

ITEM E

1 Sillwood Terrace, Brighton

BH2013/00937
Full planning

08 JANUARY 2014

PLANNING COMMITTEE LIST- 08 JANUARY 2014

<u>No:</u>	BH2013/00937	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Sillwood Terrace Brighton		
<u>Proposal:</u>	Formation of mansard roof to accommodate one 2no bedroom flat with roof terrace.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	10 May 2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	05 July 2013
<u>Listed Building Grade:</u>	Adjoining Grade II (32-47 Sillwood Road)		
<u>Agent:</u>	Mr T Cording, 140 High Street, Steyning		
<u>Applicant:</u>	Capital Evolution Ltd, c/o T Cording, 140 High Street, Steyning		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a four-storey end-terrace building on the southern side of Western Road at its junction with Sillwood Road: the building rises to 5-storeys at the rear of the site due to reflect ground level changes. The building contains a ground floor commercial unit with residential flats above. The site is within the Regency Square Conservation Area (CA) and is adjoined by Grade II Listed Buildings to the south on Sillwood Road.

3 RELEVANT HISTORY

BH2005/01839/FP: Formation of a mansard roof storey to provide one 1-bedroom penthouse. Approved 29/07/2005. This development was not commenced within 5 years of the permission being granted and has therefore lapsed.

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of an existing slate roof and the formation of a mansard roof, set back from the front and rear of the existing building, to create a self-contained two-bedroom flat. The mansard roof would incorporate dormer windows to the front (north) and side (east) elevations with a roof terrace to the front of the site. The submitted plans also indicate the reinstatement of chimney stacks to the east of the building, and replacement mouldings at roof level to the east and southern elevations.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Five (5)** representations have been received from **78 Dyke Road Avenue** (on behalf of the freeholder); **6 Montpelier Place** and **1 (flat 1 (x2) & 3) Sillwood Terrace** objecting to the application for the following reasons:-
- The proposal would be out of character with the building and terrace which currently has an even balanced form. Western Road forms a key part of the skyline and future development must be for the benefit of all;
 - The plans are not representative of the existing roofline, and lessen the effect of the proposed works;
 - There is insufficient internal space to form an additional stair to roof level;
 - The proposal constitutes a fire risk for existing residents;
 - Disruption during building works;
 - Loss of view from adjoining properties;
 - Concerns relating to the financial viability of the developer, previous attempts to develop the building have failed financially.
- 5.2 **Cllr Kitcat** objects – see attached letter.
- 5.3 A representation has been received from **361 Old Shoreham Road** (*on behalf of Flat 3, 1 Sillwood Terrace*) commenting that the construction necessary to house the additional flat and mansard roof is greatly in excess of that suggested by the application and, as such, will represent an enhanced impact on the street scene.
- 5.4 **Conservation Advisory Group (CAG):** Object, due to the visibility of the development and the proposal not being appropriate and in keeping with a Victorian terrace property. The Group notes that if any approval is to be given a condition should be attached to reinstate the exterior cornice to the eastern wall and that the development will meet Building Regulations, specifically with regard to the means of escape in the event of fire.

Internal:

- 5.5 **Heritage:** The proposal would result in the loss of a historic roof form, and its replacement with an altered roof form including dormers to both the north and east and a raised ridgeline. This would be visible and would alter the design of the building; which was designed such that the roofscape would be hardly visible. It is though acknowledged that the scheme is a resubmission of a previously approved scheme and proposes some improvements to the building on the visible eastern elevation, including the reinstatement of some mouldings and chimney stacks. If the application is approved large scale details would be required of these features and samples of materials.
- 5.6 **Sustainable Transport:** No objection, the proposal would slightly increase trip generation but the scale of development does not necessitate improvements to sustainable transport infrastructure. Further details of cycle parking provision should be secured through condition.

6 MATERIAL CONSIDERATIONS

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- 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) is a material consideration.
- 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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:
SPGBH4 Parking Standards

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design
SPD12 Design Guidance 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 roof extension on the character and appearance of the building and wider Regency Square Conservation Area, the planning history and the impact on neighbouring amenity and transport.

Character and appearance

- 8.2 The application site comprises an end-terrace four-storey property, with centred bays and cornices at each level, which makes a significant contribution to the Western Road streetscene and to the character and appearance of the Regency Square Conservation Area. The proposed development entails removal of the original roof form and its replacement with a mansard roof extension with front and side dormer windows. The submitted plans also indicate the reinstatement of chimney stacks and replacement mouldings.
- 8.3 The roof extension (to match that proposed by this application) was previously granted planning permission in 2005 under reference BH2005/01839. In granting this permission it was considered that due to the positioning back from the main walls of the property the roof extension would not be prominent in views of the terrace from Western Road. The resulting mansard roof was not considered to be unduly bulky or prominent, or harmful to the Regency Square Conservation Area.
- 8.4 Whilst the 2005 permission has expired the key policies have not changed in the intervening years, with the key design policies (QD1, QD2 and QD14) consistent with the NPPF. It would therefore be unreasonable to take a contrary design view as part of the current application; particularly as the height and form of the roof extension has not changed since the previous planning permission. The proposal is not therefore considered significant harm to the character or appearance of the existing building or the wider Regency Square Conservation Area. A condition is recommended to require further details of the reinstated mouldings, chimney stacks and pots; and of the proposed dormer windows and window joinery within the mansard roof.
- 8.5 It is noted that since the granting of planning permission BH2005/01839 Supplementary Planning Document 12, Design Guidance for Extensions and Alterations, was adopted. This does not though provide additional design

guidance on mansard roof extensions that was not already stated in SPGBH1, Roof Alterations and Extensions, and which was considered as part of the previous planning permission. The adoption of SPD12 would not therefore lead to a different view from that outlined above.

