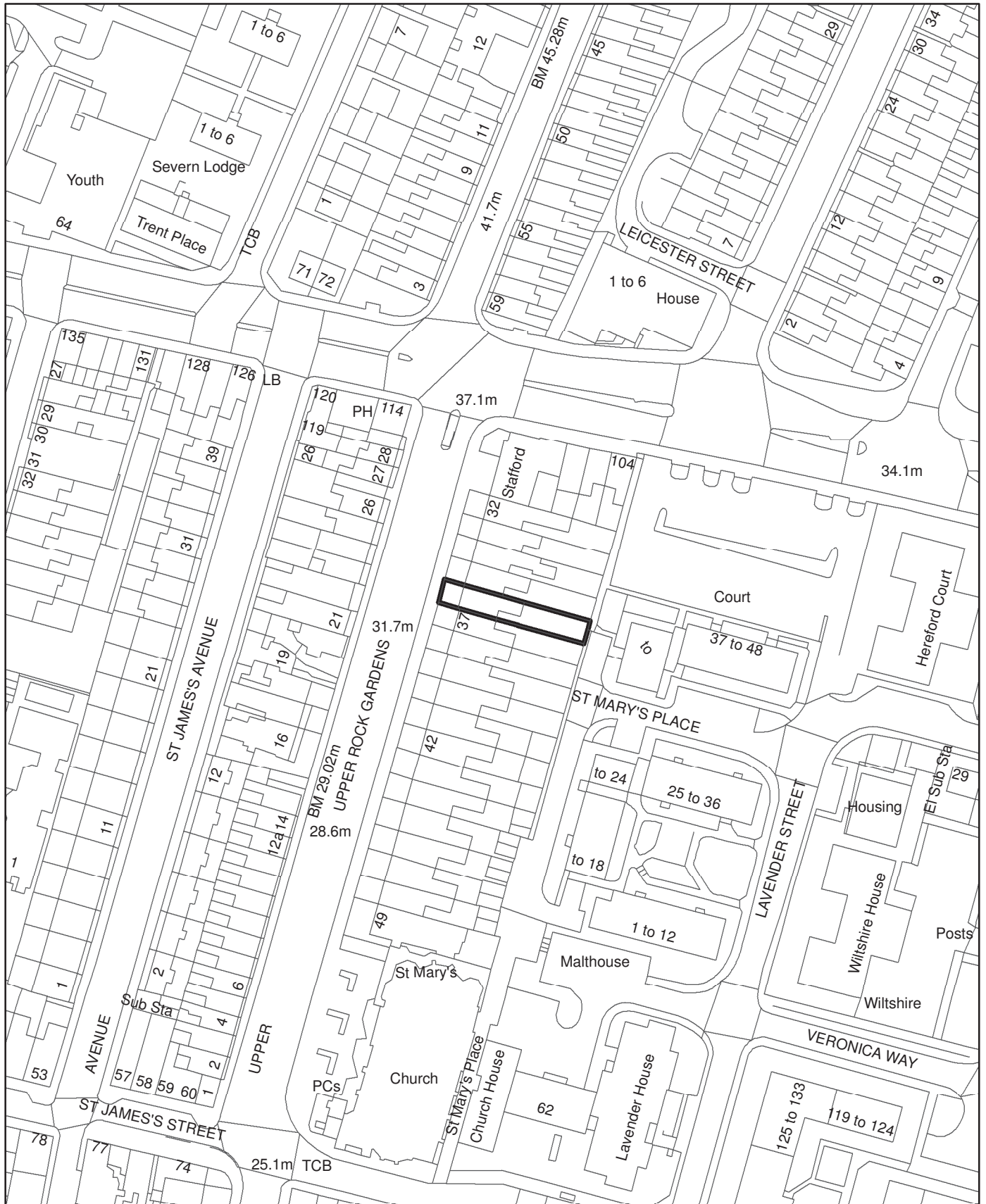


# **ITEM E**

**36 Upper Rock Gardens, Brighton,  
BN2 1QF**

**BH2013/01985  
Full Planning**

# BH2013/01985 36 Upper Rock Gardens, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/01985</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Alvia Hotel 36 Upper Rock Gardens Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of upper ground floor rear extension and staircase and erection of lower and upper ground floor rear extension with staircase.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	28/06/2013
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	23 August 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Delavals Design, Heron House Laughton Road Ringmer East Sussex BN8 5UT		
<b><u>Applicant:</u></b>	Alvia Hotel, C/o Delavals Design Heron House Laughton Road Ringmer East Sussex BN8 5UT		

## 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 reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a multi-storey terraced property in use as a guest house to the eastern side of Upper Rock Gardens. The property has a four storey flat roofed projection to the rear and then an additional pitched roofed rear addition at ground floor level with steps down to the rear yard/drive which is at a raised basement level. The outdoor space to the rear is separated from the adjoining property to the north by a brick wall with timber fence above and by a timber fence from the adjoining site to the south. The rear of the site is accessed via St Mary's Place. The site is located within the East Cliff Conservation Area.

