

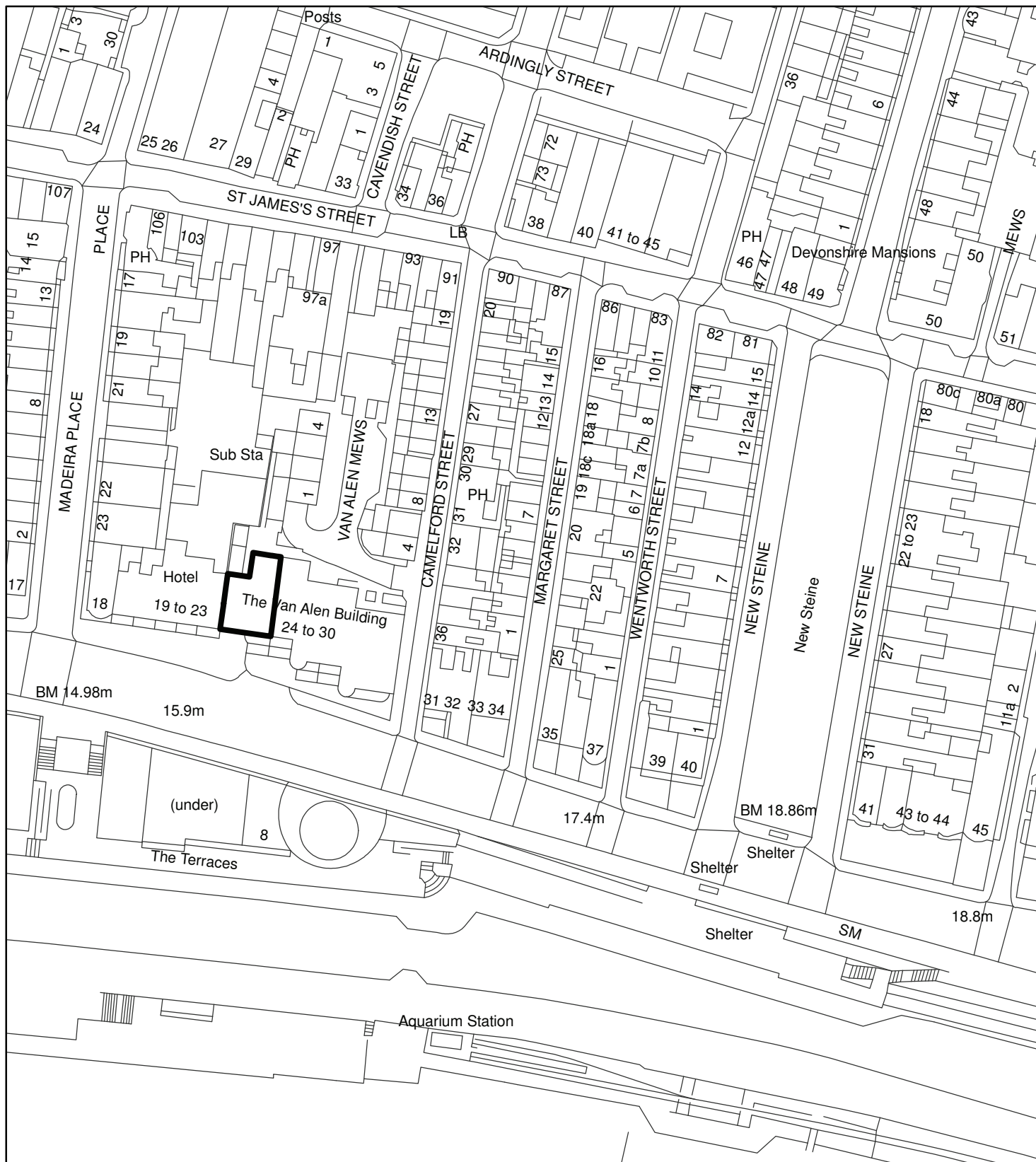
**PLANS LIST
ITEM E**

**Flat 37, The Van Alen Building,
24-30 Marine Parade, Brighton**

**BH2012/03157
Householder planning consent**

12 DECEMBER 2012

BH2012/03157 Flat 37, The Van Alen Building, 24-30 Marine Parade, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03157	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Flat 37, The Van Alen Building, 24-30 Marine Parade, Brighton		
<u>Proposal:</u>	Erection of single storey side extension over existing terrace.		
<u>Officer:</u>	Liz Arnold, Tel 291709	<u>Valid Date:</u>	06/11/2012
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	01/01/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	Mr Simpson, Flat 37, The Van Alen Building, 24-30 Marine Parade, 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, subject to no new additional representations.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a 5 storey property located on the northern side of Marine Parade, between the junctions with Madeira Place and Camelford Street. The modern property, which has a Neo-Art Deco appearance, comprises of 38 residential units, all with sea views. The built form of the building is stepped resulting in the western part of the building being located further back from Marine Parade than the eastern side, a design which retains the building lines between the premises on either side of the flat development site. The property is also divided into 3 equal width distinct connecting blocks, with a smaller block on the western side, which contains an entrance to the building and a small concierge flat. The height of the 3 main blocks reflect the slight west to east gradient upon which the property is located. The eastern, western and southern building lines of the top floor level are set back from that of the lower levels of the building in order to provide external amenity areas whilst balconies are provided on the southern elevation for the flats located across the lower levels of the building.
- 2.2 The site is located within the East Cliff Conservation Area in addition to being located within the vicinity of Listed Buildings, namely no. 18 Marine Parade located to the west, nos. 33 to 36 Camelford Street located to the east and The Terraces located to the south. The western sited neighbouring property, no. 19 to 23 Marine Parade is one storey lower than the Van Alen Building.

3 RELEVANT HISTORY

BH2006/03800: Rear of 38, Installation of glass roof and glass end wall with opening door to part of the existing enclosed courtyard. Approved 16/01/2007.

