

<b><u>No:</u></b>	<b>BH2022/03823</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>54 Waterloo Street Hove BN3 1AH</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey rear extension with roof terrace above, alterations to existing roof terrace including addition of glazed staircase enclosure and replacement balustrading &amp; decking, reinstatement of balustrading to first floor front elevation.</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	20.12.2022
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	14.02.2023
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	13.03.2023
<b><u>Agent:</u></b>	Clive Voller Associates Burgess Hill RH15 9RR	Clive Voller Associates	2 Woolven Close
<b><u>Applicant:</u></b>	Pay & Sherwood 54 Waterloo Street Hove BN3 1AH		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	4046-LOC		13 December 2022
Proposed Drawing	4046-03	F	7 February 2023
Proposed Drawing	4046-04	F	7 February 2023
Proposed Drawing	4046-05	D	13 February 2023
Proposed Drawing	4046-06	D	13 February 2023
Proposed Drawing	4046-07	C	7 February 2023
Proposed Drawing	4046-08	C	7 February 2023
Proposed Drawing	4046-09	C	7 February 2023
Proposed Drawing	4046-10	C	7 February 2023
Report/Statement	REV D	Planning Statement	13 February 2023

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 external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
4. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints and existing incised lines (blockwork) shall be matched.  
Reason: To ensure the satisfactory preservation of this listed building to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part one.
5. The new windows hereby approved shall be single glazed white painted timber double hung vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.  
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
6. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.  
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
7. The balustrade fitted to the front balcony on the approved plans shall match the adjacent building in terms of its materials, colour and appearance.  
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
8. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.  
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
9. The hereby approved powder coated aluminium frames fitted to the existing roof terrace shall be black.  
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM21, DM26, DM27 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

10. Prior to the first use of the first floor rear roof terrace hereby approved the privacy screens as shown on drawings 4046-07 C and 4046-04 F shall be fully installed and thereafter permanently retained.  
Reason: To protect the amenity of the neighbour and to comply with policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
11. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION**

- 2.1 The application site relates to a four storey over basement, terraced Grade II Listed Building in the Brunswick Town Conservation Area. Waterloo Street is within the original extent of Busby's Brunswick Town, as the first phase of development between 1824 and 1834 and no. 54 is part of a harmonious but architecturally varied terrace of houses, now largely converted to flats. The terrace retains many historic external architectural details which are important to the significance of these buildings.
- 2.2 The building is fronted with curved bay windows at ground, first and second floor and has a painted render finish with detailing. No. 54 is one of a group of three with matching details including full-height bows with tripartite sashes (retaining the original multi-pane glazing pattern) and giant Corinthian pilasters, however No.54 has an added storey that disrupts the descending parapet lines of the terrace as it steps down the hill and protrudes above the parapet level of the buildings to the north. The property has lost its original pitched roof form.
- 2.3 Rear elevations in the terrace are generally more varied due to incremental alterations and extensions that have taken place in the past.

## **3. RELEVANT HISTORY**

**BH2022/03824** Erection of two storey rear extension with roof terrace above, alterations to existing roof terrace including addition of glazed staircase enclosure and replacement balustrading & decking, reinstatement of

balustrading to first floor front elevation and internal alterations to layout. under consideration

**BH2004/03181/FP** Alterations to front and rear including rear extension, mansard roof and front lightwell. Approved 21.12.2004

**BH2004/03169/LB** Internal alterations & external alterations to front & rear including rear extension, mansard roof & front lightwell. Approved 20.12.2004

The building has been previously subject to a number of alterations both internal and external. Some of the alterations carried out by previous owners do not benefit from Listed Building Consent. There is planning enforcement history which relates to this property with regards to a number of the external alterations carried out although a formal notice has not been served. Most notably a number of unauthorised alterations have been removed from the principle roof of the property, however, a number of unauthorised alterations remain internally and this application seeks to rationalise and remedy many of these matters. It is noted from previous investigations and research that the property did incorporate a roof terrace on it's principle roof at the time of listing.

#### **4. APPLICATION DESCRIPTION**

- 4.1 Planning permission is sought for the erection of two storey rear extension with roof terrace above, alterations to an existing roof terrace on the principle roof, including addition of glazed staircase enclosure and replacement balustrading & decking, reinstatement of balustrading to first floor front elevation and internal alterations to layout of the building.

