

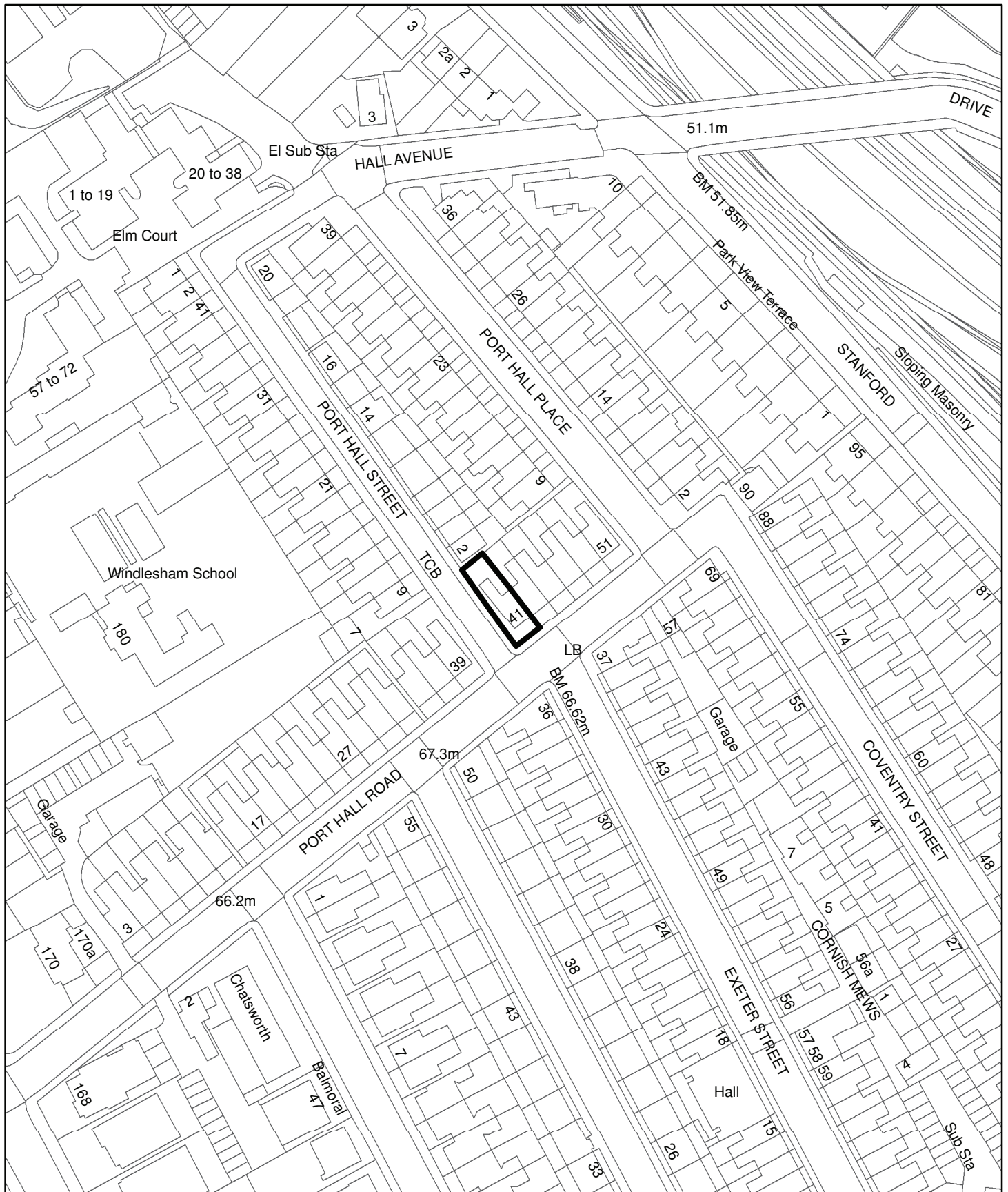
**PLANS LIST  
ITEM F**

**41A Port Hall Road, Brighton**

**BH2012/01392  
Householder planning**

**08 AUGUST 2012**

# BH2012/01392 41a Port Hall Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |   |                            |                     |
|--------------------------------------|---|----------------------------|---------------------|
| <b><u>No:</u></b>                    | <b>BH2012/01392</b>   | <b><u>Ward:</u></b>        | <b>PRESTON PARK</b> |
| <b><u>App Type:</u></b>              | <b>Householder Planning Consent</b>   |                            |                     |
| <b><u>Address:</u></b>               | <b>41A Port Hall Road, Brighton</b>   |                            |                     |
| <b><u>Proposal:</u></b>              | <b>Creation of roof terrace on existing flat roof (Part retrospective).</b> |                            |                     |
| <b><u>Officer:</u></b>               | Chris Swain Tel: 292178   | <b><u>Valid Date:</u></b>  | 25/05/2012          |
| <b><u>Con Area:</u></b>              | N/A   | <b><u>Expiry Date:</u></b> | 20 July 2012        |
| <b><u>Listed Building Grade:</u></b> | N/A   |                            |                     |
| <b><u>Agent:</u></b>                 | DH Design, 11 Dartmouth Crescent, Lower Bevendean, Brighton                 |                            |                     |
| <b><u>Applicant:</u></b>             | Mr Laurence Hill, 41a Port Hall Road, Brighton                              |                            |                     |

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a converted end of terrace property situated to the north of Port Hall Road on the junction with Port Hall Street. The application property occupies the first floor and the converted loft space with the entrance at ground floor level to the side elevation fronting Port Hall Street. The existing flat roof to the rear has been converted into a roof terrace enclosed by timber fencing and accessed via patio doors to the rear. The land slopes down steeply down from north to south.

## 3 RELEVANT HISTORY

**BH2009/01705:** Proposed roof terrace on existing flat roof and alterations to fenestration. Refused 28 September 2009.

**96//1210/FP:** Replacement of existing windows with UPVC windows. Approved 8 January 1997.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of roof terrace on existing flat roof (Part retrospective).

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **Nos.39, 41, 43 and 45 Port Hall Road** and **Nos. 11 and 12 Port Hall Street** supporting the application for the following reasons:
- No harm to amenity.

- Creation of outdoor space provides essential amenity space for the occupiers.
- Appropriate design that blends in with the character of the area.
- Existing timber is environmentally friendly.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton and Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations.

QD27 Protection of Amenity

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Consideration must be given to the impact of the development upon the character and appearance of the property and the surrounding area and the impact on the residential amenity of the neighbouring properties.