## 3 RELEVANT HISTORY

**BH2012/03182** - Erection of rear extension to upper ground floor with open terrace and staircase to replace existing extension. Refused on 18 December 2012.

**BH2004/02337FP** - Single storey rear extension at second floor level. Approved 3 September 2004.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of upper ground floor rear extension and staircase and erection of lower and upper ground floor rear extensions with staircase.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours:** None.

- 5.2 **Councillor Stephanie Powell** supports the application. Representation attached.

##### **Internal:**

- 5.3 **Heritage Team:** (verbal comments). Object to the scheme on the grounds that the proposal would add further inappropriate development to the rear of the property. The building has already been extended beyond the original building line and the proposal would further worsen this relationship. The proposal is ill-proportioned with the two storeys overly squat in appearance. The staircase is unsympathetic in regards to design and scale and would dominate the rear elevation.

- 5.4 **Sustainable Transport:** No Objection

Recommended approval as the Highway Authority has no objections to this application as the development is not forecast to have a highway impact due to its scale, nature and location.

#### **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:

TR1	Development and the demand for travel
TR7	Safe development
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Document:

SPD012 Design Guide for Extensions and Alterations

#### Brighton & Hove City Plan Part One (submission document)

SS1 - Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the design upon the character and appearance of the building, the street scene and the surrounding East Cliff Conservation Area and the impact upon the amenity of adjoining occupiers.

#### **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 Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

#### **Planning History**

- 8.6 This proposal follows the refusal of a similar application for a rear addition for the three reasons set out below:
- The proposed development by reason of its scale, design, depth and materials would result in an overly dominant and incongruent addition that relates poorly to the traditional form of the existing building and would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.
  - The proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens.
  - The proposed terraced area would result in significant overlooking and loss of privacy towards the rear elevations and outdoor amenity space at neighbouring properties, No.35 and No.37 Upper Rock Gardens, to the detriment of their residential amenity.

The applicant has attempted to address the reasons for refusal by revising the design of the proposed addition and removing the raised terraced area.

#### **Design**

- 8.7 The proposal relates to the demolition of the existing pitched roof addition at upper ground floor level to the rear of the building and the construction of a larger replacement addition.

- 8.8 The proposed, flat roofed addition would span the full width of the existing outrigger and would extend out 3.8m from the rear elevation. It would result in an addition which would be 1.5m deeper and 1.5m wider than the existing structure. The addition would be two storeys, set at lower and upper ground floor levels. Access would be via an external staircase set diagonally across the rear elevation. The boundary, shared with No. 35 Upper Rock Gardens would be built up with a masonry wall to provide a solid screen between the properties.
- 8.9 The proposal takes a more appropriate form compared to the previously refused application, with the flat roofed design introducing a more traditional approach in comparison to the pitched roof design, extensive glazing and cantilevered terrace of the earlier scheme. Notwithstanding this, the proposed addition would be an additional 0.5m in depth and would add a significant amount of bulk to the existing building and is still considered to be an overly dominant structure to the rear elevation that harms the appearance and character of the rear elevation and the wider Conservation Area. The extended outrigger would project 9.5m from the main rear elevation of the building and would result in an overly extended property. Furthermore the external staircase and the built up boundary wall to provide a screen are inappropriate elements that further detract from the appearance and character of the building.
- 8.10 Whilst the proposal is an improvement on the previously refused scheme it is considered to be poorly designed, with an awkward relationship with the existing building and would detract from the appearance and character of the wider Conservation Area.
- 8.11 The Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012) states that, 'all extensions to Buildings of Local Interest and Buildings within Conservation Areas should be completed to a high design standard, with materials and detailing matching exactly those of the host building.' The design and detailing of the proposal fail to relate satisfactorily to the existing building and thus would have a detrimental impact upon the building, the wider terrace and the East Cliff Conservation Area.
- 8.12 The rear of the terrace backs onto St Mary's Place and as such, the alterations would be highly visible from the public domain. Whilst the rear elevations of these properties are relatively mixed with various ad hoc additions to the rear, these are predominantly historical alterations either without planning history or approved before the adoption of the current local plan in 2005. These extensions do not set a precedent for further inappropriate and harmful development that detracts from the appearance and character of the terrace and the wider Conservation Area.
- 8.13 It is noted that a proposed wraparound rear and side extension at No.33A Upper Rock Gardens to the north was refused in August 2013 on the grounds that the extension by virtue of its scale, length and inappropriate design would result in an overextended appearance to the property which would be detrimental to the visual appearance and character of the host property, the terrace and the wider East Cliff Conservation Area. The Local Planning

Authority is considered to be adopting a consistent approach in regards to additions to the rear of the terrace.

