

<b><u>No:</u></b>	<b>BH2018/00209</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 51 4 Grand Avenue Hove BN3 2LD</b>		
<b><u>Proposal:</u></b>	<b>Installation of glass balustrading to existing balcony railings.</b>		
<b><u>Officer:</u></b>	Caitlin Deller, tel: 296618	<b><u>Valid Date:</u></b>	23.01.2018
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	20.03.2018
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	G3 Architecture 22 Bromley Road Seaford BN25 3ES		
<b><u>Applicant:</u></b>	Dr. K Murray 19 Park Hill Wheatley OX33 1NE		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Elevations and sections proposed	1754.PL01		22 January 2018
Detail	1754.PL02		22 January 2018
Other	ENGINEERS REPORT		22 January 2018
Other	GLASS CALCULATION SHEET		22 January 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The external existing non-original balustrade at Flat 51 shall be removed prior to the commencement of works hereby approved.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
4. The external glass balustrade hereby approved shall be completed in accordance with the submitted glass calculation report and the structural engineering report submitted on the 22 January 2018.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

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. **SITE LOCATION & DESCRIPTION**

The application site relates to a Grade II listed building on the east side of Grand Avenue. The site is located in the Avenues Conservation Area. Planning permission is sought for the installation of a frameless glass screening/balustrade behind the existing and original balustrade to the balcony of Flat 51. The screening is to be located behind the North, South and West balcony railings of Flat 51.

3. **RELEVANT HISTORY**

**BH2018/00210** (Listed Building Consent) - Installation of glass balustrading to existing balcony railings. Pending consideration.

**BH2017/03295** (Listed Building Consent) - Installation of glass panelling behind existing balcony railings to front and side elevations. Withdrawn 22.02.2018.

**BH2015/02042** - Replacement of 3no existing single glazed crittal windows with double glazed crittal windows with glazing bars. Approved 24.08.2015.

**BH2015/02043** (Listed Building Consent) - Replacement of 3no existing single glazed crittal windows with double glazed crittal windows with glazing bars. Approved 24.08.2015.

**BH2015/00406** - Installation of glass panelling behind existing balcony railings to front and side elevations. Approved 02.04.2015.

**BH2015/00407** (Listed Building Consent) - Installation of glass panelling behind existing balcony railings to front and side elevations. Approved 02.04.2015.

**BH2015/00404** - Replacement of existing single glazed Crittal framed windows and doors with double glazed Crittal units. Approved 02.04.2015.

**BH2015/00405** (Listed Building Consent) - Replacement of existing single glazed Crittal framed windows and doors with double glazed Crittal units. Approved 02.04.2015.

4. **REPRESENTATIONS**

4.1 Twenty-three (23) letters of objection have been received raising the following points:

- Glass balustrading will cause visual harm to the listed building and the wider conservation area
- Not in keeping with the character or appearance of the building
- Concern regarding reflection of the glass
- Concern regarding construction
- Screen may damage the fabric of the historic building
- May set a harmful precedent
- Will be highly visible from the road
- Salt, water and dirt would make the screen look untidy
- Would disrupt the symmetry of the façade
- Would damage the historic or architectural value of the listed building

4.2 Seven (7) letters of support have been received raising the following points:

- Railings have large gaps and are unsafe for children and passers-by below
- Benefits of the removing the existing unsightly barrier outweighs the disadvantages of the proposed less obtrusive replacement
- Will improve the safety of the balcony
- The proposed design and materials of the screening will not be visible from ground level or properties opposite/adjacent to the building
- Will have minimal impact on the building due to its discrete design
- A sympathetic design solution
- Current low railings prevent frequent access to the outdoors
- The risk of items falling between the railings will be diminished
- The building has already been altered so would not result in disruption of uniformity

## 5.0 CONSULTATIONS

### 5.1 Heritage - No objection

This application is to place taller frameless glass screens behind the original balustrade to increase safety, and includes the removal of the existing non-original balustrade on part of the balcony. It follows a previously approved scheme BH2015/00406 and matches the previous proposal for listed building consent BH2017/03295.