- 8.2 It is noted that this application follows a similar proposal for a roof terrace that was refused in September 2009. Subsequent to the refusal of the original application, a roof terrace has been constructed on the site. The pre-existing plans show a vertically split window to the rear rather than the sliding sash window that was in place before works to the terrace took place. Furthermore the dormer window on the adjoining property, No.43 Port Hall Road is not shown on the plans.

**Planning Policy:**

- 8.3 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - d) uses materials sympathetic to the parent building.
- 8.4 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.5 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

**Design:**

- 8.6 The terraced area as constructed consists of a 1.1m timber, slated balustrade set inside the existing parapet. This balustrade encloses the perimeter of the flat roof. The flat roof has been covered with timber decking. The timber balustrade is considered to be an incongruous feature that detracts from the appearance and character of the property.
- 8.7 The applicant has attempted to overcome issues regarding overlooking and design by proposing alterations to the existing, unauthorised scheme. The proposed design would remove the timber ballustrading and replace with a 1.1m steel balustrade to the side (south west facing) and rear, affixed to the inside of the existing parapet. The rear balustrade would be set in 1250mm in from the rear elevation of the property. A 1.45m high obscure glazed screen would be affixed inside the parapet on the perimeter of the terraced area adjacent to No.43 Port Hall Road.
- 8.8 The steel railings would protrude approximately 1m above the existing parapet and would be visible in views from Port Hall Road and Port Hall Street. It is noted that there are similar railings in situ on the opposite side of Port Hall Street at No.39 Port Hall Road and whilst there is no planning history for these railings they are not recent alterations and do form part of the character and appearance of the area. Similar steel railings, protruding approximately 0.8m above the parapet were considered acceptable, in design terms in the previously refused application.

- 8.9 Whilst the proposed steel railings in isolation are not on balance considered to significantly harm the appearance and character of the property, in conjunction with the 1.45m obscure glazed screen, the overall scheme would result in an incongruous feature that would harm the visual amenity of the property and the wider surrounding area. The obscure glazed screen jars with the traditional appearance of the property and the lighter steel railings resulting in an awkward, ad hoc appearance. Due to the siting of the property on a prominent corner plot the obscure glazed screen and the steel railings would both be visible in views along Port Hall Street from the north to the detriment of the appearance and character of property and the wider surrounding area.
- 8.10 It is noted that whilst a vertically divided uPVC window has been inserted in the rear of the property to enable access to the terrace this has not been included in the application. Whilst this window does detract from the appearance and character of the property to some degree it is noted that the majority of the original sash windows on the property have already been replaced with uPVC casement windows in accordance with a planning permission approved in 1997 and therefore this alteration is considered acceptable.