BH2006/02017: Flat 38, Installation of glazed roof and glazed end wall with opening, door to end part of existing enclosed courtyard behind flat 38. Withdrawn 31/07/2006.

BH2000/01279/FP: 24-30 Marine Parade, Lift over-run to roof area, and roof lights over stairs (amendment to planning approval 1999/00855/FP for 38 flats and 6 houses). Approved 05/07/2000.

BH1999/00855/FP:24-30 Marine Parade, Erection of 38 flats, six two storey houses and associated parking and landscaping. (Re-submission following refusal under ref: BH1998/02117/FP). Approved 11/11/1999.

BH1998/02117/FP: 24-30 Marine Parade , Erection of six storey building comprising 37 flats, six two storey houses and associated parking and landscaping. Refused 19/03/1999

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a single storey side extension upon the existing external terrace area located to the west of the western most top floor flat.
- 4.2 The proposed extension would measure approximately 4.92m wide, by 6.23m deep and 3.06m high. The southern elevation of the proposed extension would be set back from the southern building line of the flat by approximately 4.35m.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirteen (13)** letters of representation have been received from **Flat 4, 13, 15 (x2), 17 and 36 (x2) The Van Alen Building, 24-30 Marine Parade, Savehove 13 Clarendon House, Clarendon Road (x3), 20 Park Avenue, Woodford Green and 1A Powis Grove** objecting to the application for the following reasons:
- the walls of the extension would stick out and stick up and spoil the pleasing way of dealing with the height of the Van Alen so it slopingly merges with the roof height of the westernmost neighbour very gracefully,
 - the proposed infill would comprise the design integrity (and exceptional outdoor penthouse terrace amenity) of the outstanding building and it would lose the panoramic view it has from the terrace. It should be retained as designed,
 - in years to come this building will have a similar value and importance to the if Embassy Court further to the west,
 - the Van Alen building is an exceptional addition to the City's seafront, architecturally,
 - it is gracious and shrieks of good times and leisure time spent on these very generous terraces. These terraces are its biggest assets,
 - the five penthouses, of which no. 37 is one, are at present positioned on the roof to avoid the building looking too high and to ensure proper visual proportions. The extension would destroy the effect. Are sure that as a commercial enterprise, had the original builder not considered this important, they would have built at least one more penthouse, squaring the visual image (especially the southern elevation),

