

<b><u>No:</u></b>	<b>BH2025/01442</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>22A Wilbury Crescent Hove BN3 6FJ</b>		
<b><u>Proposal:</u></b>	<b>Alterations to the roof including fitment of a flat roofed rear dormer, fitment of 2no. Velux rooflights to the front roof slope with new fenestration at the rear.</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, tel: 202138	<b><u>Valid Date:</u></b>	16.06.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.08.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	07.11.2025
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Ms Sophie Wolff 22a Wilbury Crescent Hove BN3 6FJ United Kingdom		

## 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			13-Jun-25
Proposed Drawing	PL003 Elevations _ Section		13-Oct-25
Proposed Drawing	PL003 Floorplans		13-Oct-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 development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**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.

4. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans PL003 received on 13.10.2025. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two

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 semi detached two storey dwellinghouse located on the north side of Wilbury Crescent at no. 22. The area is characterised by two storey properties with red tiled roofs. The application site has been subdivided into flats and the application relates to the first floor flat, Flat A. Searches have demonstrated that the subdivision of the flats is lawful and has been the case since 1993.
- 2.2. The site is not located within a conservation area or covered by an article 4 direction relating to extensions and alterations.

### **3. RELEVANT HISTORY**

None found.

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for alterations to the roof including fitment of a flat roofed rear dormer, fitment of 2no. Velux rooflights to the front roof slope with new fenestration.
- 4.2. During the course of the application the proposal has been amended to reduce the scale of the rear dormer proposed so that is suitably subservient to the rear roof slope and to remove the originally proposed first floor juliette balcony and french doors. N Neighbouring properties have not been reconsulted as the amended plans are considered to be less harmful than those originally proposed.

### **5. REPRESENTATIONS**

- 5.1. In response to publicity, responses were received from Five (5) individuals, objecting to the application and raising the following issues:
- Overlooking and loss of privacy
  - Overbearing
  - Noise
  - Insufficient parking
  - Overdevelopment of the site
  - Loss of light/ Overshadowing
  - Detrimental effect on property value
- 5.2. Full details of representations received can be found online on the planning register.

### **6. CONSULTATIONS**

None received.

### **7. MATERIAL CONSIDERATIONS**

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.

- 7.1. 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
CP9	Sustainable transport
CP10	Biodiversity
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
DM33	Safe, sustainable and active travel
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
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 neighbouring amenity and the impact on the highway.

### **Design and Appearance**

- 9.2. The proposal seeks to fit 2no. 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. The proposed rooflights would be positioned either side of the gable fitted close to the ridge. The placement and scale of the rooflights proposed are considered to be well sited within the front roof slope so that they do not appear prominent or visually cluttered, leaving adequate unaltered roof space.
- 9.4. The front elevation of no. 22 Wilbury Crescent appears identical to its adjoining neighbour to the west, no. 20 although it is noted that 3no. rooflights have been installed on the neighbouring property.
- 9.5. All of the front roof slopes to the north side of Wilbury Crescent between no. 12- no. 38 have rooflights on the principal roof slope. Therefore taking into account the appearance of the street scene the proposed amendments are considered acceptable in this instance and would not cause harm to the character and appearance of the area. 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.
- 9.6. The application also seeks to extend the rear roof slope with the fitment of a flat roofed rear dormer. Other similarly scaled dormers are present to the rear roof slopes east of the site and in the wider area. Taking into account the rear context of the dwellings on Wilbury Crescent and the limited visibility from the public realm the principle of a box dormer extension is accepted.
- 9.7. 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. It is of note that, again, if the site were in use as 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.
- 9.8. Amendments have been made to the scale of the rear dormer proposed reducing its size so that it is adequately set down from the ridge, in from the side of the roof slope and up from the eaves. The scale of the proposal is now considered to be acceptable leaving adequate visible roof space around the dormer cheeks. The materials would be tile hung to match the existing roof and this is recommended to be secured by condition. The two new windows proposed within the rear dormer are proportionate to this elevation and align with the existing first floor fenestration.
- 9.9. Taking into account the context of the rear elevations of Wilbury Crescent and amendments made to the first floor glazing, the design and appearance of the loft enlargement is considered to be acceptable and in accordance with policy CP12 of the Brighton and Hove City Plan Part One and policies DM18 and DM21 of the Brighton and Hove City Plan Part Two.

#### **Impact on Neighbouring Amenity**

- 9.10. Concerns were raised to the original proposal that the alterations to the first floor fenestration and new windows in the rear dormer would result in a loss of privacy to the adjoining neighbours and gardens to the north on Bigwood Avenue.

