degree of significance as an ancillary mews-type building to 13 Sussex Square (although now separate).

### **3. APPLICATION DESCRIPTION**

- 3.1. Planning permission is sought for external alterations which include removal of the first-floor tile hanging, rendering, revised fenestration including replacement front windows in sash style and new bifold doors at the rear, and regularisation of the existing shopfront fenestration.

### **4. RELEVANT HISTORY**

- 4.1. **BH2024/00512** External alterations including rendering existing rear and side elevations, cladding of front and side elevations and revised fenestration. Refused 05.07.2024
- 4.2. Refused on the following grounds: *"The works would introduce black metal cladding to the first floor of the building. This dark, utilitarian and harsh material would create an unduly dominant and uncharacteristic first floor to the building that would be more prominent and harmful to the character and appearance of the streetscene, including the Kemp Town Conservation Area, drawing attention to a building that already has a harmful impact on the heritage features of the area. The incongruous appearance would detract from the visual appreciation and grandeur of the setting of the Grade I listed buildings on Sussex Square and the Grade II listed St Mark's Church. It would result in less than substantial harm to the character and appearance of heritage assets, which is not considered to be outweighed by public benefits. The proposal would be contrary to Policies*

*CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26, DM27 and DM29 of the Brighton & Hove City Plan Part Two."*

- 4.3. **BH2024/00511** Erection of first floor rear extension and creation of central courtyard with associated external alterations including rendering existing rear and side elevations, cladding of front and side elevations and revised fenestration. Refused 05.07.2024 (on grounds of scale/design and adverse impact to heritage setting and neighbouring amenity)
- 4.4. **BH2023/01516** Erection of an additional storey to provide 1no. one-bedroom flat (C3) incorporating first floor rear extension with revised fenestration, alterations to the ground floor shopfront and associated works. Refused 19.07.2023 (on grounds of design, height/scale, adverse impact to heritage setting and neighbouring amenity)

## **5. REPRESENTATIONS**

- 5.1. **Ten (10)** representations have been received objecting to the proposal for the following reasons:
- Adversely affects the Conservation Area
  - Retrospective works to the shopfront
  - Adverse affect on listed building
  - Noise
  - Too close to the boundary
  - Overdevelopment
  - Inappropriate Materials
- 5.2. Full details of representations received can be found online on the Planning Register.

## **6. CONSULTATIONS**

- 6.1. **Heritage:** No objection subject to the imposition of conditions  
With the proposal now not including the additional floor proposed in the previous application BH2024/00511, the scheme is now acceptable in conservation terms. The changes in the windows pattern on the first floor is a marginal improvement of the existing arrangement. However, a condition should be added to require the render mix to be a lime rich mortar mix (at least 2 parts lime for each 1-part cement). A modern through colour mortar should not be used.

## **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
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM23	Shop Fronts
DM26	Conservation Areas
DM29	Setting of heritage assets

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

Other Documents

Kemptown 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 proposal, the impact to the streetscene, wider conservation area, adjacent listed buildings and the impact on neighbouring amenity.

- 9.2. Additional plans were received during the course of the application to include retrospective changes to the shopfront which were previously undertaken without prior planning permission.

### **Design and Appearance**

- 9.3. When considering whether to grant planning permission for development in a conservation area and within the setting of listed buildings the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area/setting. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area and setting of listed buildings should be given "considerable importance and weight".
- 9.4. Policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM26, DM27 and DM29 of City Plan Part Two are relevant and seek to ensure that all new development raises the standard of architecture and design in the city and that heritage assets are appropriately preserved.

#### Alterations to the shopfront - retrospective

- 9.5. The shopfront, as now existing, features aluminium framing in a dark grey finish and although the works were carried out without prior consent, the resulting shopfront presents a neutral appearance that integrates with the host building and the surrounding area.
- 9.6. The use of dark grey aluminium is relatively unobtrusive and does not harm the existing architectural character of the building. Whilst it is of quite a dark colour, this does not look out place in this street, which contains varied shopfronts and dark garage doors. Whilst aluminium is not a traditional material, this is not harmful, and the clean lines of the overall design is sympathetic to the building and allows it to sit comfortably within the wider conservation area, without causing harm to its visual amenity or historic significance.

#### Removal of the tiles and revised fenestration to the front and side elevations

- 9.7. The principal extent of the proposed physical changes to the front elevation of the building, namely the removal of tile hanging, rendering and revised fenestration, are considered to have a relatively minor impact upon the street scene and setting of heritage assets.
- 9.8. The physical changes to the front elevation would be appropriate on this simple and modest building and would represent an enhancement which is more characteristic of the historic setting. The use of render in place of tile hanging introduces a more uniform finish that better aligns with the character of other properties in the area, enhancing visual consistency. Additionally, the replacement of the existing uPVC windows of modern design with traditional timber sash design represents an improvement in terms of material quality and appearance. The proposed timber windows would be more sympathetic to the architectural character of the building and would contribute positively to the overall appearance of the Conservation Area.

- 9.9. A condition is recommended to be included to secure that the render mix to be a lime rich mortar mix in order to secure a satisfactory appearance to the development.

Revised fenestration and rendering the side/rear elevation

- 9.10. To the rear of the property, an existing first floor window and door is to be replaced with bi-fold doors, which would lead onto the existing terrace. The new doors would be aluminium. The proposed material is considered to be acceptable given that it would be located to the rear of the property and not visible from the main public realm. The same applies to the existing windows proposed to be replaced with aluminium windows. The windows would replace existing windows in existing apertures and are considered to have an acceptable impact on the host property and wider conservation area.
- 9.11. The Heritage Team raise no objection the proposed external changes to the building. Overall, the proposed external alterations to the front and rear are considered acceptable and sympathetic to the host property and the wider setting of the surrounding conservation area and listed heritage assets and would have either a neutral or enhanced visual impact. The proposals would therefore accord with policies DM18, DM21, DM23, DM26 and DM29 of City Plan Part Two and CP12 and CP15 of City Plan Part One.
- Impact on Amenities**
- 9.12. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.13. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.
- 9.14. The proposed alterations to the front elevation are not considered to result in any adverse impact on neighbouring properties. The replacement windows would be installed within the existing openings, maintaining the current arrangement and avoiding any additional overlooking or loss of privacy.
- 9.15. To the rear, the proposed bi-fold doors are comparable in scale and position to the existing door and window serving the terrace area. As such, they are not anticipated to result in any material change to the current level of impact and are considered acceptable.
- 9.16. The terrace has been clearly visible and verified in satellite imagery dating back to at least 2014. This evidence suggests that the structure has been in situ for a significant period of time and used as an amenity space and is therefore likely a lawful feature. The proposed installation of bi-fold doors to replace the existing window and door configuration is not anticipated to result in a significant change/increase in noise emissions. The new opening will serve the same residential function as the existing fenestration, facilitating access to the terrace

and ventilation of the internal space. The terrace is confined to a small area of the roof only, and is not proposed to change. The replacement does not introduce a new use or intensify existing use and therefore is considered to have an acceptable impact on neighbours.

- 9.17. Similarly, the replacement rear windows would be installed within the existing apertures. As these changes do not alter the size or position of the openings, no additional impact on neighbouring amenity is expected.
- 9.18. Overall, it is considered that the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

#### **Biodiversity Gain Plan**

- 9.19. 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**

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.
- 10.1. 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.