The removal of the existing non-original balustrade is welcomed. Despite the lack of framing and proposed discrete fixings the screen would be visible due to the reflective nature of the glass, and likelihood that salts and other dirt will increase its opacity. It is therefore considered that the new screen would cause harm to the heritage asset.

Section 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving a listed building when considering applications for listed building

consent and planning permission. `Preserving` means doing no harm. There is therefore a statutory presumption and a strong one against granting consent for any works which would cause any harm to a listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting.

It is considered that in this case, due to the proposed removal of the existing non-original balustrade, the harm caused by the proposal would be offset sufficiently. It is not considered that this would apply to the balconies on lower levels and therefore similar proposals could be robustly resisted. Concern over potential wind loading and possible stress on fixings into the plinth has been addressed by an engineer's report.

The Heritage Team does not propose to object to this application. The removal of the non-original screen should be required as a condition of approval.

## **6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD09 Architectural Features

**8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the Grade II Listed Building, streetscene and wider conservation area.

**8.2 Design and Appearance:**

The application seeks permission for the insertion of glass balustrade behind the North, South and West balcony railings of Flat 51, 4 Grand Avenue, and the removal of the existing non-original balustrade which exists on the South and West elevations of the balcony. The application is a revised application of BH2015/00406, with the amendment of re-locating the fixing for the balustrade which would be fixed onto the concrete coping as opposed to through the roofing, to prevent puncturing the waterproof finish. This previous application was approved on the basis that the non-original screening was removed. This permission is due to expire on 2 April 2018.

8.3 The proposed glass screening would measure 1.1m from 8th floor level (approximately 0.1m higher than the original balustrading). It is considered that despite the lack of framing and the discrete fixings of the proposed balustrade, due to the reflective nature of the glass, and likelihood that salts and other dirt will increase its opacity, the proposed balustrade is likely to cause some harm to the heritage asset. Whilst it is acknowledged that the glass screening may be slightly visible from some angles due to its reflective nature, its elevated position located on 8th floor level restricts the likely views from ground level and so minimises the impact of the work on the character and appearance of the listed building.

8.4 The Heritage Team have taken the removal of the non-original balustrading into account when balancing the impact of the harm to the listed building against any public benefit. However, as the building is listed, the works would not be subject to the normal 4 year period within which to gain immunity from prosecution and therefore the Local Planning Authority could pursue the removal of these works separately. Therefore, the weight to be attached to the removal of these works can only be limited in the overall consideration. However, securing the removal of the non-original balustrading via a condition attached to this permission would be of public benefit in terms of making the most effective use of the authority's resources, rather than pursuing a separate enforcement case. It is also noted that this balcony is particularly large and perhaps more susceptible to users falling through the existing balustrading than most others on the building and ensuring the safety of users would also have wider public benefits.

8.5 It should also be noted that this consideration would not apply to balconies on lower levels. The balcony in question is located at the top of the multi-storey building and is not highly visible from the Grand Avenue streetscene or wider

Conservation Area. In contrast, similar proposals at lower levels would have a significant impact on the appearance and character of the Grade II Listed Building.

8.6 Concern over potential stress on the fixings into the plinth has been addressed by a glass calculation and structural engineering report. These measures will be secured by condition.

8.7 On balance it is considered that the proposed glass balustrading would be an acceptable addition to the building and that the harm which might occur would be off-set by the wider public benefits regarding the enforcement and public safety issues. Accordingly it is considered that the proposal would be in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton & Hove City Plan Part One.

**8.8 Impact on Amenity:**

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.

8.9 The proposed glazed balustrade would have no greater impact on neighbouring amenity than presently exists and is therefore in accordance with policy QD27 of the Brighton & Hove Local Plan.

**9.0 EQUALITIES**

9.1 None identified.