- 9.11. As above, amendments have been made to the proposal during the course of the application removing the first floor Juliette balcony and doors and instead proposing two windows which are small in scale and would serve two new bedrooms in the converted loft space. Whilst a new view will be obtained it is not considered to be materially different from existing views from the first floor fenestration sufficient to warrant refusal. It is noted that a degree of mutual overlooking of rear garden areas from the first floor windows is already present from the majority of properties in the immediate area. The scale of the windows are not considered to result in a loss of privacy to the adjoining neighbours or residents to the north of the site that would warrant refusal in line with Policy DM20 of City Plan Part Two.
- 9.12. Due to the position of the rooflights within the roof slope there would be no loss of privacy to the neighbours opposite on Wilbury Crescent as the rooflights would offer largely skyward views and the properties are separated by the existing highway.
- 9.13. Concerns were raised that the original proposal would be overbearing and result in a loss of outlook to the neighbours.
- 9.14. Satisfactory amendments have been made to the scale of the dormer proposed to ensure that it is set up from the eaves and in from the sides of the roof adjoining with no. 20 and no. 24 Wilbury Crescent. The scale is not considered to result in an overbearing form of development and it is considered to be sufficiently positioned within the rear roof slope.
- 9.15. Concerns were raised that the dormer would result in a loss of light to the gardens to the north on Bigwood Avenue and the neighbouring amenity.
- 9.16. The dormer would not result in a significant loss of light to the dwellings to the north on Bigwood Avenue due to the separation between the dwellings from the rear gardens. The property that would be most affected by the development would be the occupiers from the ground floor flat at no. 22 and there would be some impact to the side window in the converted loft space of no. 24 Wilbury Crescent.
- 9.17. The amendments made to the scale of the dormer are now adequately set up from the eaves and down from the ridge that the development would not result in further significant overshadowing to the occupiers of the ground floor flat than the existing roof form.
- 9.18. There would be some impact to the side window of no 24's converted loft space however this is understood to service a bathroom and is obscured glazed. Due to the position of the buildings of no. 22 and no. 24 to one another and the orientation of the site, the level of overshadowing to this window would be at the end of the day. It is not considered to be demonstrably more harmful than the existing levels of light due to the proximity of the buildings to one another that would warrant refusal.

- 9.19. Overall the amendments to the scale of the rear dormer now proposed is not considered to result in a significant loss of amenity to the adjoining neighbours that would warrant refusal and the proposal is therefore considered to be in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

#### **Standard of Accommodation**

- 9.20. The existing layout of the first floor flat is as a single storey two bedroom flat.
- 9.21. Concerns were raised that the original proposal of four bedrooms would result in overdevelopment of the site and the increase in occupancy would result in a detrimental level of noise to the adjoining neighbours.
- 9.22. Satisfactory amendments have been made to the internal layout that now proposes three bedrooms over two storeys as a C3 dwelling. The two new bedrooms in the roofspace would comply with the minimum floor space standards of 11.5msq for a double bedroom and would have a sufficient minimum width. The new layout would also exceed the minimum gross internal floorspace for a dwelling of this size 92msq.
- 9.23. The new staircase to the loft will reduce the size existing first floor front bedroom which would be indicated to be used as a study. A condition is recommended to ensure that this study is not used as a bedroom due to it's limited size. The new rooms in the loft would provide adequate light and ventilation and include a new shower room.
- 9.24. The first floor layout retains the existing 'living arrangement' where the most noise generated areas would be. As the proposal is for a residential dwelling, the increase in capacity from a two bed flat to a three bedroom flat is not considered to result in a detrimental level of noise that would be harmful to neighbouring occupiers.
- 9.25. Overall the proposed layout is considered to provide an acceptable standard of accommodation for the use of the existing and future occupiers in line with Policy DM1 of the Brighton and Hove City Plan Part Two and this is recommended to be secured by condition.

#### **Biodiversity**

- 9.26. 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**

- 9.27. Concerns were raised that the alterations would negatively affect parking provision in the area. The proposed new layout of the first floor and second floor would create a net increase in the number of bedrooms of one which is not

considered to result in an increase in trips to the site for a C3 dwellinghouse that would create an impact on the Local Highways network.

- 9.28. There would be otherwise be no change to the access for parking as part of the proposal.
- 9.29. The development is not considered to negatively impact the highway in accordance with policy CP9 of the Brighton and Hove City Plan Part One and policy DM33 of the Brighton and Hove City Plan Part Two.

**Other Matters**

- 9.30. Concerns were raised that the proposed alterations would have a detrimental impact on the property value of the neighbours home. Matters such as loss of property value are not a material planning consideration and cannot be weighed in the decision making 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 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.