

**PLANS LIST
ITEM D**

1st to 3rd Floors, 7 Waterloo Street, Hove

**BH2013/00256
Householder Planning**

05 JUNE 2013

BH2013/00256 1st to 3rd Floors, 7 Waterloo Street, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/00256	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	First to Third Floors 7 Waterloo Street, Hove		
<u>Proposal:</u>	Removal of valley roof over rear projection, building up of surrounding walls and replacement of UPVC window with timber door, all to facilitate the creation of a roof terrace. Replacement of UPVC window with timber sliding sash window. Repair of rear chimney stack and installation of new chimney pots.		
<u>Officer:</u>	Mark Thomas Tel 292336	<u>Valid Date:</u>	29/01/2013
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	26/03/ 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Miles Broe Architects, Coronation Studios, 104 North Road, Brighton		
<u>Applicant:</u>	Messrs De Witt & Hoekzema, 7 Waterloo Street, Hove		

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 application relates to a four storey over basement, end-of-terrace/ corner property, situated on the west side of Waterloo Street, at the junction with Lower Market Street. The property is Grade II listed, and is situated within the Brunswick Town Conservation Area. The property comprises stucco elevations, with timber sliding sash windows- although there are two unauthorised UPVC casement windows to the rear elevation at third floor level. The property features an 'L' shaped rear projection rising to second floor level, with a valley pitched roof over. The roof rises to the north and south over the rear projection, with the pitched roof form visible from the rear/ side of the property on Lower Market Street, in long views from the junction of Waterloo Street/ Lower Market Street and from some neighbouring properties. Whilst the valley roof form is not typical of properties within this terrace, where rear projections are visible they largely feature pitched roofs. Roof terraces to flat roofs are visible in the vicinity. There is no planning history for these terraces but, nevertheless, they are not found on listed buildings, nor have they been formed through the removal of an original pitched roof.

3 RELEVANT HISTORY

- BH2010/03599** Internal and external alterations- Approved.
BH2013/00511: Concurrent application for listed building consent.

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of the valley roof over the rear projection to form a roof terrace. New parapet walls would be introduced to the eastern, western and part southern elevation, extending the elevations below a further 1.4m upwards, to provide for a 1.1m high enclosure of the proposed terrace. Two unauthorised UPVC casement windows at third floor level to the rear elevation would be altered. One would be replaced with a double glazed timber sliding sash, and the other would be replaced with a double glazed timber door to access the terrace, with the cill lowered to enlarge the existing opening. Repair of the chimney stack over the rear projection is also proposed, and new pots would be installed.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twelve (12)** letters of representation have been received from **Friends of Brunswick Square and Terrace, Friends of Palmeira and Adelaide, Brunswick Place Residents Association, Lansdowne Area Residents' Association, and nos. 13a, 59, 61, 62 (flat 2) Waterloo Street and nos. 1, 7 and 49 Lower Market Street** supporting the application for the following reasons:
- There are four prominent examples of roof terraces in the vicinity.
 - This design is recessed behind existing parapet walls and at high level within a narrow street- the proposal cannot be viewed from any aspect.
 - Listed status does not preclude alterations.
 - The applicants have already undertaken a high quality renovation of this listed building.
- 5.2 **One (1)** letter of representation has been received from **Basement, 8 Waterloo Street** commenting on the application as follows:
- No further height should be added to terrace walls. Any more exclusion of light would make life impossible.
- 5.3 **One (1)** letter of support has been received from **Councillor Sykes**. A copy of this letter is attached as an appendix to the report.

Internal:

- 5.4 **Heritage: Object** to the application for the following reasons:
- This proposal is in direct conflict with guidance in SPG BH1 and SPD 09. The alteration/ removal of the roof would harm the special architectural and historic interest of the original building by removing a historic roof structure and form. SPD 09 states that 'the original form, shape and fabric of the roof must not be altered' and that 'consent will not be granted to remove part of a pitched roof to form a roof terrace'. Further, SPD 09 states that 'where a roof is visible from the street, its form and shape must not be altered.'
 - The application is therefore unacceptable in principle.
 - The proposals to remove unauthorised UPVC windows are not considered to outweigh this harm, and could anyway be enforced by the Investigations and Enforcement team.

- The proposed window and door are nonetheless unacceptable. The proposed window is a spiral balance rather than box frame with weights. The design of the door is modern. The glazing bars on both are not traditionally detailed, but are planted on a large sheet of glass, rather than separating smaller glazed panels. Overall these details would not give the architectural details or 3-dimensional qualities that are expected on a historic building.
- The heritage officer is aware of roof terraces in the area which have been mentioned during the course of the application. It is not considered that these have any bearing on this application, in part because none of these are on listed buildings.

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, namely The South East Plan (6 May 2009);
 - 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
HE1	Listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

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

Supplementary Planning Documents:

SPD09	Architectural Features
-------	------------------------

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development upon the special architectural and historic character of the listed building, the character and appearance of the street scene and the wider conservation area, and the impact upon the residential amenities of neighbouring properties.