Housing

- 8.6 The development would create a self-contained two-bedroom flat with adequate outlook, natural light and ventilation throughout. Whilst the room sizes are modest it is considered, taken as a whole, that the development would provide an acceptable standard of accommodation for future occupants. The submitted plans indicate a roof terrace between the mansard and front parapet which would provide useful private amenity space for future occupants.
- 8.7 The proposed residential unit would utilise existing access arrangements to fourth floor level and as such a number of Lifetime Homes standards could not be incorporated in the design. The internal layout could though be improved, particularly in relation to door openings, and if necessary further details could be secured through condition.

Impact on amenity

- 8.8 The proposed extension does not abut window openings to adjoining units and no harmful loss of light or outlook would therefore result for occupiers of adjoining properties. The formation of an additional residential unit and normal domestic use of the roof terrace would not be expected to generate harmful levels of noise or disturbance, with soundproofing secured through the Building Regulations.
- 8.9 It is acknowledged that construction works would potentially create noise and disturbance for occupants of adjoining properties. Any such impact would though be temporary and the scale of development would not necessitate a Construction Environmental Management Plan. If noise complaints were received they could be investigated under separate Environmental Health legislation.

Transport

- 8.10 The Sustainable Transport Team has commented that whilst the development would slightly increase trip generation to and from the site the scale of development does not necessitate improvements to sustainable transport infrastructure. On this basis the proposal would not create a harmful demand for travel. There is sufficient space within the rear curtilage of the site for cycle parking facilities.
- 8.11 The application site is well served by public transport and within a controlled parking zone. The existing units at lower levels of the building would not be affected by the proposal and as such it would not be reasonable or appropriate to make the whole building car-free. On this basis there is considered to be no undue conflict with the aims of policy HO7, relating to car free housing.

Sustainability

- 8.12 Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends

that development of this scale achieve Level 3 of the Code for Sustainable Homes (CfSH). Whilst the supporting information is limited it is considered that further details could be secured through condition.

Other considerations

8.13 It is noted that representations have been received relating to the construction of the additional storey. Whilst these concerns are acknowledged any material deviation from the submitted plans would require further consent. The construction of the additional storey would need to comply with the Building Regulations and the issues raised relating to fire escape, sound and thermal insulation and landing arrangements do not fall to be considered as part of this planning application. The financial situation of the applicant is not a material consideration.

9 CONCLUSION

9.1 The principle of development was established through the granting of BH2005/01839/FP. There has been no material change to the site or relevant design planning policies which would lead to a different view being taken as part of the current planning application. It is therefore considered that the development would not harm the character or appearance of the building or Regency Square Conservation Area. The development would not have a significant impact on adjoining properties by way of loss of light, privacy or increased noise and disturbance.

10 EQUALITIES

10.1 The development should incorporate Lifetime Homes standards in the proposed layout wherever practicable.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. BH01.01 Full Planning
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan, Block Plan & Existing Elevations			21/03/2013
Proposed Floor Plans & Elevations			21/03/2013

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4. No development shall take place until sections and elevations at a scale of 1:20 of the mouldings, and chimney stacks and pots have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the hereby approved residential unit and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

5. No development shall take place until details of all new windows and their reveals and cills, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

6. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the

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development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

9. The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

11.2 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 to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The principle of development was established through the granting of BH2005/01839/FP. There has been no material change to the site or relevant design planning policies which would lead to a different view being taken as part of the current planning application. It is therefore considered that the development would not harm the character or appearance of the building or Regency Square Conservation Area. The development would not have a significant impact on adjoining properties by way of loss of light, privacy or increased noise and disturbance.

From: Jason Kitcat
Sent: 28 June 2013 21:51
To: Guy Everest
Subject: Objection to application BH2013/00937 1 Sillwood Terrace

Dear Guy,

I am writing as a ward councillor to object to application BH2013/00937 for 1 Sillwood Terrace. I ask that if this application is recommended for approval that it is referred to the planning committee for consideration.

I believe the application will be an overdevelopment of the building, not in keeping with neighbouring buildings and I also have received concerns from nearby residents about whether the building can take the weight of this addition without significant additional structural beams being added which will add to the height suggested in the drawings.

Please confirm receipt of this objection.

Thanks,
Jason

Cllr Jason Kitcat
Leader of Brighton & Hove City Council
Green City Councillor, Regency Ward