

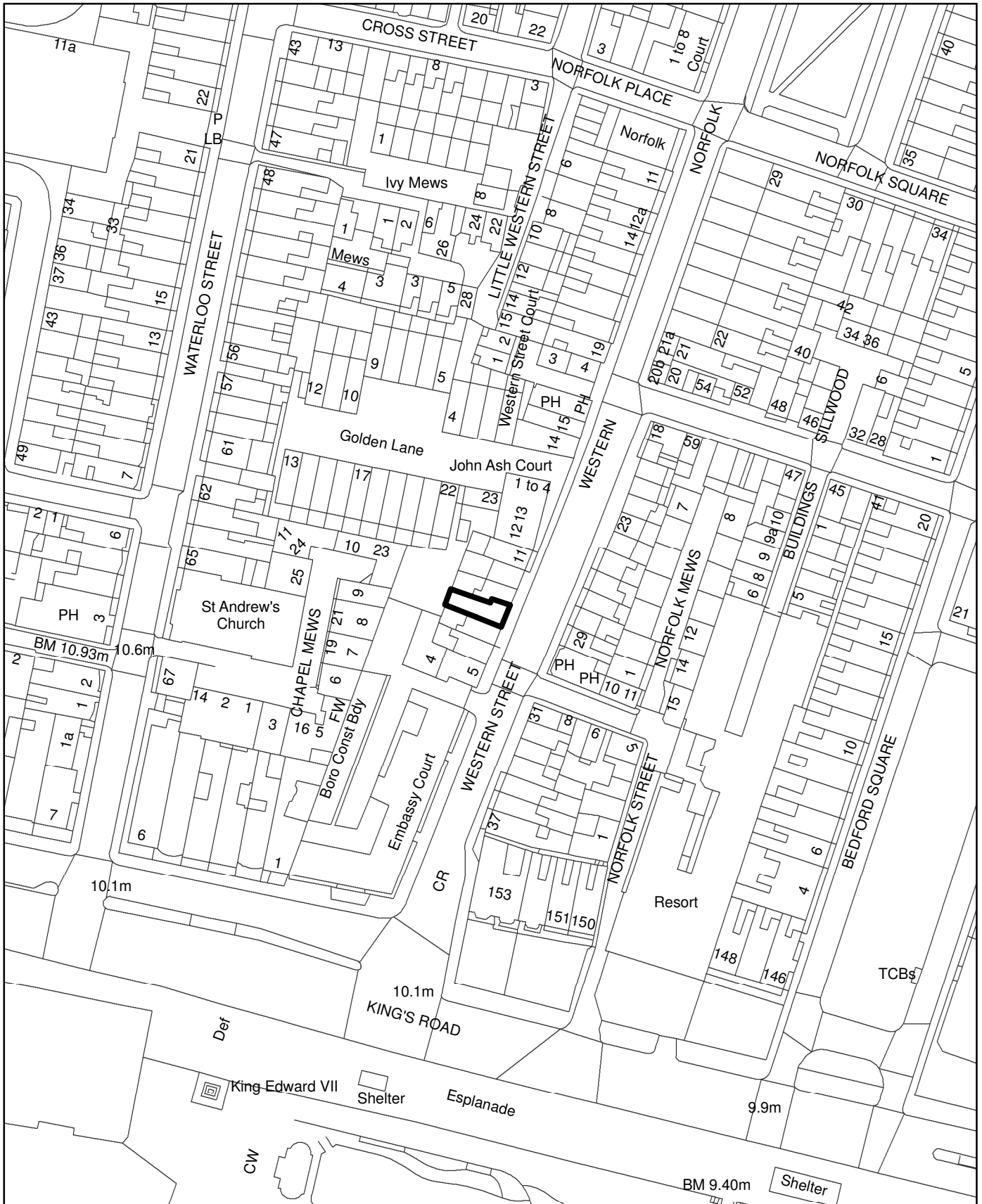
ITEM H

Rock Clinic, 8 Western Street, Brighton

BH2013/02536
Full planning

06 AUGUST 2014

BH2013/02536 Rock Clinic, 8 Western Street, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/02536	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rock Clinic 8 Western Street Brighton		
<u>Proposal:</u>	Rebuilding of rear first floor extension, replacement of first floor flat roof with additional overhang and replacement railings. (Retrospective).		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	12 August 2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	07 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Ms Melanie Withers, 113 Freshfield Road, Brighton BN2 0BR		

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 relates to a three-storey and basement terraced building on the west side of Western Street. The property was formerly a vacant retail unit at ground and basement floor with a self contained maisonette at first and second floor. The property does not include a rear garden or yard area. The property is currently in use as consulting rooms for the Rock Clinic as approved under ref: BH2012/01358. The Rock Clinic is a Class D1 use offering counselling services.
- 2.2 This area is predominately residential with dwellinghouses immediately adjacent the property. The Bedford Tavern Public House is immediately opposite the proposed site. Embassy Court, a large block of flats, lies just south of the site. To the rear of the property is a shared amenity area for the occupiers of the Golden Lane, a residential development just north of the site. The site is within the Regency Square Conservation Area.