Design:

- 8.2 Policy HE1 states that proposals involving the alteration or extension of a listed building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting, and that proposals should respect the scale, design, materials and finish of the existing building, and preserve its historic fabric.
- 8.3 Policy HE6 states that proposals with conservation areas should pay regard to existing building lines and building forms, should show a consistently high standard of design, and should preserve or enhance the character or appearance of the area.
- 8.4 Supplementary Planning Guidance 09 (SPD09) states *that 'the original form, shape and fabric of the roof must not be altered' and that 'consent will not be granted to remove part of a pitched roof to form a roof terrace'*. Further, SPD 09 states that *'where a roof is visible from the street, its form and shape must not be altered'*. Supplementary Planning Guidance BH1 (SPG BH1) states that a listed buildings *'historic roof structure and form should be retained'*.
- 8.5 The proposal would involve the removal of a rear valley roof, which has street value, being visible from numerous public vantage points on Waterloo Street and Upper Market Street as well as private views from neighbouring properties. The alteration/ removal of the roof would harm the special architectural and historic interest of the original building by removing a historic roof structure and form. The proposal would be contrary to the above quoted policy documents, and would be contrary to policies HE1 and HE6, being harmful to the character

of the listed building, and failing to preserve or enhance the character and appearance of the conservation area.

- 8.6 The in principle proposal to replace unauthorised UPVC windows does not sufficiently outweigh the harm outlined above, and could be enforced by the Planning Investigations team regardless of the outcome of the current application. Nonetheless, the proposed window and door are considered unacceptable in this context. The proposed window is a spiral balance rather than box frame with weights and the design of the door is modern. The glazing bars on both are not traditionally detailed, but are planted on a large sheet of glass, rather than separating smaller glazed panels. Overall these details would not give the architectural details or 3-dimensional qualities that are expected on a historic building.
- 8.7 The proposed repair of the chimney stack and reinstatement of chimney pots is welcomed, but would only represent a modest enhancement in the context of a development of significant detriment to the historic and architectural character of the listed building.

Impact on Amenity:

- 8.8 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. The proposed roof terrace would provide for a sizable, elevated area of outside amenity space in close proximity to neighbouring properties. The enclosing walls around the terrace would stand to a height of 1.1m above the terrace floor, and as such would not screen significantly harmful views towards windows serving habitable rooms at no. 8 Waterloo Street to the north, and the rear elevations of properties to the rear on Lower Market Street. Further, the provision of approximately 18 square metres of sitting/ standing out space could potentially result in significant noise disturbance and annoyance to occupiers of nearby properties, in particular those at no. 8 Waterloo Street.

9 CONCLUSION

- 9.1 The removal of the valley roof over the rear projection would be significantly harmful to the special architectural and historic character of the listed building, and the character and appearance of the wider conservation area. The new timber window and door would represent incongruous additions which would result in similar harm. Whilst enhancement to the property would result through the proposed works to the rear chimney stack, such minor enhancement would be far outweighed by the harm which would result from the unsympathetic interventions of the wider scheme.
- 9.2 The proposed roof terrace would represent an unneighbourly form of development, which would result in significant overlook and loss of privacy to neighbouring properties. Further, the terrace would provide for a scale of sitting/ standing out space which would have potential to create significant noise disturbance and annoyance for occupiers of neighbouring properties.

- 9.3 For these reasons the proposed development would be contrary to policies QD14, QD27, HE1 and HE6 of the Brighton & Hove Local Plan, SPG BH1: Roof alterations and extensions and SPD 09: Architectural features.

10 EQUALITIES

- 10.1 No issues identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The removal of the valley roof over the rear projection would be significantly harmful to the special architectural and historic character of the listed building, and the character and appearance of the wider conservation area. The new timber window and door would represent incongruous additions which would result in similar harm. Whilst enhancement to the property would result through the proposed works to the rear chimney stack, such minor enhancement would be far outweighed by the harm which would result from the unsympathetic interventions of the wider scheme. The proposed development would therefore be contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan, SPG BH1: Roof alterations and extension and SPD 09: Architectural features.
2. The proposed roof terrace would represent an unneighbourly form of development, which would result in significant overlooking and loss of privacy to neighbouring properties. Further, the terrace would provide for a scale of sitting/ standing out space which would have potential to cause significant noise disturbance and annoyance for occupiers of neighbouring properties. The proposals are therefore contrary to policies QD14 and 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 listed below:

Plan Type	Reference	Version	Date Received
Proposed plans, elevations and sections	PL01	A	12 February 2013
Existing plans, elevations and sections	EX01	A	12 February 2013
Proposed door details and roof section	JD01	-	12 February 2013
Proposed window details	JD02	-	12 February 2013



**Brighton & Hove
City Council**

PLANS LIST – 05 JUNE 2013

COUNCILLOR REPRESENTATION

Mark Thomas
Assistant Planner
Brighton and Hove City Council
Hove Town Hall

Re: BH2013 /00256 and 00511 – alterations to 7 Waterloo Street, Hove

Dear Mark

I'd like to express my support for these planning applications, submitted by a resident in my ward. I've visited the site and consider that the changes being proposed to 7 Waterloo Street are sensitive to the listed building and to the conservation area. Part of the application is in fact to restore the rear façade to original fenestration. Furthermore it appears that similar changes, but of greater scale, to neighbouring properties have been given planning permission.

I note from our draft **spd12: design guide for extensions and alterations**, that changes to the roof line on listed buildings are a critical matter; however that such changes to rear tenement roofing may be considered if there are design precedents and the changes are hidden behind a parapet wall. This seems to reflect the proposals submitted.

On a question of process, draft spd12 also strongly recommends seeking pre-application advice from Officers about any proposed changes to a listed building. I understand this was requested by the applicant or the applicant's agent but was not forthcoming, which was frustrating for the applicant. Of course this is not material with respect to the Council's decision to grant permission but it would seem reasonable and indeed prudent to help applicants avoid the high costs of full applications with detailed plans if there is significant uncertainty about approval.

With kind regards

Clr Ollie Sykes

