

<b><u>No:</u></b>	<b>BH2016/01756</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>18 - 19 Ship Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of upper first floor rear extension to create one bedroom flat.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	16/05/2016
<b><u>Con Area:</u></b>	Old Town	<b><u>Expiry Date:</u></b>	11 July 2016
<b><u>Listed Building Grade:</u> Adjoining grade II and Grade II*</b>			
<b><u>Agent:</u></b>	Yelo Architects Ltd, Olivier House 18 Marine Parade Brighton BN2 1TL		
<b><u>Applicant:</u></b>	Mr Mark Woolley, 1 Olivier House 18 Marine Parade Brighton BN21TL		

Councillor Phillips has requested this application is determined by Planning Committee.

## **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 double fronted 1970's building built over four floors (including basement) to the western side of Ship Street. The building comprises of hairdressers to ground floor with associated studio space at lower ground floor level. The first floor is in residential use with the second floor in office use. The rear section of the building, set out over two floors is solely in residential use, other than the roof terrace above the flat roof which is associated with the existing second floor office space.
- 2.2 The Old Town Conservation Area is characterised as an area of very tight knit urban grain in a largely informal street pattern with buildings of generally small scale but with some larger and later 19th century or early 20th century buildings in the main streets. It is also a very mixed use area with mainly commercial uses at street level and mixed uses above. Many of the buildings in the close vicinity are Grade II Listed, including numbers 15 and 16 immediately adjacent, numbers 14, 14A and 15 to the south, number 22 to the north and numbers 58, 59, 62, 63 and 64 on the opposite side of the road. To the west of the site is the Grade II\* Listed Hippodrome on a much larger scale with later extension visible from Ship Street.

- 2.3 The site is located within an area which has an Article 4 Direction which prohibits the change of use from office to residential without planning permission.

### 3 RELEVANT HISTORY

**BH2016/01757** - Creation of additional floor to create 1no three bedroom flat with associated alterations. Currently under consideration.

**BH2015/03782** - Creation of additional floor to create 1no three bedroom flat with associated alterations. Withdrawn by the applicant 3 May 2016.

**BH2015/03784** - Erection of upper first floor rear extension to create one bedroom flat. Withdrawn by the applicant 3 May 2016.

**BH2015/00357** - Conversion of second floor office (B1) to residential (C3), erection of additional residential storey, roof extension, rear roof terrace and associated alterations to form 1no dwelling. Refused 14 August 2015 for the following reasons;

1. *The proposal by virtue of its scale, bulk, height, materials and design would result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene. The enlarged building would result in significant detrimental impact to both the Old Town Conservation Area and the setting of the adjoining listed buildings, contrary to policies QD1, QD14, HE3 and HE6 of the Brighton and Hove Local Plan.*
2. *The proposed extension above the existing two storey element to the rear, by virtue of its height, bulk and siting in close proximity and at a higher ground level to the adjoining properties to the south on Ship Street and Ship Street Gardens and Flat 1, 19 Ship Street to the west, would result in a significantly overbearing and oppressive impact and a detrimental sense of enclosure to these properties and their respective gardens. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.*
3. *The raised terrace area, due to its elevated position, substantial size and inadequate screening would result in significant overlooking and loss of privacy towards the neighbouring properties to the south and west and their respective gardens to the detriment of the residential amenity of the occupiers of these properties. The residential nature of the terrace is considered to lend itself to a more intensive use resulting in the potential for harmful noise and disturbance and a further loss of amenity to neighbouring properties. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.*
4. *The applicant has failed to adequately demonstrate that the existing Class B1 premises are no longer viable and are genuinely redundant, contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.*

**BH2003/02834** - Formation of second floor roof terrace at rear enclosed by 1.8 metre high bamboo fencing (Retrospective). Approved 15 October 2003.

**BH2000/03103/FP** - Alterations to permission reference BH2000/01854/FP to change use of lower ground floor to retail, ground floor to retail and 1 no. 3 bed flat, and first floor to 2 no. 2 bed flats and 1 no. 1 bed flat (second floor to remain as a proposed 1 no. 3 bed flat). Approved 30 January 2001.

**BH2000/01854/FP** - Change of use from offices (use class B1) to three residential units (use class C3) and retail unit (use class A1), including erection of staircase enclosure to rear/side. Approved 20 September 2000.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of upper first floor rear extension to create a one bedroom flat.

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

##### **External**

##### **5.1 Neighbours:**

**Neighbours: Five (5)** Representations have been received from **16, 17 Ship Street, 13A, (Flat 2 and Flat 6), The Chambers 16 Ship Street Gardens**, objecting to the proposal on the following grounds,

- Overlooking, loss of privacy,
- Overshadowing, loss of light to adjoining properties,
- Excessive scale and bulk,
- Design and materials out of character with the street and the conservation area,
- Overbearing and enclosing impact to adjoining properties,
- No party wall agreement offered,
- Drawings should not show the approved Hippodrome development (BH2013/04348) on the proposed drawings as this is now defunct,
- Without the Hippodrome development the proposal would be excessive in scale,
- Address is incorrect (should be 18-19 Ship Street),
- Residents in Ship Street Gardens were not consulted,
- Harmful impact on the adjacent listed buildings,
- The proposal is the same as a previously refused scheme,
- Proposal is out of proportion with the existing built form within the area,
- Loss of the open character of the area,
- Concerns that the penthouse would be used as a party house,
- It is misleading to present the two concurrent applications on the site (BH2016/01756 and BH2016/01757) as separate schemes as they are likely to be built out together and the cumulative impact of both proposals would need to be assessed.