3 RELEVANT HISTORY

BH2013/00808: Rebuilding of rear first floor extension with timber weatherboarding, replacement of first floor flat roof with additional overhang and installation of 2no galvanised bicycle racks to front forecourt. (Part Retrospective). Refused 5th June 2013 for the following reasons:

- The proposed use of external Cedral Weatherboard cladding is deemed an inappropriate and unsympathetic finish for the rear extension, in contrast to the rendered finish of the main building, and would detract from the character and appearance of the building and surrounding conservation

area. The scheme is therefore contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

- The installation of cycle stands in a visually prominent location to the front of the building is deemed inappropriate due to the limited size of the front forecourt area. Cycles in this position would partly overhang the highway and obstruct the pavement and entrance to the building, and would also result in additional visual street clutter to the detriment of the appearance of the street scene and wider conservation area. The scheme is therefore contrary to policies QD1, HE6 and TR7 of the Brighton & Hove Local Plan.

BH2013/00179: Application for approval of details reserved by conditions 7, 8 and 9 of application BH2012/01358. Approved 22nd February 2013.

BH2012/01358: Change of use from ground floor retail (A1) and first and second floor maisonette to consulting rooms (D1). Approved 8th October 2012.

91/1170/FP: Alterations at first floor rear to provide access to flat roof and part enclosure of the roof with railings. Approved November 1991.

4 THE APPLICATION

- 4.1 Planning permission is sought for alterations to the premises which comprise the rebuilding of the rear first floor extension, the replacement of first floor flat roof with additional overhang and replacement railings. The scheme is part retrospective as the works have been largely completed. During the last site visit, it was noted that the new roof had been installed and the first floor extension completed. The replacement railings were not in place.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from **7, 9, 10, 19, 20, Flat 2, 21, 26 & 33B Western Street, 12-13 Brunswick Terrace, 13 Cross Street** and **2 Manor Gardens** objecting to the application for the following reasons:

- The proposed roof overhang is inappropriate. To install the new roof, the builders have damaged the adjacent property. The roof overhang also encroaches onto the adjacent property without the consent of the neighbours. The applicant has stated that the new roof is required due to building regulations. This is not accepted as a reason to damage property or to trespass. The Council should be defending the rights of neighbours.
- The drawings are inappropriate and an assessment cannot be made from these drawings.
- The railings are inappropriate as they would allow the use of the roof as an outside area. This would result in a loss of privacy. The railings are also attached to the adjoining property without consent.
- The proposed works have resulted in the loss of adjacent tenants due to disturbance.

- 5.2 **Councillor Ollie Sykes:** Letter of objection received (email attached).

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) 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
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and Alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of a conservation area

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are whether the proposed development is visually satisfactory in respect of its impact on the existing properties, surrounding area and Conservation Area. In addition, whether the scheme would have an acceptable impact on the amenity of neighbouring properties, particularly in relation to loss of outlook, light or privacy is also a consideration.

Design:

- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. QD14 and SPD12 outline the Council's approach to extensions and alterations to buildings and require alterations to be well designed, sited and detailed in relation to the property to be extended.
- 8.3 Planning permission is sought for alterations to the property which facilitate the use of the property by the Rock Clinic. Planning permission was granted for the use of the property for counselling purposes under ref: BH2012/01358. Works to the property are now mostly completed. The scheme is therefore retrospective as the replacement roof to the rear is in place and the rear extension has been rebuilt.
- 8.4 To the rear, the works comprise the re-laying of the flat roof with a Gasplas membrane roof, the rebuilding of the rear first floor extension with a rendered finish and a uPVC window and the installation of replacement railings to the flat roof. The new Gasplas roof is in place and includes an overhang. The new roof has a grey finish and is considered visually appropriate for the building and surrounding area. The overhang is also minimal and does not significantly affect the appearance of the building.
- 8.5 The rear first floor extension has been rebuilt to the same height and projection as the former extension with a floor area of 2.2m x 2.1m. The extension is used as a toilet for the Class D1 use. The extension has been finished in matching render to the host property. In a rendered finish, the extension is a sympathetic addition to the building. The extension has been altered to the side where it has been squared off. A replacement upvc window for the first floor extension has been installed to the return elevation. This window is deemed appropriate in the proposed location as it would not be readily visible and does not detrimentally affect the appearance of the rear of the building. There are existing uPVC windows within this rear elevation already. The replacement black, galvanised

metal railings would be in same position as the previous railings and are also visually appropriate for this building.