#### **5. REPRESENTATIONS**

**Six (6)** representations have been received from (5) individuals from (3) households objecting to the proposal on the following grounds:

- Adversely affect Highways during construction from builders vehicles
- Cause structural damage to buildings within the vicinity of the site
- Inappropriate use of materials on the roof terrace
- Adversely affect the Conservation Area
- The proposal would be an inappropriate height of development
- Detrimental impact from noise
- Detrimentally impact the neighbours amenity
- Built too close to the boundary
- Loss of privacy
- Overlooking
- Overdevelopment
- Poor design
- Dust and noise of construction
- Will not be able to paint their property whilst works are carried out

- Damage trees in neighbours garden
- Restriction of view
- Overshadowing

**One (1)** representation has been received, making the following comments on the proposal:

- New drainage needs to be installed to the lower ground floor kitchen as the existing is causing a damp problem in the adjoining property
- Tanking should be avoided and any render finished in lime plaster to avoid causing further damp issues at the adjoining property
- Drainage should be considered to the rear
- Original features should be retained including the paving slabs in the yard and the Sussex flint walls and any fixings to the walls should be made where there are bricks as to not deteriorate the wall
- Repairs need to take place to the chimney stack in the corner of the yard
- The coving to the first floor in the front room should be restored by removing the layers of paint with a mix of wall paper paste and sofa
- The balcony railings need to be constructed of wrought iron (not steel) and match those on 55.
- Before removing the studwork wall between the two rooms being expanded a structural engineer needs to assess whether the wall is load bearing
- The current flat roof is leaking and creating damp in the adjoining property. The new roof needs to be water tight.
- Cracks in the render on the chimney stacks are letting in water which needs to be repaired on all sides

**Three (3)** representations have been received, supporting the proposal on the following grounds:

- Good design
- Sympathetic to the conservation area and Listed Building

## 6. CONSULTATIONS

### **Arboriculture:**

Verbal consultation received 15.02.2023

From reviewing the site photos there appears to be an ornamental fruit tree and shrub in the adjacent garden to the east. I do not consider there to be any harm caused to the adjacent neighbours trees or to the trees north of the tall boundary wall from the proposed extension.

### **Heritage:**

Amendments have been received during the course of the application to satisfy the initial comments from the Heritage team.

Final consultation received 14.02.2023/:

During the course of the application satisfactory amendments have been received to the proposed internal and external alterations including satisfactory damp proofing methods, joinery details, amendments to the internal decorative

detailing, amendments to the new and existing ventilation and drainage, to the proportions of the new glazing on the rear extension as well as the installation of a rooflight to the rear extension and for the new roof terrace to be set back by 1.5m from the rear boundary wall.

All requested amendments have now been made and the Heritage Team are now able to support the application.

## **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

The development plan is:

- Brighton & Hove City Plan Part Two (adopted October 2022);
- Brighton & Hove City Plan Part One (adopted March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## **8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP10 Biodiversity

CP12 Urban design

CP15 Heritage

Brighton and 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

DM26 Conservation Areas

DM27 Listed Buildings

DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD09 Architectural Features

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1 The main considerations in the determination of this application relate to the impacts of the works proposed on the historic character and appearance of the Grade II Listed Building, the wider Conservation Area and the impact upon neighbouring amenity.
- 9.2 A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans and the site visit and from recently taken aerial imagery of the site.
- 9.3 In considering whether to grant planning permission for development which affects a listed building or its setting, 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 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.
- 9.4 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".

### **Design and Impact on Heritage Assets**

- 9.5 The application proposes internal and external alterations across all floors of the building. The internal works will be dealt with separately under the Listed Building consent.

#### External Works

##### Roof Terrace, Balustrade and Front Balcony

- 9.6 The past alteration of the original pitched roof form carried out by previous owners including the creation of a roof terrace is contrary to current policy and guidance and has caused some harm to this Listed Building, however it has been accepted that it has been in place for many years (length of time unknown) and a roof terrace was present at the time of listing and as such is therefore considered lawful in terms of the planning application. Minimizing the visual impact of the terrace, means of access to the area and barriers for the safety of users is proposed within this submission.
- 9.7 The proposed front balustrade position for the roof terrace has been amended to reduce its visibility from Waterloo Street which is a welcome improvement. The simple black balustrade design proposed as shown on the plans is

considered acceptable and a significant improvement on the previously unauthorised timber installation.

