

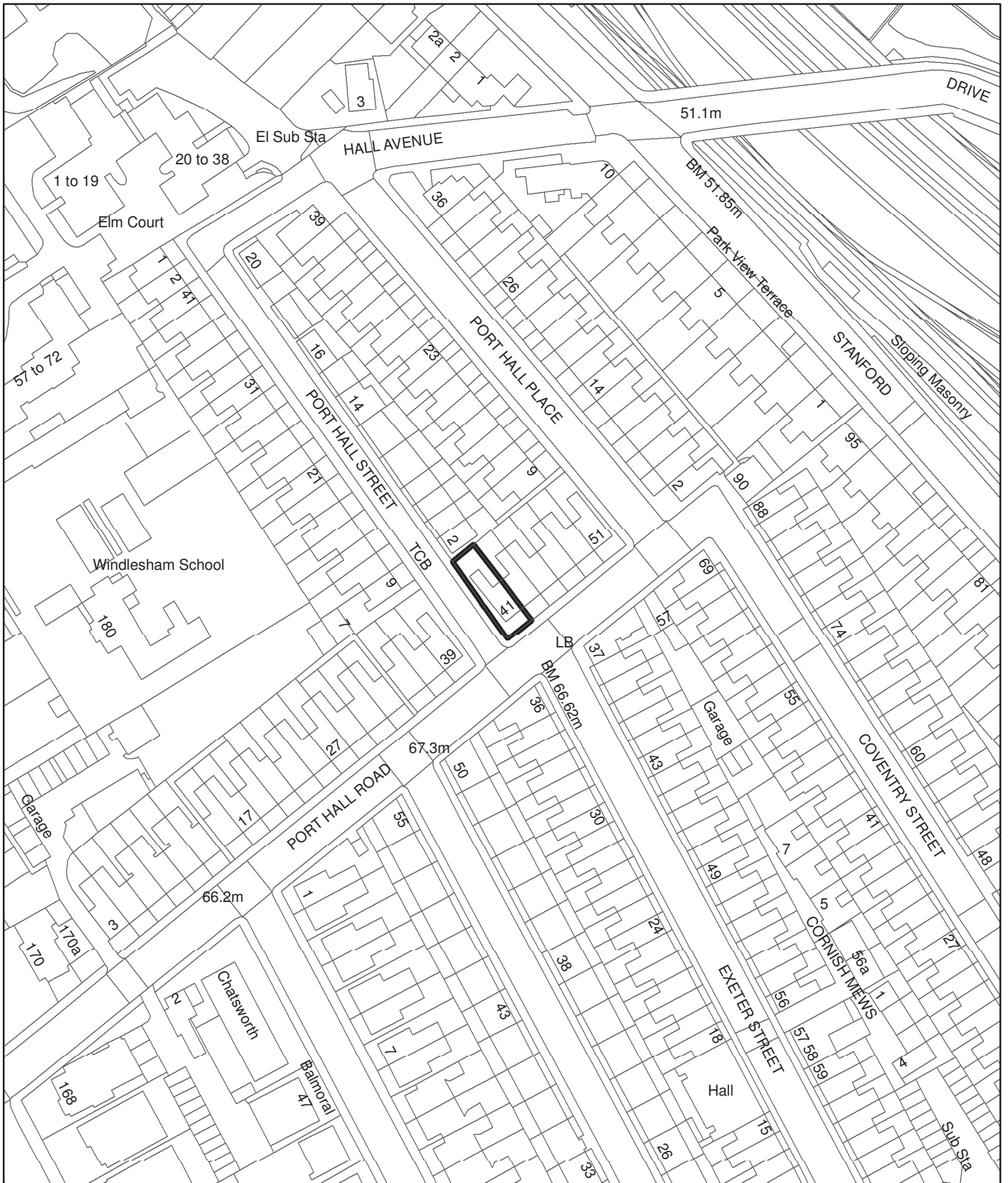
**PLANS LIST
ITEM B**

41A Port Hall Road, Brighton

**BH2013/01198
Householder Planning**

05 JUNE 2013

BH2013/01198 41a Port Hall Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANS LIST – 05 JUNE 2013

<u>No:</u>	BH2013/01198	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	41A Port Hall Road, Brighton		
<u>Proposal:</u>	Creation of roof terrace on existing flat roof (Retrospective).		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	10/04/2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	05/06/2013
<u>Listed Building Grade:</u>	N/A		
Agent:	DH Design, 11 Dartmouth Crescent, Lower Bevendean, Brighton		
Applicant:	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 northern side of Port Hall Road at the junction with Port Hall Street. The application property occupies the first floor and the converted loft space with the entrance being 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 elevation. The land slopes down from north to south.