PLANS LIST – 12 DECEMBER 2012

- concerned for the precedent it will set, which the other penthouses could take advantage of and other flats will seek to enclose their balconies,
- the architectural merit of this building, although modern, is well documented and acknowledged in many books about Brighton architecture and building history. This squaring up of the top story will effectively turn it into one of the square 1970 style blocks that spoil parts of Brighton seafront,
- the building has a very pleasing view from the air, the sea the pier and the rear of the building, this view would be totally ruined,
- the building line which adjoins the Van Alen to the New Madeira is at present fairly uniform and this extension would spoil the symmetry of the view from the seafront,
- it would detract the window portion and balance of the roof sky-line,
- would destroy the carefully considered profile of the building and its harmonious relationship to the neighbouring buildings,
- the original planning application involved the Council and English Heritage and the plans were also considered by The Royal Fine Arts Commission. It is not right that a single individual can undo all that was achieved,
- the sensitive treatment of the penthouse area must be retained intact and not altered by expanding flats into the terracing. Such generous balconies provide the building with its expansive feel,
- the south-western view of the penthouse in question, as seen from the Brighton Pier, shows the lovely railed terrace around no. 37 and this is an important and excellent detail to be retained, and
- the applicant wrote to the Argus some months ago in which they quoted “Not only does the design echo the pleasing curves of the original building but it also steps down to meet the heights of neighbouring buildings”. However now that an extension is required it would seem they have had a complete change of mind.

5.2 **Six (6)** letters of representation have been received from **Flat 3 and 11 The Van Alen Building, 24-30 Marine Parade, Flat 1, 140 and Red House 65/66 Marine Parade, 19 West Drive and 16 East Drive** supporting to the application for the following reasons:

- this is a well thought through solution which expands the living area of no. 37 whilst retaining the overall characteristic of the building,
- will make a significant improvement to the living area of the flat,
- convinced that it will not be visible from the seafront unless on the ‘wheel’ opposite,
- will not cause any inconvenience, loss of privacy or overlooking,
- the proposed extension would balance the building better when viewed from the sea or the pier, since you would not be able to view it from the pavement,
- in no way detracts from the iconic elegance of the Van Alen building,
- this proposal is an admirable example of “architectural fitting in”,
- it will not affect any Listed Building, the character of the Conservation Area or the symmetry of the existing building,
- it is set right at the back of the existing terrace at the same height as the existing building and cannot be seen, except possibly from the ‘wheel’ and

PLANS LIST – 12 DECEMBER 2012

will not materially impact on the existing front elevation of the Van Alen building, which is built to a strongly asymmetrical design,

- it will not add to light pollution, traffic or noise,
- will provide some additional inside space and some shelter from the noise coming from the outdoor space in the hotel next door,
- in detail, style and appearance it exactly matches the existing building,
- appears carefully detailed to ensure it matches the existing in design,
- the proposed height and scale are both in keeping and extend the existing roof line, and
- this small extension will not be visible from Marine Parade or surrounding streets, will only be visible from the 'wheel' and the pier.

5.3 **Two (2)** letters of representation has been received from **19 and 19-23 Marine Parade** stating no objection to the application.

5.4 **One (1)** letter of representation has been received from **Flat 19 The Van Alen Building, 24-30 Marine Parade** stating very concerned about the proposal, it would ruin the building and open the door for other alterations.

5.5 **CAG (30th October 2012)**: Voted that this application be refused unless it can be demonstrated (via a Visual Impact Assessment) that the extension would ensure that a comfortable transition in scale down to the buildings to the west in long view. The information currently submitted does not demonstrate this. Request the application be referred to Planning Committee for determination if Officers are minded to approve the application.

(Final comments 20th November 2012 following receipt of a Visual Impact Assessment) Vote overall that this application be refused on grounds that it would not ensure a comfortable transition in scale down to the buildings to the west in long views and the resultant harmful effect on the roofline of Marine Parade. Some members felt it a shame that this very carefully, recently designed building be tampered with, whilst some members considered that the proposal would not have any visual impact in the local roof-scape what so ever. Request the application be referred to Planning Committee for determination if Officers are minded to approve the application.

Internal:

5.6 **Heritage:** (Original Comments 5th November 2012) There is concern that this extension will create an unsatisfactory contrast in scale between this block and the buildings to the west which the original design deliberately avoided, therefore further information is requested to demonstrate how much of the proposed extension will be visible from vantage points on Marine Parade and Madeira Drive in order to assess whether the impact will be harmful.

(Additional comments 12th November 2012 following submission of a Visual Impact Assessment) Unable to support the application.