- 9.8 A new stair enclosure is proposed which replaces a previously unauthorised roof access. The proposed height of the enclosure is similar to the terrace balustrade and is considered to have the appearance of a modern lantern, and as such is considered acceptable. The application states that it is to be powder coated aluminium and the agent has confirmed it would be black to match the colour of the balustrade. It is considered that these are acceptable changes to the non-original roof structure which would not be likely appropriate in many other circumstances, and are balanced by other heritage benefits such as the reinstated elements of planform and the reinstatement of first floor balustrade.

### Rear Extension

- 9.9 A two storey rear extension is proposed to be erected at the northern end of the rear yard adjacent to a flank wall. The rear extension would have detailing to match the existing property and would incorporate a raised roof terrace facing to the east.
- 9.10 The rear extension of this property at basement and ground floor level follows the traditional lines of an outrigger and is considered acceptable. The scale of the extension would be 4.4m deep x 2.2m wide and 5.5m in height and fitted with a terrace that would be 2.1m wide x 2.9m deep upon the flat roof. The terrace would be fitted with 0.7m handrail and 1.8m privacy screening at the eastern end.
- 9.11 The courtyard where the extension would be positioned has tall surrounding walls. The extension would be set back at first floor level by 0.1m from the rear eastern boundary wall with Golden Lane and 1.65m of the extension would be visible above this wall. The extension and terrace would sit below the north boundary wall with no. 53 Waterloo Street. The extension would be finished in white render to complement the host building. It is noted that the neighbour at no. 55 Waterloo Street has a two storey outrigger with a roof terrace of a similar scale and therefore the proposal would not appear incongruous within its setting. It is considered that the extension would be a sympathetic extension at the rear, in keeping with the Listed Building that would not cause harm to its appearance or to the wider conservation area.
- 9.12 The proposed new glazing to the rear extension is white painted timber framed units and the details received are acceptable for the listed building. There is no objection to the rooflight that is proposed for the rear extension which would help to maximise the ingress of sunlight and daylight, reducing reliance on mechanical means.
- 9.13 The revised rear elevation also shows new external drainage and ventilation, along with existing pipework that is to be removed, and it is considered that there would be an overall reduction in servicing pipes which is welcomed as an improvement for the listed building.



- 9.14 Concerns were raised during neighbour consultation that the proposed alterations would adversely affect the conservation area. Consultation with heritage colleagues has concluded that the works to the front elevation to reinstate the first floor balustrade would be a welcome addition to the appearance of the building and would cause no harm subject to conditions. The ground floor and first floor two storey extension at the rear is largely concealed from view with only 1.6m of the extension visible above the east boundary wall with the dwellings of Golden Lane and it is not considered to be a development causing harm to the character and appearance of the area.
- 9.15 The amendments to the roof terrace would reduce its overall appearance from Waterloo Street and it is therefore not considered that the proposed external alterations would cause harm to the Conservation Area or the Listed Building.
- 9.16 Overall, subject to compliance with the recommended conditions, it is considered that the proposed works would not harm the historic character or appearance of the Grade II Listed Building or wider conservation in accordance with Policies CP12 and CP15 of the Brighton & Hove City Plan Part One and DM26 and DM27 of the Brighton & Hove City Plan Part Two.

#### **Standard of Accommodation**

- 9.17 Planning permission is sought for internal and external alterations that would improve the overall floorspace and layout of the building. It would return some of the rooms to their original planform which would be a welcome change to the Listed Building. The bedrooms would accord with the Nationally described space standards of meeting the minimum floor space of 11.5msq for the double bedroom on the second floor and 7.5msq for the two single bedrooms on the third floor. The internal alterations would improve the standard of accommodation in accordance with policy DM1 of City Plan Part Two.

#### **Impact on Amenities**

- 9.18 Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.19 The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation. The main consideration to the development would be the impact upon the neighbours amenity to the north at no. 53 Waterloo Street, to the south at no. 55 Waterloo Street, to the dwellings east on Golden Lane and to the west on Waterloo Street.
- 9.20 The proposed alterations reduces the size of the roof terrace to the front elevation of the building and therefore the residents on the western side of Waterloo Street would benefit from this increased separation over the existing situation. As discussed earlier in the report, a roof terrace was in situ at the time

of the building's listing and is therefore considered acceptable in principle. The improvements would increase separation from the neighbouring properties and reduce direct views into the front elevations which is an overall improvement.