- 5.2 **Councillor Phillips** supports the application. Email attached.

- 5.3 **Historic England:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Internal:**

- 5.4 **Sustainable Transport:** No objection

The applicant appears not to be proposing cycle parking spaces. For this size and type of development a minimum of 1-2 cycle parking spaces is required. There appears to be space on site therefore the Highway Authority does request that further details of the spaces are submitted and a condition is recommended to be attached requiring its provision.

- 5.5 The Highway Authority deems that the proposed development has good access and is near local services and public transport and is within a controlled parking zone; therefore a condition should be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

- 5.6 The creation of one additional residential unit is unlikely to generate any significant increase in trips to the site and the Highway Authority has no objection.

- 5.7 **Heritage Team:**

This proposal would add an additional storey over the flat roof of the two storey rear extension, replacing an existing roof terrace and tall metal balustrade. The extension, which serves the commercial space, is uncharacteristically large and has an usual roof form with substantial glazing to the pitches. As existing it does not relate well at all to the main building and is clearly visible from Ship Street as an uncharacteristic feature in the street scene.

- 5.8 The proposed extension would almost double the extension's overall height but it would be set in each side such that it would be much narrower. The proposed use of rendered walling to the lower part with a slated upper section, slightly pitched, would help the extension to visually integrate with the form and materials of the main building and would draw the eye away from the existing glazed element. However the sloping slated section should have a hipped end to reflect both the level below and the main roof, as well as to reduce its bulk in the key views from Ship Street.

- 5.9 Two solar panels are shown on the roof plan at the west end and it is assumed that these would be set at an angle, facing south, on a supporting frame and therefore clearly visible from the north, but they are not shown on elevation. They would clutter the roofline and should be omitted, but solar panels or solar slates could instead be incorporated on the south elevation.

## 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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

#### Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space
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
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application are the principle of the development, the impact on the character and appearance of the building, the Old Town Conservation Area and adjoining listed buildings, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 It is noted that the drawings show details of a proposed scheme at the adjoining Hippodrome site approved under planning application BH2013/04348. Whilst the LPA is aware that works to this scheme have not commenced and may not be implemented it is considered that the drawings submitted are prejudicial to the satisfactorily determination of the application.
- 8.4 There are inaccuracies in the submitted plans with both the existing and proposed floor plans showing a residential use at second floor level. At the time of the site visit this space was in use as office. The application submission only relates to works to create an additional residential unit within the proposed extension and is not an assessment of any potential change of use from office to residential at second floor level which would need to come forward as a separate planning application.
- 8.5 It is noted that there is a concurrent application on the application site (BH2016/01757). It is considered that both applications could be undertaken independently and are not part of a single operational development. Whilst regard must be had for the potential cumulative impact of both schemes they are both separate proposals in their own right and must also be assessed accordingly.
- 8.6 **Impact on character and appearance of the area**  
The proposal follows the refusal of a previous scheme to add additional storeys to the main bulk of the building as well as the rear addition to create new residential accommodation. This scheme was refused as the proposed scale, bulk, height, materials and design was considered to result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene.
- 8.7 The current scheme proposes an additional storey to the projecting two storey element to the rear building. The proposal would run along the full length of the building and would be 2.8m higher than existing. The upper side elevations would be angled in and the proposal would be finished with a flat roof. The

proposal would be finished with rendered sides and slate tiles with timber framed windows to the sloping side elevations.

- 8.8 As existing, the lower rear element of the building steps down significantly from the main building and provides some visual relief between the main bulk of the building and the Hippodrome to the rear. The additional storey to the rear, whilst reduced in height from the previously refused scheme would still diminish this spacing resulting in significant massing to the rear of the building, exacerbating the dominant impact of the building.
- 8.9 The enlarged rear addition would not appear as a subservient element to the main building and would be out of scale with the tight knit historic context of the surrounding area. The gable end fails to reflect the hipped roofs of both the level below and the main roof and accentuates the bulk of the proposal.
- 8.10 The prominent siting of the existing building which is highly visible in longer views from the north increases the dominance and harmful impact of the proposal.
- 8.11 The additional height and bulk exacerbates the unsympathetic external appearance of the building which is out of character with the surrounding area and as such has a detrimental impact upon the setting of the listed buildings within the immediate vicinity, particularly Nos. 16 and 17 Ship Street to the south.
- 8.12 Whilst the use of render and slate is considered appropriate, the use of a green roof jars somewhat next to this traditional palette and does not sit well within the context of the historic townscape.
- 8.13 The Heritage Team states that in its current form the proposal would harm the Old Town Conservation Area and the setting of the surrounding listed buildings.
- 8.14 To conclude, the proposal detracts significantly from the appearance and character of the building and the wider surrounding area. It would fail to preserve the Conservation Area and would harm the setting of the adjoining listed buildings.
- 8.15 **Amenity**  
Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.16 Policy HO5 requires the provision of private useable amenity space in new residential development.
- 8.17 For future occupiers  
The proposed dwelling appears to have room sizes appropriate for their function and would provide adequate circulation space.