- 8.14 There is substantial a rear addition to the north at No.34 Upper Rock Gardens. There is no planning approval for this overly bulky and poorly designed addition and it does not set a precedent for further unsympathetic alterations to the rear of the terrace.
- 8.15 Overall, the proposed addition is considered to detract significantly from the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.

**Impact on Amenity:**

- 8.16 The proposal is considered to have a detrimental impact upon the residential amenity of the adjoining building to the north, No.35 Upper Rock Gardens. This property is in use as a guest house, with the former basement flat (35A) occupied with a residential use by the owners of the guest house.
- 8.17 The proposed extension would extend a further 1.5m in depth over and above the depth of the existing extension and would be sited adjacent to boundary with No.35. Given the position of the windows at ground floor level in 35 Upper Rock Gardens together with the extended boundary wall to provide a screen, the proposed development would result in an increased loss of light and overshadowing to the residential accommodation at the basement level of this property.
- 8.18 The proposal would be contrary to SPD012 which states, '*Extensions should not overshadow, overlook, or have an overbearing or enclosing affect on adjacent properties by way of their height or depth.*'
- 8.19 The solid, blank façade on the boundary with No.35 would result in an increased sense of enclosure to the adjoining property as well as an increased overbearing impact. The basement level of No.35 currently receives restricted light as it is enclosed by an existing structure, separating it from the outdoor space used by the guest house. Notwithstanding this, the proposal would significantly worsen the situation and is considered to have a significantly detrimental impact on the residential amenity of this property.
- 8.20 The removal of the terraced area on the current proposal would ensure that there would not be any significant overlooking towards adjoining occupiers. Whilst the proposed external staircase does include a modest platform at upper ground floor level it would be too limited in size to function as an external amenity area and it is considered that the staircase would be used solely to access the rear garden/yard and as such would not result in any significant loss of privacy to neighbouring occupiers.

**9 CONCLUSION**

- 9.1 To conclude, it is not considered that the proposal has adequately addressed the reasons for refusal of the previous scheme. The proposed development by



reason of its scale, design, depth and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area.

- 9.2 In addition the proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens.

**10 EQUALITIES**

None identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

Reasons for Refusal:

1. The proposed development by reason of its scale, design, depth and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider terrace and the East Cliff Conservation Area, contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan.
2. The proposed development, by reason its height, design, and depth would result in a significantly overbearing impact, a loss of light and an unacceptable sense of enclosure towards the adjoining property, No.35 Upper Rock Gardens. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & 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 listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			28 June 2013
Block plan			14 June 2013
Existing plans and elevations	12/10/01/01		14 June 2013
Proposed rear elevation	12/10/01/02		14 June 2013
Proposed side elevation	12/10/01/03		14 June 2013
Proposed lower ground floor plan	12/10/01/04		14 June 2013
Proposed upper ground floor plan	12/10/01/05		14 June 2013

**From:** Stephanie Powell  
**Sent:** 10 July 2013 11:16  
**To:** Chris Swain  
**Subject:** Planning App: BH2013/01985 - slightly amended  
**Importance:** High

Dear Chris,

I am writing in support of the above application, as one of the ward councillors of the QP area.

I have visited the property, and viewed the plans. I am supporting it because the proposals seem reasonable. It is also necessary for my constituent's business to run more effectively.

The proposed plans affect the rear of the property. On my visit, I noticed that other such extensions on nearby properties already exist, and some a quite a bit bigger than the proposed plan here.

In view of the earlier refusal, and the inability to find a way forward until now, I feel the applicant deserves support to enable him to run his business more efficiently, and that planning permission is granted in respect of these new proposals.

If this planning application is likely to be refused in the first instance, then I'd like to request that this item goes to the full Planning Committee for its consideration.

Regards,

Cllr Stephanie Powell  
Green Party Councillor for Queens Park Ward  
Brighton & Hove City Council

Chair, Licensing Committee  
Disability Champion  
Shared LGBT Champion role with Cllr Mike Jones  
Member, Children & Young People's Committee  
Member, East Sussex Fire Authority