

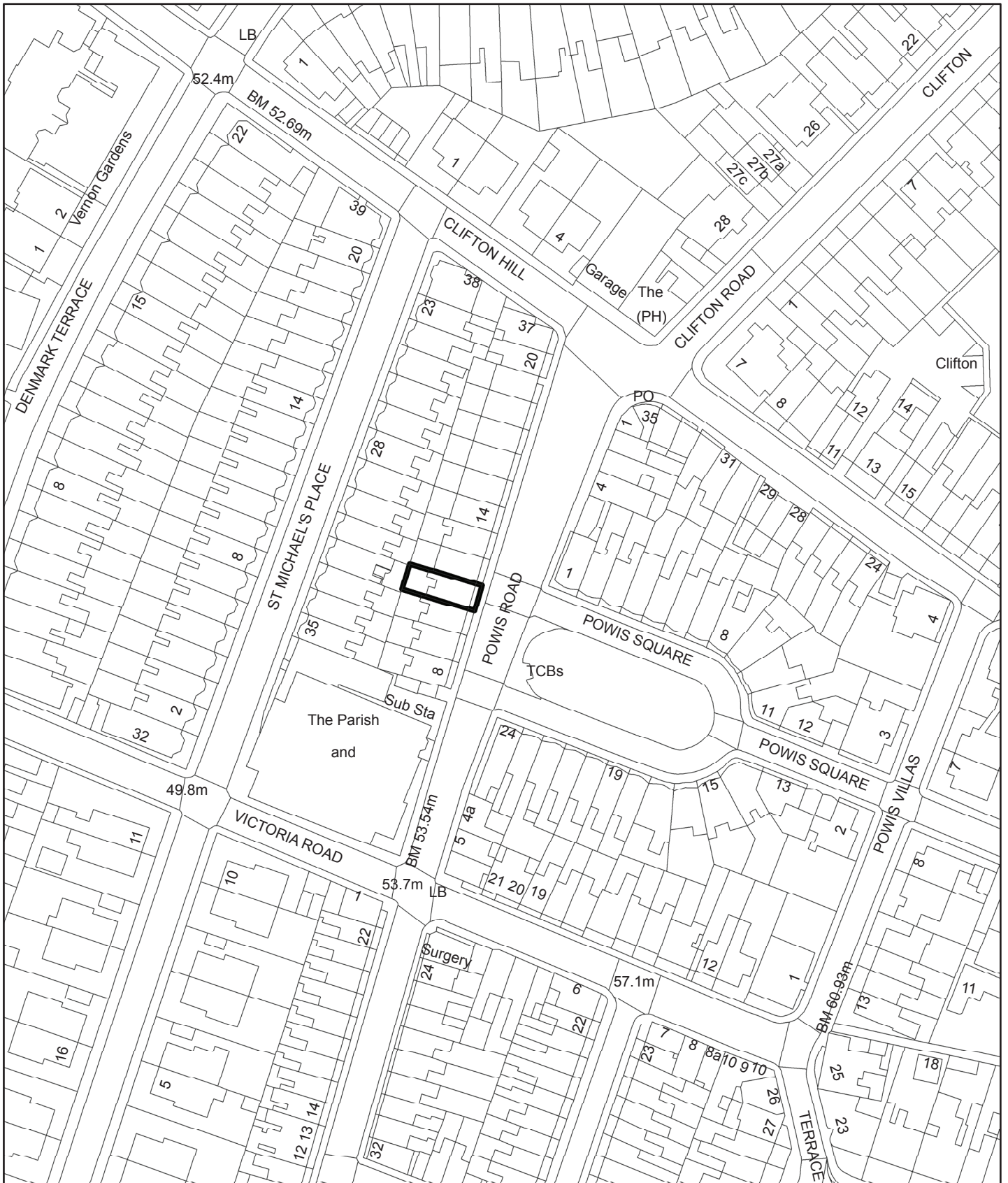
**PLANS LIST
ITEM I**

Second & Third Flat 11 Powis Road, Hove

**BH2013/00947
Householder planning consent**

15 MAY 2013

BH2013/00947 2nd & 3rd Floor Flat, 11 Powis Road, Brighton.