- 8.18 All of the windows to the south facing elevation would be obscure glazed, whilst there are no windows to the rear elevation. The main kitchen / lounge which would be single aspect and outlook limited to the two north facing windows. There would be no outlook from the proposed bedroom resulting in an oppressive impact for future occupiers and as such the layout is considered to result in unacceptable living conditions for future occupiers.
- 8.19 Whilst no external amenity area would be provided the proposal is close to a number of public open spaces and the lack of amenity space would not be so significant as to warrant refusal in this instance.
- 8.20 The proposal includes sufficient space internally for recycling storage.
- 8.21 Adjoining occupiers  
The additional storey above the existing two storey element to the rear would result in increased bulk and height on the shared boundaries with Nos. 16 and 17 Ship Street and 13A Ship Street Gardens, resulting in an unacceptable overbearing impact and increased sense of enclosure to these properties and their respective gardens. Whilst it is acknowledged that the proposed extension would be set back from the shared boundary wall to the south of the site this does not provide adequate mitigation for what would be a significantly oppressive impact to the properties to the south. The application building, in conjunction with the Hippodrome building currently appear as extremely dominant structures when viewed from the residential properties to the south of the site, the proposal would significantly worsen this situation resulting in significant harm to the visual amenity of these properties. There would be a similar oppressive impact to the rear yard of the Flat 1, 19 Ship Street to the rear at ground floor level.
- 8.22 Whilst the side windows would be obscure glazed the high number of windows to the southern flank wall would still result in the perception of overlooking and adds to the unneighbourly impact to the adjoining properties and their respective gardens to the south.
- 8.23 The flats to the ground and first floor within the existing two storey projection are lit by sloping rooflights to the sides. Whilst there would be a reduction in daylight to the rooms served by these windows, any detrimental impact is not considered to be so significant as to warrant refusal.
- 8.24 It is not considered that the proposal would result in any significant noise or disturbance to adjoining properties.
- 8.25 **Highway issues**  
The additional residential unit would not likely result in any significant increase in trip generation or any other detrimental impacts upon the highway network and the application would be acceptable in this regard.
- 8.26 It is noted that the applicant is not proposing cycle parking spaces. There does not appear to be an obvious space to locate adequate storage on-site and as

such in this instance, the lack cycle storage provision is considered to be acceptable.

- 8.27 The proposed development is sited within a controlled parking zone, has good access and is near local services and public transport. If the application were otherwise acceptable, a condition would be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

## **9 CONCLUSION**

- 9.1 The proposal would detract from the appearance of character and of the building. It would fail to preserve the conservation area and results in harm to the setting of adjoining listed buildings. The proposal would result in harm to the residential amenity of neighbouring occupiers and would fail to provide an acceptable standard of accommodation for future occupiers.
- 9.2 Whilst acknowledging the need for additional housing in the city it is not considered that a modest gain of one residential unit outweighs the significant harm outlined above.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### Reasons for Refusal:

1. The proposed extension above the existing two storey element to the rear, by virtue of its height, bulk and siting in close proximity and at a higher ground level to the adjoining properties to the south on Ship Street and Ship Street Gardens and Flat 1, 19 Ship Street to the west, would result in a significantly overbearing and oppressive impact and a detrimental sense of enclosure to these properties and their respective gardens. Furthermore, the glazing to the south facing elevation of the proposed extension would result in the perception of overlooking and an unneighbourly impact to adjoining properties. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
2. The proposal by virtue of its scale, bulk, height and design would result in an unsympathetic development that would appear overly dominant and out of character within the existing building. The enlarged building would result in a detrimental impact to both the Old Town Conservation Area and the setting of the adjoining listed buildings, contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One.
3. The proposed residential unit by virtue of the lack of outlook to the bedroom would provide oppressive living conditions for future occupiers and a substandard form of residential accommodation. The development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

## PLANNING COMMITTEE LIST- 14 SEPTEMBER 2016

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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>
Block and location plan	Y072-A01	-	16 May 2016
Existing plans (lower floors)	Y072-A02	-	16 May 2016
Existing plans (upper floors)	Y072-A03	-	16 May 2016
Existing elevations	Y072-A04	-	16 May 2016
Existing streetscene	Y072-A04	-	16 May 2016
Proposed plans (lower floors)	Y072-D01	-	16 May 2016
Proposed plans (upper floors)	Y072-D02	-	16 May 2016
Proposed elevations	Y072-D03	-	16 May 2016
Proposed streetscene	Y072-D04	-	16 May 2016