- 9.21 Concerns were raised during neighbour consultation that the use of glazed materials on the roof terrace would cause light to reflect off the glazing in a negative way that would impact the amenity of the residents within the vicinity of the site. Due to the positioning of the roof terrace appropriately set back from the end of the flat roof and separated by approx. 13m from its closest habitable windows is unlikely to cause harm to the residents in this regard.
- 9.22 Concerns were raised that the two storey rear extension would be an inappropriate height, sited too close to the boundary and that the site would appear overdeveloped. The site visit demonstrated that the proposed two storey extension would sit below the northern boundary wall which is approx. 7m in height. 1.6m of the extension would be visible above the eastern boundary wall that is 4m in high. The first floor of the extension would be set back from the eastern boundary wall by 0.1m and the site would retain sufficient courtyard space and separation from its southern neighbour by 1.9m. The scale of the rear extension would match its neighbours outrigger and others on the eastern side of Waterloo Street. It is therefore considered that due to the high boundary walls and orientation of the site the proposed two storey extension would be acceptable in a densely populated urban area without appearing overdeveloped or overbearing.
- 9.23 The proposed alterations on the roof terrace to the stair enclosure would retain the same height as the existing timber structure and the terrace would be set back by 1m with suitable balustrade's. The alterations to the roof terrace are not considered to be overdeveloped or of an inappropriate height.
- 9.24 Concerns were raised that the alterations to the existing roof terrace and creation of a new terrace upon of the two storey rear extension would create excessive noise and cause harm to the neighbours amenity. It is noted that the previous owner used the dwelling as an Airbnb and that the neighbours were likely subjected to noise disruptions from a dwelling of this size being used as such. The applicants have recently purchased the property to be used as their main residence and look to utilise the existing outside space.
- 9.25 During the course of the application, satisfactory amendments have been made to reduce the depth of the roof terrace on the rear extension by 1.5m to the eastern boundary wall and includes privacy screening 1.8m in height. This privacy screening would improve and remove any loss of privacy to the residents east on Golden Lane and a condition is attached requiring the privacy screening to be in place prior to the first use of the terrace. The site visit demonstrated that the proposed extension would not overlook the neighbours amenity north at no. 53 due to the tall northern wall and the same views to the rear elevation of no. 55 could currently be achieved on site. It is further noted that there is already mutual overlooking from no. 55's rear elevation terrace to no. 54 that the impact is considered acceptable. The extension is positioned to

the north of the courtyard and would be sufficiently separated from no. 55 to not be considered unneighbourly or overbearing.

- 9.26 No additional noise would be created from the use of the rear roof terrace on top of the extension than would be created from the use of the courtyard by the residents and it is not considered to detrimentally impact the neighbours amenity to warrant refusal.
- 9.27 Concerns were raised that the proposed alterations would overshadow neighbouring amenity. Due to the orientation of the site any overshadowing from the proposed extension or roof terrace would be north towards no. 53 but due to the tall boundary wall it is not considered to cause any harm in this regard.
- 9.28 Overall the proposed external alterations would not cause harm to the amenity of neighbouring occupiers sufficient to warrant refusal and is therefore in accordance with Brighton & Hove City Plan Part Two policies DM20, DM26 and SPD12 guidance.

### **Others Matters**

- 9.29 Concerns were raised during neighbour consultation that the proposed rear extension would cause structure damage during its construction to buildings within the vicinity of the site and that the building works would create excessive dust and noise. The construction of the works are not a material planning consideration and would be dealt with by Building Control or Environmental Health.
- 9.30 Concerns were raised that a local resident would not be able to paint their outside of the property whilst the works were being undertaken due to the building dust created from the works. This is not a material planning construction and cannot be regarded as such.
- 9.31 Concerns were raised that the proposed extension would cause damage to the neighbours trees. Verbal consultation with our Arboriculture officer concluded that no harm is likely to be caused to the trees located beyond the boundary walls of the site.
- 9.32 Concerns were raised during neighbour consultation that the building works at the site would adversely affect the traffic and highways access on Waterloo Street. There is on street parking available and any illegal parking would be controlled by the CPZ.

## **10. BIODIVERSITY/CLIMATE CHANGE**

- 10.1 A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

## 11. EQUALITIES

11.1 None identified