Scale: 1:1,250

<u>No:</u>	BH2013/00947	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Second & Third Floor Flat 11 Powis Road, Brighton		
<u>Proposal:</u>	Removal of existing rear dormer and replacement with new dormer with a timber decked balcony and glass balustrade. Installation of rear rooflight.		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	10/04/2013
<u>Con Area:</u>	Clifton Hill Conservation Area	<u>Expiry Date:</u>	05/06/2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Landivar Architects Limited, Former Ironworks, Cheapside, Brighton		
<u>Applicant:</u>	Miss Vanessa Sackarnd, Top Floor Flat, 11 Powis 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 and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a second and third floor flat within a terrace building. The third floor is formed from roof accommodation, and currently the property has a small historic dormer at the rear and a dormer at the front. The site lies within the Clifton Hill Conservation Area.

3 RELEVANT HISTORY

79/1420: Alterations to form 4 s/c one bedroom flats and s/c 2 bedroom maisonette (2nd/3rd floors). Approved 31.7.79.

Relevant history of area

BN90/0830/F: 18 Powis Road – Half height former to first floor flat. Approved 14/08/90.

89/1769/F: 30 St Michaels Road - Alterations including increase in width of rear dormer. Approved 20/11/90.

83/1042: 12 Powis Road – Rear dormer. Approved 23/10/83.

83/743: 33 St Michaels Place – conversion into 5 s/c flats with new dormer to front and rear. Approve 11/10/83

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of an existing small rear dormer and replacement with a new dormer, to have full width folding doors leading onto a timber decked balcony with glass balustrade. The proposal also includes the installation of a rear rooflight and sun pipe. The dormer would be offset and would be constructed adjacent to the firewall separating 11 and 12 Powis Road.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **45 Lansdown Street, 19 West Hill Street, Flat 5 - 60 The Drive, 24 Lyndhurst Road, Flat 3 – 110A St James Street and 1 Steyning Road and 11 Damon Close** supporting the application.

Internal:

- 5.2 **Heritage: Object.** The small rear dormers evident on the properties in Powis Road would have been original or early additions, and form part of the historic character of these properties. Therefore the removal of these dormers is unacceptable.
- 5.3 The proposed dormer is inappropriately designed and sited on the roofslope. The dormer and balcony would change the profile of the roof. It is positioned abutting the fire wall and poorly related to the elevation below.

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:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
--------	-------------------------------

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in the Favour of Sustainable Development
CP12	Urban Design
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in this application is whether the scheme is appropriate in terms of its design and appearance in relation to the surrounding Montpelier and Clifton Hill Conservation Area and recipient building and if the scheme has a detrimental impact on the amenity of adjacent residential properties.

Planning Policy:

- 8.2 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.
- 8.3 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.
- 8.4 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.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan states proposals within or affecting the setting of a conservation area should preserve or enhance the character and appearance of the area.

Design:

- 8.6 The application seeks consent for the replacement of a small rear dormer, which appears to be an original feature to the roof and is evident on many other properties in the terrace. The replacement dormer would be much larger measuring 3.9m in width, 2.3m in height and would project out from roofslope by 1.7m. A balcony measuring 1.1m in depth would also be created accessed via full width timber folding doors. A glass balustrade with a height of 1.1m would be positioned along the edge of the balcony.
- 8.7 Powis Road is within Montpelier and Clifton Hill Conservation Area and there are examples of properties that have had roof alterations over the years, both in Powis Road and St Michaels Place (directly adjoining the rear of the application site). Several of the houses have had extensive roof extensions, including Nos. 12 and 13 Powis Road. These existing dormers appear to have been there insitu for a significant number of years and result in unsightly and incongruous features. There is no recent planning history for roof extensions within Powis Road or St Michaels Place. Two properties in close proximity to the application site, No. 12 Powis Road and 33 St Michaels Place, had dormers approved a number of years ago, approved under 89/1769/F and 83/1042 respectively. These applications were approved well in advance of the adoption of the current Brighton & Hove Local Plan in 2005, as well as the Supplementary Planning Guidance on Roof Extensions and Alterations (SPGBH1) in 1999 and should not be used as precedents for further inappropriate extensions. Any proposal should adhere to the guidelines in the Council's Supplementary Planning Guidance on Roof Extensions and Alterations. The Guidance states that 'the presence of a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent.'
- 8.8 The SPGBH1 outlines the Council's design guidance for roof extensions within conservation areas. It states that roof extensions must respect the particular character of the building and be carefully related to it. Some roof spaces will be unsuitable for additional accommodation and there should be no significant loss of daylight, sunlight to adjoining premises. It is felt that the proposal results in an inappropriate extension which does not respect the character of the building or surrounding conservation area and is contrary to the Supplementary Planning Guidance.
- 8.9 The design and size of the proposed dormer is also contrary to the guidance within SPGBH1. The proposed dormer is excessive in size and is far wider than the windows below. The dormer and balcony would harm the profile of the roof and has been poorly contained within the roofslope, due to it being offset such that it is abutting the fire wall. It is also poorly related to windows on the elevation below. The folding doors relate poorly to the existing fenestration and coupled with the balcony and glass balustrade are considered modern and incongruous features that harm the character of the building and wider conservation area.

- 8.10 Furthermore the small rear dormers evident on the properties in Powis Road, would have been original or early additions, and form part of the historic character of these properties. It was evident on the site visit the nos. 8-11 consecutively had these uniform dormers. Therefore the removal of these original dormers is unacceptable, as stated within SPGBH1.
- 8.11 Although the dormer would not be readily visible within a streetscene, it would be visually prominent from the adjoining properties within the conservation area. It is therefore considered that the proposal would have a significantly harmful impact upon the existing property and would not preserve the historic character and appearance of the conservation area.
- 8.12 The rooflight is considered acceptable in terms of its size and positioning. If the proposal were acceptable, a condition would be attached to ensure that it would be conservation style and therefore sit flush to the roof.
- 8.13 The sun pipe would not be overly noticeable or prominent and is therefore considered acceptable in itself.

Impact on Amenity:

- 8.14 In terms of residential amenity, in this case the main concerns would be loss of privacy and overlooking. It is considered that views from the dormer windows, although much larger than the existing windows, would provide similar views available from the existing dormer and existing windows.
- 8.15 The balcony is considered to have a harmful impact. Although it is acknowledged that the adjoining properties either side may not be experience an increased level of overlooking as views from the terrace would be oblique and again similar to existing views, it is felt that the properties directly opposite, fronting St Michaels Place, would be significantly affected. The terrace is at a high level and these properties are less than 10m in distance away from the application site. There are existing terraces and fire escapes on the rear of neighbouring properties, and these most likely do result in overlooking and loss of privacy, however this does not justify introducing a further new terrace that would result in overlooking and loss of privacy. The terrace could also result in potential noise disturbance.
- 8.16 The bulk of the dormer would not have any significant impact in terms of loss of light, overshadowing or loss of outlook.
- 8.17 The rooflight, given the positioning and angle of the window, would not result in loss of privacy.

9 CONCLUSION

- 9.1 The proposed development would significantly harm the character and appearance of the existing property and the surrounding Montpelier and Clifton Hill conservation area. Furthermore the terrace would result in unacceptable levels of overlooking and loss of privacy.

10 EQUALITIES

10.1 None identified.

11 REASONS FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed rear dormer and balcony, by virtue of its design, excessive size, use of materials and positioning, would form an incongruous and unsightly feature on this property. Furthermore the proposal would result in the loss of the existing dormer, and therefore part of the properties historic appearance. The proposal would significantly harm the character and appearance of the existing property and the surrounding Montpelier and Clifton Hill conservation area, contrary to policies QD14 and HE 6 of the Brighton & Hove Local Plan and SPGBH1 'Roof Alterations & Extensions'.

2. The proposed balcony, by virtue of its elevated position, would result in material harm to the amenity of neighbouring properties by way of overlooking and potential noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Existing drawings	1196 A.001		10th April 2013
Proposed drawings	1196 D.001	A	10th April 2013