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 & 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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impacts that the proposed development would have upon the visual amenities of the comprehensive Van Alen Building, the Marine Parade street scene and the wider area, especially the surrounding Conservation Area, the setting of Listed Buildings located within the vicinity and the strategic seafront views.

Planning Policy:

- 8.2 Policy QD1 requires developments to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Design aspects regarding scale and height of development, architectural detailing, quality of materials, visual interest particularly at street level and appropriate levels and type of landscaping will be taken into account.

- 8.3 Policy QD2 states that all development should be designed to emphasis and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including,
- height, scale, bulk and design of existing buildings,
 - topography and impact on skyline,
 - natural and developed background or framework against which the development will be set,
 - natural and built landmarks,
 - layout of streets and spaces,
 - linkages with surrounding areas,
 - patterns of movement, and
 - natural landscaping.
- 8.4 Policy QD4 relates to strategic impact and states that, in order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of a context with it, will not be permitted. The following features and buildings are considered to be of strategic importance;
- views of the sea from a distance and from within the built up area;
 - views along the seafront and coastline,
 - views across, to and form the downs,
 - views across valleys,
 - views into and from within Conservation Areas,
 - the setting of Listed Buildings and locally well known landmark buildings of townscape merit,
 - vistas along avenue, boulevards and steeply rising streets; and
 - initial views of Brighton & Hove from access points by all modes of transport.
- 8.5 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.
- 8.6 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.

- 8.7 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:

- 8.8 An external terrace area is currently located along the southern and western side of the built form of the upper floor flat, which is located on the western side of the comprehensive Van Alen Building. The proposal seeks planning permission for the construction of an extension to the west side of the existing flat, upon part of the existing western terrace area.
- 8.9 A solid wall white rendered wall of approximately 1m is located along the western edge of the external terrace area whilst metal railings, also of approximately 1m in height form the northern boundary treatment of the terrace area.
- 8.10 The proposed extension would extend from the existing western facing elevation of the flat by approximately 4.92m and would have a depth of approximately 6.23m. The built form of the proposed extension would therefore replace the existing northern and part of the western boundary treatment of the terrace area. The southern elevation of the proposed extension would be set back from the southern elevation of the existing built form of the flat by approximately 4.3m.
- 8.11 The proposed extension would have a flat roof form, to match the roof form of the existing top floor residential units. The roof of the proposed extension would be located level with that of the existing flat roof of the flat, approximately 3.05m above the related terrace level.
- 8.12 The top level of the Van Alen Building appears to comprise of 5 residential units. The western, eastern and southern built form of the top level is set back from that of the lower level built form which results in the provision of external amenity areas to the south of all of these top floor units in addition to side external amenity areas for the eastern and western most top floor residential units.
- 8.13 Currently the built form of the flat, to which the application relates, is located approximately 4.95m from the western most building line of the rest of the building form below and as a result provides a transition between the built forms and skyline, of the lower level of the buildings located to the west and the higher parts of the Van Alen Building.
- 8.14 The proposed development would result in the built form of the related flat replacing part of the existing western balustrading of the existing external terrace area and therefore the proposed extension would be located in alignment with the existing western most building line of the Van Alen Building below and adjacent to the eastern building line of the neighbouring property to the west, no. 19 to 23 Marine Parade.

- 8.15 It is acknowledged that, by virtue of the height of the parent property and the location of the proposed development, the extension would not be visible from within areas of Marine Parade directly in front of the building. However the proposed extension would be visible from parts of Marine Parade, especially to the south-west of the site, in addition to view points along Brighton seafront, Madeira Drive and the pier.
- 8.16 It is acknowledged that the existing appearance of the building is not entirely symmetrical given the staggered design and the inclusion of an additional section of the western most side at lower levels. However, as previously stated the eastern and western building lines are stepped in at top floor level, resulting in a reduction in the scale and massing of the upper floor level. It is considered that the additional bulk and massing the proposed extension would create to the top floor of the building would have an adverse impact upon the overall character and appearance of the existing building in addition to increasing the dominance of this part of the upper floor level within the Marine Parade street scene.
- 8.17 The proposed extension would also have an adverse impact upon the character and appearance of no. 19 to 23 Marine Parade, when viewed from the south-west, as demonstrated in images 6 and 7 on drawing no. 12837/PA/103, as a result of the extension creating a more confused backdrop to this neighbouring property. The proposed extension would result in the loss of the existing distinct parapet edge, associated with no. 19 to 23, altering its apparent silhouette which is considered to be an important characteristic of the seafront view and which care was taken to protect in the original design of the construction of the Van Alen Building.
- 8.18 It is also considered that the proposed extension would create an unsatisfactory transition between the built form of the upper floor level of the Van Alen Building and the lower height neighbouring western sited buildings, which the original design of the comprehensive development takes into account
- 8.19 Overall it is considered that the proposed increase to the bulk and massing of the building would be harmful to the visual amenities of the parent property, the western neighbouring properties, the Marine Parade street scene and the wider area, including the surrounding Conservation Area and the strategic Brighton seafront views.

