

<u>No:</u>	BH2022/02826	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	16 Chichester Place Brighton BN2 1FF		
<u>Proposal:</u>	Insertion of front and rear rooflights and addition of solar panels to the rear.		
<u>Officer:</u>	Charlie Partridge, 292193	tel: <u>Valid Date:</u>	07.09.2022
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	02.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Thomas Julian Flat 5 Heath Square 6 Boltro Road Haywards Heath RH16 1BL		
<u>Applicant:</u>	Mr Ben Wood 16 Chichester Place Brighton BN2 1FF		

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	001	A	7 September 2022
Proposed Drawing	001	A	7 September 2022

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 rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One and policy DM26 of the Brighton & 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. SITE LOCATION

- 2.1. The application site relates to an unlisted three storey terraced dwellinghouse on the east side of Chichester Place. The site is located within the East Cliff Conservation Area but there are no Article 4 Directions covering the site relating to extensions or alterations.

3. RELEVANT HISTORY

- 3.1. **BH2012/02259** Loft conversion incorporating installation of rooflights to the front and rear. Approved 20.09.2012
- 3.2. **BH2012/02258** Removal of existing UPVC balcony window to front at first floor level and installation of new powder coated aluminium framed folding doors. Removal of existing UPVC doors and windows to rear at ground floor level and enlargement of opening to facilitate installation of new powder coated aluminium framed folding doors and associated works. Approved 04.10.2012
- 3.3. **BH2011/02753** Replacement of existing timber windows and doors with UPVC units and repositioning of front door. Approved 24.11.2011

4. RELEVANT HISTORY FOR ADJACENT PROPERTIES

- 4.1. **BH2022/01711 - 22 St Mary's Square** Relocation of front door and side lights and the installation of 1no front rooflight and 2no rear rooflights with associated works. Approved 18.07.2022
- 4.2. **BH2011/03456 - 3 St Mary's Square** Installation of 12no solar panels to South roofslope (retrospective). Approved 12.01.2012
- 4.3. **BH2010/02492 - 14 Chichester Place** Installation of one solar collector rooflight to the front elevation. Approved 13.12.2010
- 4.4. **BH2010/02728 - 3 St Marys Square** Installation of photovoltaic solar tiles to South elevation. Approved 20.10.2010
- 4.5. **BH2010/01440 - 14 Chichester Place** Repositioning of front door and installation of rooflights to front and rear. Approved 09.07.2010
- 4.6. **BH2009/03183 - 16 St Mary's Square** Insertion of front and rear rooflights. Approved 23.03.2010

- 4.7. **BH2009/01431 - 26 St Mary's Square** Installation of roof lights to front and rear roof slopes, alterations to front entrance, replacement doors to rear at ground floor level. Approved 29.09.2009
- 4.8. **BH2008/01201 - 14 St Mary's Square** Addition of solar panels and velux window to rear roofslope. Approved 26.06.2008
- 4.9. **BH2003/00188/FP - 25 St Mary's Square** Insertion of a rooflight in both the front and rear roof slopes, and a new window in the east elevation. Approved 27.02.2003
- 4.10. **88/0781/F** Erection of 34 three storey dwellings and integral garages. Creation of new access road from Chichester Place and demolition of part of boundary wall. Approved 30.08.1988

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the insertion of front and rear rooflights, and the addition of solar panels to the rear.

6. REPRESENTATIONS

- 6.1. **Five** (5) letters have been received objecting to the proposal on the following grounds:
- Adversely affects Conservation Area
 - Impact on residential amenity
 - Solar panels highly visible and would disrupt uniformity of roofscape
 - Would set a precedent
 - Detrimental effect on property value
 - Poor design

7. CONSULTATIONS

None

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. 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);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

9. 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
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

10. CONSIDERATIONS & ASSESSMENT

- 10.1. 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 East Cliff Conservation Area.
- 10.2. 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. 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".

- 10.3. A site visit was not undertaken, but it was considered that the proposal could be assessed adequately based on photographs provided within the Design and Access Statement, along with 3D satellite views.

Impact on Character and Appearance:

- 10.4. The proposal involves the insertion of rooflights to the front and rear roof slopes. While it is noted that some households have 'permitted development' rights to insert rooflights, a condition was imposed on the original planning permission for the construction of the house/estate (reference 88/0781/F) removing these, preventing rooflights from being inserted at this property without express planning permission. Condition 4 of the 1988 application states: "Notwithstanding the provisions of Article 3 and Class 1(1) of the Town and Country Planning General Development Order 1977 and subsequent amendments thereto, no development within this Class shall be undertaken without the grant of planning permission by the Local Planning Authority".
- 10.5. The two front rooflights would be positioned centrally in the roofslope and would be aligned vertically with the windows below. The rooflights have been kept to an appropriate scale and would largely be screened from public view by the parapet wall and gable wall.
- 10.6. There is no parapet wall above the rear eaves so the proposed rear rooflights would be visible from within St Marys Square and a small viewpoint from Eastern Road. However, other roof slopes in the immediate vicinity of the site already have rooflights inserted within the rear facing roofslope and as a result it is not considered that the insertion of two rooflights to No.16 would be so harmful to the visual amenities of the property, terrace or wider area, including the Conservation Area, to warrant refusal.
- 10.7. It is also noted that permission was granted for a front rooflight and three rear rooflights at the adjoining property No.14 Chichester Place (BH2010/01440). Similar schemes for rooflights have also been approved in St Marys Square at Nos. 25 (BH2003/00188/FP), 14 (BH2008/01201), 26 (BH2009/01431), 16 (BH2009/03183) and 22 (BH2022/01711).
- 10.8. Eight solar photovoltaic panels are proposed which would occupy the lower half of the rear roofslope. Although the proposed array of solar panels would be of significant size, the property has a gable wall and they would not be highly visible from the ground. No solar panels exist along the group of eight houses along Chichester Place at the entrance to St Marys Square so they would appear somewhat incongruous and harmful to the appearance of the group and wider conservation area, but it is considered that the positive impact of the resulting renewable energy production would outweigh any harm, particularly noting permission for solar panels has previously been granted at Nos. 3 (BH2011/03456) and 14 (BH2008/01201) St Marys Square.
- 10.9. Therefore, although some harm is expected, it is not enough to warrant a refusal on this occasion.

10.10. It is also noted that a similar arrangement of solar panels could be achieved under Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and on that basis it would not be reasonable to refuse permission for the proposed solar panels.

Impact on Residential Amenity:

10.11. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy have been fully assessed and no significant harm has been identified.

10.12. The proposed rear rooflights would face the side wall of No.29 St Mary's Square which does not have any windows. They are therefore not expected to provide any additional compromising views into neighbouring properties. The proposed solar panels would also face this wall so are not expected to result in any significant amount of glare. Potential light reflection would be based on variables such as the type of panels, the angles of the solar panels' surface, the angle of the sun, the weather, distance to the person etc and any detrimental effect is unlikely to be long lasting.

10.13. Letters have been received objecting to the proposal for a variety of reasons. One of the reasons listed was the potential for the works to have a detrimental effect on property value. This however is not a material planning consideration and cannot be taken into account when determining this application. The other reasons listed are in relation to the design of the proposal and its impact on the conservation area, which have been addressed above.

10.14. The proposed development would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

11. CLIMATE CHANGE/BIODIVERSITY

11.1. The installation of rooflights to the front and rear roofslopes would optimise daylight/sunlight and minimise the need for lighting/heating. The addition of solar panels can provide a more sustainable way to provide a property with electricity and heat.

12. EQUALITIES

None identified