

<u>No:</u>	BH2025/02245	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28 Herbert Road Brighton BN1 6PB		
<u>Proposal:</u>	Loft conversion with rear dormer and 3no front rooflights.		
<u>Officer:</u>	Charlotte Tovey, Tel: 202138	<u>Valid Date:</u>	11.09.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.11.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Sansom Consultants Ltd 30 Meadway Crescent Hove East Sussex BN3 7NL		
<u>Applicant:</u>	Mr Michael Hurley 28 Herbert Road Brighton BN1 6PB		

This application has been referred to Planning Committee for a decision as the applicant is a relative of a member of staff.

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			11-Sep-25
Proposed Drawing	Rev 1	Plans & Elevations	23-Sep-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. Unless otherwise shown on the drawings hereby approved, the external finishes of the rear dormer hereby permitted shall match in material, colour, style, bonding and texture those of the existing roof.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 of City Plan Part Two and CP12 of 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. 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 Environment Act 2021.
3. 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.
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300

2. SITE LOCATION

- 2.1. The application site relates to a three storey red brick Victorian terrace dwellinghouse located on the north side of Herbert Road at no. 28. The building has been subdivided and the application relates to the ground floor and first floor maisonette.
- 2.2. The site is not located within a conservation area or article 4 directive. The very western end of Herbert Road is sited within the Preston Park Conservation Area although the boundary of this lies approx. 50m west of the site. The application

site itself is neither within nor adjacent to the boundary of the Preston Park Conservation Area.

3. RELEVANT HISTORY

None found.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a loft conversion consisting of a new rear dormer and 3no. front rooflights. The proposed dormer would be tile hung to match the existing roof tiles with white UPVC windows. Three rooflights are proposed to be installed on the front roof slope.

5. REPRESENTATIONS

None received.

6. CONSULTATIONS

None received.

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
CP12	Urban design

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

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

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

Design and Appearance

- 9.2. The proposal seeks to fit 3no. rooflights to the front roof slope close to the roof ridge and to extend the rear roof slope with the addition of a flat roofed rear dormer.
- 9.3. Recently taken aerial imagery of the site demonstrates that there a number of rooflights visible on Herbert Road, most notably at no. 30 the adjoining neighbour. Due to the context of the street scene, the number and position of the rooflights in this instance would be acceptable. It would not result in harm to the appearance of the building or street scene that would warrant refusal and the presence of the front gable on the principle elevation will somewhat limit the appearance of the rooflights as proposed. Whilst the property is divided into two flats, it is noted that if the property was in use as a single dwelling house no planning permission would be required for the installation of the front rooflights.
- 9.4. The plans also seek to extend the rear roof slope with the fitment of a flat roofed rear dormer. The proposal would be of a similar scale to the dormer present at the adjoining property at no. 30. The application form confirms that the material finish will be tile hung to match the existing roof and the new windows would be white UPVC.
- 9.5. Whilst it would occupy the majority of the rear roof-slope the dormer would not be visible above the ridge of the property. The dormer would be adequately set up from the eaves on the rear roof-slope and the plans show the chimney stack is to be retained. There are further examples of similarly scaled dormers within the road and adjacent and nearby streets. It is of note that, again, if the site were in use a single dwelling house a dormer of this scale and appearance could be theoretically constructed under Class B of the Town and Country Planning General Permitted Development Order and not require planning permission.
- 9.6. The fitment of white UPVC windows to the roof addition is considered acceptable given that they are suitably scaled and positioned within the dormer, aligning with the first floor fenestration.

- 9.7. In this instance the scale and design of the rear dormer would not be visible from the public realm and due to the context of other similar developments upon the rear roof slopes on Herbert Road it is not considered that the proposal would cause any demonstrable harm to the character and appearance of the area.
- 9.8. The proposed development is considered to have an acceptable impact to the appearance of the building that would not result in harm to the character of the area in accordance with policy CP12 of City Plan Part One and policies DM18 and DM21 of City Plan Part Two.

Impact on Neighbouring Amenity

- 9.9. Due to the position of the rooflights within the roof slope there would be no loss of privacy to the neighbours opposite on Herbert Road as the rooflights would offer largely skyward views and the properties are separated by the existing highway.
- 9.10. The new windows in the rear dormer would create a new view from the converted loft space however the views obtainable from the windows would be very similar to those possible from the existing second floor windows. The properties of Herbert Road and Gordon Road are separated by their long gardens and the new windows would not result in a loss of privacy over and above the existing situation to warrant refusal of the application. The properties to the rear are sited approx. 30m to the north of the site. This separation distance is considered to be sufficient to mitigate any harmful loss of privacy.
- 9.11. The dormer would be adequately set up from the eaves such that it would function and read as an addition to the roof and it would not result in an overbearing form of development to the occupiers of the lower ground floor flat or harmfully otherwise impact upon the amenity of other neighbouring occupiers.
- 9.12. Due to the orientation of the site and position of the dormer below the ridge of the principle roof, the proposal is not considered to result in a loss of sunlight/daylight or cause any harmful overshadowing to neighbouring occupiers.
- 9.13. The development is not considered to cause any demonstrable harm to neighbouring amenity and is considered to accord with policy DM20 of the City Plan Part Two.

Standard of Accommodation

- 9.14. The enlargement of the loft space would provide 1no. additional double bedroom approximately 20msq with an ensuite shower room.
- 9.15. The new bedroom would exceed the minimum width of 2.75m and the windows and rooflights proposed would provide adequate light and ventilation to the occupiers of the new bedroom.
- 9.16. The extended dwelling would have three bedrooms over three stories and would exceed the minimum gross internal floorspace of 99msq.

- 9.17. Whilst the converted loft room would not meet the internal head height of 2.3m the overall dwelling would comply with part (i) of the Nationally described space standards that requires 75% of the gross internal floorspace to exceed 2.3m.
- 9.18. The proposal would accord with policy DM1 of City Plan Part Two and the Nationally described space standards (NDSS).

Biodiversity

- 9.19. The wildlife assessment submitted with the application demonstrated that the roof alterations would not impact a protect species that required further assessment. The site does not lie within a 200m of woodland. An informative is attached in regards to nesting birds and bats. The scheme was otherwise 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.

Sustainable Transport

- 9.20. There would be no change to the access for parking. The loft alterations would provide a single additional bedroom which is not considered to result in an increase in trips to the site for a C3 dwellinghouse that would have a material impact on the Local Highway Network.

Other Matters

Not applicable.

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.