**Impact on Amenity:**

- 8.11 The proposed scheme is considered to detract from the residential amenity currently enjoyed by adjoining properties. The applicant has attempted to resolve issues regarding overlooking by proposing a 1.45m obscure glazed screen to the north east flank of the flat roof and by setting in the railings 1250mm in from the rear. Whilst the proposal would be an improvement on the existing arrangement and also the previously refused application as regards to protecting residential amenity, it is still considered to result in an unacceptable level of overlooking towards neighbouring properties.
- 8.12 The 1.45m high screen is not considered to be of sufficient height to prevent direct overlooking into the garden of No.43 Port Hall Road or the windows to the adjacent side and rear elevations of this property. Whilst there is a degree of mutual overlooking via the windows of these properties the proposed roof terrace would intensify this relationship in both perceived and real overlooking to the detriment of the residential amenity currently enjoyed by this property. The significant depth of the roof terrace (approximately 4.2m) would result in views towards the rear elevation of the property as well as the side elevation of the rear outrigger and result in an unacceptable loss of privacy.
- 8.13 The set back nature of the railings to the rear would largely prevent views to the main rear garden area of No.41 though there would still be views afforded to the enclosed area at ground floor level adjacent to the side of the outrigger.
- 8.14 The terraced area would also afford longer views into the rear gardens of the properties to the north east to the detriment to their residential amenity.
- 8.15 Whilst the terraced area would increase the potential for noise disturbance it is not considered that the proposal would result in any significant adverse impact to adjoining properties in this regard.

- 8.16 There are no other roof top terraces within the stretch of terraced houses from No.41 to No.51 or to the rear of the adjacent houses on the south western side of Port Hall Place and the proposed terrace would introduce unacceptable overlooking in this location.
- 8.17 There are a number of roof terraces in the stretch of properties to the south west, including an existing rear roof terrace to the west at No.39 Port Hall Road. The development at No.39 has not received planning permission and subsequently the Local Planning Authority has not been able assess the impact of the development and it does not set a precedent for future unacceptable development at the application property. It is noted that the railings have been in situ for over four years and as such are immune from enforcement action. No.37 Port Hall Road was granted permission to extend the parapet walls to the rear of their flat-roofed outrigger in 1984. This planning permission was approved a significant period of time before the current Local Plan was adopted and again does not set a precedent for the current proposal.
- 8.18 It is noted that whilst letters of support have been received from neighbouring properties, the Local Planning Authority has a duty to consider the impact of future as well as existing occupiers.
- 8.19 Overall, the proposal would result in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and to the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road. The loss of privacy would adversely impact upon the residential amenity currently enjoyed by these properties.

## **9 CONCLUSION**

- 9.1 The proposed obscure glazed balustrade in conjunction with the proposed steel railings by reason of there height, design, materials, and scale would result in an inappropriate ad hoc addition that relates poorly to the existing building. The incongruous design would be out of character with the building form within the immediate vicinity and would have a significantly detrimental impact upon the appearance and character of the building and the surrounding area.
- 9.2 The proposal would result in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and to the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road. The loss of privacy would adversely impact upon the residential amenity currently enjoyed by these properties. As such the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

## **10 EQUALITIES**

- 10.1 None identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The proposed obscure glazed balustrade in conjunction with the proposed steel railings by reason of there height, design, materials, and scale would result in an inappropriate, ad hoc addition that relates poorly to the existing building. The incongruous design would be out of character with the building form within the immediate vicinity and would have a significantly detrimental impact upon the appearance and character of the building and the surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan.
2. The proposal would result in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and to the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road. The loss of privacy would adversely impact upon the residential amenity currently enjoyed by these properties. As such the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

**11.2 Informatives:**

1. This decision is based on the drawings listed below:

| <b>Plan Type</b>                               | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--|------------------|----------------|----------------------|
| Site Location Plan                             | L-01             |                | 8 May 2012           |
| Block Plan                                     | L-02             | A              | 18 May 2012          |
| Existing plans and elevations                  | L-04             |                | 18 May 2012          |
| Pre-Existing and proposed plans and elevations | L-03             | C              | 18 May 2012          |