3 RELEVANT HISTORY

- BH2012/01392:** Creation of roof terrace on existing flat roof (Part-retrospective). Approved on 16 August 2012.
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 Retrospective planning permission is sought for the creation of roof terrace over an existing flat roof together with the retention of the timber fencing.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from **Nos. 37, 39 and 41 Port Hall Road, Nos. 2, 7, 11, 12, 19, 29 and 31 Port Hall Street and No. 36 Exeter 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:
- Brighton and Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton and Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton and Hove;
 - East Sussex and Brighton and 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 and 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 and Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

Brighton and Hove City Plan Part One (submission document)

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 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 and 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 and 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 It is noted that a proposal for a roof terrace was refused in September 2009. Subsequent to the refusal of the original application, a roof terrace, with timber ballustrading was nevertheless constructed on the site without permission from

the Council. A further planning application proposing alterations to the terrace area, including a reduction in the size of the amenity space, the installation of an obscure glazed privacy screen and the replacement of the unauthorised timber railings with iron railings was approved by the Planning Committee in August 2012.

- 8.7 The current application seeks planning permission to retain the existing, unauthorised terrace which is significantly larger than the terrace for which permission has now been granted.
- 8.8 The terraced area as constructed consists of a 1.1m timber, slated balustrade set just inside the existing parapet. This balustrade encloses the entire 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. Due to the siting of the property on a prominent corner plot the timber railings are highly visible in views along Port Hall Street exacerbating the detrimental impact to the visual amenity of the surrounding area and street scene.
- 8.9 The timber ballustrading is considered to have a significantly more dominant and inappropriate visual impact than the steel railings that were approved under the 2012 application and the railings in situ on the opposite side of Port Hall Street at No.39 Port Hall Road. The timber ballustrading is incongruous at this level and has an unacceptable visual impact contrary to policy QD14 of the Local Plan.
- 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.
- 8.12 In the previously approved scheme the applicant sought to resolve issues regarding potential 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 from the rear. This was considered an improvement on the existing arrangement as it reduced the opportunity for direct views into the gardens and rear windows of adjoining properties by providing screening and limiting the overall size of the terrace.
- 8.13 The existing 1.1m high ballustrading is sited at the perimeter of the flat roof and does not prevent direct overlooking into the adjoining properties.

- 8.14 The terrace would afford direct views into the garden of No.43 Port Hall Road and the windows to the adjacent side and rear elevations of this property. Whilst there is already a degree of mutual overlooking via the windows of these properties the roof terrace intensifies 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 5.4m) 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.
- 8.15 The terrace would also result in overlooking to the rear and side garden area of the ground floor property, No.41 and to other gardens within the terrace.
- 8.16 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. Whilst the size of 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 to such an extent that would justify refusal on these grounds.
- 8.17 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 contrary to policies QD14 and QD27 of the Local Plan.
- 8.18 It is noted 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.
- 8.19 The development at No.39 has not been granted 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 however noted that the railings appear to have been in situ for over four years and, as such, would be immune from enforcement action.
- 8.20 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 development.
- 8.21 It is noted that whilst a number of letters of support have been received from neighbouring properties, the Local Planning Authority has a duty to consider the impact on future as well as existing occupiers.
- 8.22 Overall it is considered the terrace as existing results in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road and the garden of No.41 Port Hall Road. The loss of privacy would

adversely impact upon the residential amenity currently enjoyed by these properties.

9 CONCLUSION

- 9.1 The installed timber ballustrading by reason of its height, design, materials, and scale results in an inappropriate alteration that relates poorly to the existing building. The incongruous design is out of character with the building form within the immediate vicinity and has a significantly detrimental impact upon the appearance and character of the building and the surrounding area.
- 9.2 The development results in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road and the garden of No.41 Port Hall Road. The loss of privacy adversely impacts upon the residential amenity currently enjoyed by these properties.

10 EQUALITIES

None.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The installed timber ballustrading by reason of its height, design, materials, and scale results in an inappropriate alteration that relates poorly to the existing building. The incongruous design is out of character with the building form within the immediate vicinity and has 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 results in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road and the garden of No.41 Port Hall Road. The loss of privacy adversely impacts 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. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and Hove City Plan Part One (submission document) 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
Site Location Plan	L-01		10 April 2013
Block Plan	L-02	A	10 April 2013
Pre-existing and 'as constructed' plans and elevations	L-03	D	10 April 2013