Impact on Amenity:

- 8.20 No. 19 to 23 Marine Parade is a storey lower than that of the Van Alen Building. However raised rooflights are located within the flat roof of no. 19 to 23 Marine Parade, one in close proximity area of the proposed extension. Although the proposed extension would result in the built form of the flat located on the western side of the upper floor level of the Van Alen building being located along the boundary with no. 19 to 23 Marine Parade it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of the western neighbouring property with regards to loss of light/sunlight or overshadowing.

- 8.21 No windows are proposed within the western elevation of the proposed extension and therefore, despite the positioning of the neighbouring raised rooflight it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of no. 19 to 23 Marine Parade with respect of overlooking or loss of privacy.
- 8.22 It is acknowledged that a window is located within the east facing elevation of the upper floor level of the projecting section of 19 to 23 Marine Parade. However as the proposed extension would be located to the south of this neighbouring window and given the existing built form of the flat, it is not considered that the proposal would have a significant adverse impact upon the uses of the room related to this neighbouring window.
- 8.23 Although glazing is proposed within the north facing elevation of the proposed extension, it is not considered that such inclusion would have a significant harmful impact upon the amenities of properties located to the north of the site, within Van Alen Mews, as any views provided would be oblique as a result in the difference in height between the top floor level of the Van Alen Building and the closest northern neighbouring properties and the orientation of these neighbour properties.

9 CONCLUSION

- 9.1 For reasons set out above it is considered that the proposed development would be of detriment to the visual amenities of the parent property, the Marine Parade street scene and the wider area including the surrounding Conservation Area and strategic seafront views. The proposal is therefore contrary to policies of the Brighton & Hove Local Plan and as such refusal is recommended.

10 EQUALITIES

- 10.1 None identified.

11 REASONS FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development by reason of its site, location, scale arrangement and massing would create a poorly conceived rooftop transition arrangement between the property and the adjacent building to the west (19-23 Marine Parade). The resulting set piece would be harmful to the character and appearance of the East Cliff Conservation Area in wider views along Marine Parade and to strategic seafront views. The proposal is therefore contrary to policy HE6 of the Brighton & Hove Local Plan.
2. The proposed rooftop extension would by reason of its size, location, scale, arrangement and massing result in a form of development having an adverse impact on the architectural arrangement of the host property (the Van Alen Building) by introducing a discordant and disruptive addition to a currently well considered roof form and arrangement. The proposal is

PLANS LIST – 12 DECEMBER 2012

therefore contrary to policies QD1, QD2, QD4 and QD14 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Side Location Plan & Existing Block Plan	12837/PA/001	-	02/10/2012
Existing & Proposed Block Plans	12837/PA/002	-	02/10/2012
Photographs – Existing	12837/PA/003	-	02/10/2012
Existing Floor Plans	12837/PA/010	-	02/10/2012
Existing Sections	12837/PA/011	-	02/10/2012
Existing South Elevation	12837/PA/012	-	02/10/2012
Existing North Elevation	12837/PA/013	Rev. A	24/10/2012
Existing West Elevation	12837/PA/015	-	24/10/2012
Existing & Proposed Photographs	12837/PA/103	-	09/11/2012
Proposed Floor Plan	12837/PA/110	-	02/10/2012
Proposed Sections	12837/PA/111	-	02/10/2012
Proposed South Elevation	12837/PA/112	-	02/10/2012
Proposed North Elevation	12837/PA/113	Rev. A	24/10/2012
Window/Doors Technical Details & Product Survey Sheet	12837/PA/114	-	02/10/2012
Proposed West Elevation	12837/PA/115	-	24/10/2012