- 8.6 Overall, the works are deemed visually acceptable and preserve the appearance of the building and surrounding conservation area.

Impact on Amenity:

- 8.7 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.
- 8.8 In respect of the replacement Gasplas roof covering, this alteration does not result in a significant impact on the amenity of any adjacent properties. The roof does have slight overhang when compared to the previous roof. However, the difference between the existing roof and the previous roof is minimal and this alteration does not detrimentally affect the adjacent properties in terms of loss of light, outlook or an increased sense of enclosure.
- 8.9 The replacement first floor extension is the same height and projection as the former extension. The rebuilt extension is slightly larger than the previous extension as it is being extended to the side elevation facing south. This increase in size is minor and results in the extension being squared off to the side. As the extension is broadly the same dimensions as the previous extension, the extension does not result in a detrimental impact on the amenity of any adjacent properties when compared to the previous extensions.
- 8.10 The scheme includes replacement railings positioned adjacent the rear extension at first floor level. There were existing railings in this position which were previously used by the first floor flat as part of an outside amenity area. The scheme includes the replacement of the French doors. As part of the recent permission (BH2012/01358), access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace was restricted by a condition such that they can only be used for maintenance or emergency purposes. The proposed replacement railings have legitimately raised concerns from adjacent neighbours that the Rock Clinic intends to use the roof terrace as an amenity space. The applicant has stated that it is not their intention to use the roof terrace and that the replacement railings are required by Building Control because there is currently a door providing access to the roof area.
- 8.11 If the Rock Clinic does use the roof terrace as an amenity area, they would be liable to enforcement proceedings. A condition is recommended that states access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace shall be used for maintenance or emergency purposes only and the flat roof and terrace shall not be used as roof gardens, terraces, patios or similar amenity areas. On this basis, the replacement of the railings is deemed acceptable.

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- 8.12 Given the adjacent neighbours objection to the railings being attached to a party wall, amended plans have been submitted indicate that the railings would not be attached to the party wall.

Other Considerations:

- 8.13 The resident of no.7 Western Street has objected to the new roof on the grounds that it has impeded on their property and that works were undertaken to the building without her consent. The applicant has confirmed that works are on their land. The right of the applicant to undertake works to no.7 is not a material planning consideration and any encroachment that may have occurred would be a civil matter between the parties involved rather than a matter for the Local Planning Authority.
- 8.14 Given the additional roof overhang, an objection has also been raised to whether the correct ownership certificate has been served with the application. The roof overhangs a lower party wall and it is unclear who this wall belongs to. The applicant has been made aware of this concern and has stated that the correct ownership certificate has been submitted. Again, issues regarding ownership are not material planning considerations and this is a private matter between the parties concerned.

9 CONCLUSION

- 9.1 The proposed alterations preserve the character and appearance of the host property and the surrounding conservation area and would not significantly affect the amenity of any adjacent properties.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) 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
Location Plan			25 th July 2013
Existing First and Second Floor Plan	11A		6 th March 2014
Proposed Ground and First Floor Plan	13C		6 th March 2014
Existing Elevations	14		6 th March 2014
Proposed Elevations	15		6 th March 2014

- 2) Access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace shall used be for maintenance or emergency

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purposes only and the flat roof and terrace shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD27 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 Development 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 proposed alterations preserve the character and appearance of the host property and the surrounding conservation area and would not significantly affect the amenity of any adjacent properties.

From: Ollie Sykes
Sent: 03 September 2013 22:31
To: Jason Hawkes
Cc: Phelim MacCafferty
Subject: 8 Western Street BH2013 /02536 (unclassified)

Dear Jason

Further to our conversation today, for which thanks, I feel I must object to this application.

I object in particular to the encroachment of the new roof over the boundary line with the neighbouring property. I realise this is not a large encroachment, being a matter of a few inches, but it has already resulted in a real perception of damage to amenity by the affected neighbour. In the way the roof ties in with the main rear wall of the neighbouring property and also the rear garden wall, the encroachment has caused damage and has potential to cause future additional damage to the neighbouring property.

I hope you are still able to take my objection into account.

With kind regards

Ollie Sykes
City Councillor (Green Party), Brunswick and Adelaide ward
Deputy Chair, Environment Transport and Sustainability Committee
01273 291 413

Please note that from the 19th August 2013 my email address will change to ollie.sykes@brighton-hove.gcsx.gov.uk