

<b><u>No:</u></b>	<b>BH2019/01983</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flat 6 Princes Court 11 First Avenue Hove BN3 2FG</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey side extension onto the third floor roof terrace, and associated works.</b>		
<b><u>Officer:</u></b>	Nick Salt, tel:	<b><u>Valid Date:</u></b>	03.07.2019
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	28.08.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<b><u>Applicant:</u></b>	Ms Amanda Menahem Flat 6 Princes Court 11 First Avenue Hove BN3 2FG		

## 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>
Proposed Drawing	TA1197/11		3 July 2019
Proposed Drawing	TA1197/12		3 July 2019
Proposed Drawing	TA1197/13		3 July 2019
Proposed Drawing	TA1197/14		3 July 2019
Proposed Drawing	TA1197/15		3 July 2019
Location and block plan	TA1197/01		3 July 2019

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 slatted screen shown on the approved plans shall be installed as shown, prior to the occupation or use of the development hereby approved and shall be retained as such thereafter.

**Reason:** To limit the risk of overlooking from the terrace area onto neighbouring properties in the interest of the residential amenity of neighbours in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be commenced until full details of the proposed east facing rooflight 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 works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No development of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) samples of all tiling/slates
- b) samples of the proposed window, door and rooflight treatments
- c) samples of the privacy slatted screening to be used

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14, HE6 of the Brighton & Hove Local Plan and CP12, CP15 of the Brighton & Hove 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 & APPLICATION DESCRIPTION**

- 2.1. The site relates to a terraced property which is split into 6 flats. The property is located to the west side of First Avenue and is located in The Avenues conservation area. The flat in question is located on the fourth floor. It is built of yellow brick with the decorative detailing which provides a strong characteristic of this area.
- 2.2. The proposal looks to extend the existing crown flat roof over the later addition situated at the northern end of the property to form new day room within the extents of the former upper terrace, the lower terrace being retained as a private external area.

## **3. RELEVANT HISTORY**

- 3.1. BH2019/00853 - Certificate of lawfulness for retention of existing domestic shed on roof terrace. APPROVED (28.06.2019).

## **4. REPRESENTATIONS**

4.1. Eleven (11) letters have been received objecting to the proposed development, for the following reasons:

- Overlooking and loss of privacy;
- Overshadowing and loss of light;
- Restriction any view;
- Impact on property value;
- Inappropriate height;
- Not in keeping with streetscene;
- Not in keeping with Conservation Area;
- Noise;
- Safety and fire escape routes;
- Use of the terrace.

## 5. CONSULTATIONS

5.1. **Heritage** Approve with conditions

- The character and appearance of the area which it is important to preserve or enhance, is of 3 and 4 storey terraced or semi-detached properties, mostly yellow brick with slate roofs (eg First and Second Avenue), but with groups of properties of red brick and tile;
- Fancy brickwork, bays, balconies and canopies feature strongly, and boundaries are marked by low walls, mostly with railings and also by stone balustrading. Entrance paths are often of tiles. Most properties have solid panelled doors, timber sliding sash windows and large chimney stacks;
- The proposed extension whilst resulting in an increase in height affords a better proportioned roof when viewed from the approach along the street (East Elevation) and would result in the removal of the existing fencing which appears incongruous within the streetscene, whilst still expressing subservience to the historic core of the terraced property;
- As such the principle for an extension of this form is considered to preserve the special character of the conservation area;
- The proposed rooflight treatment to the East Elevation will be highly visible within the special character area and as such Heritage recommends that the following conditions are imposed:
  - Samples of materials and finishes
  - Joinery Details of proposed rooflights

5.2. **Conservation Advisory Group** Support

The Group recommends 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);
  - Shoreham Harbour Joint Area Action Plan
- 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. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
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 Document:

SPD12	Design Guide for Extensions and Alterations
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## 8. 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 building, the wider streetscene and on the amenities of adjacent occupiers.
- Design and Appearance:**
- 8.2. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.3. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.4. Guidance contained within SPD12 states that raising the ridge height of a building will not be appropriate where the existing roof form is an important

element of the building's character, contributes positively to the local street scene or where the extension would harm the amenities of adjacent properties.

- 8.5. The Heritage team point out that, architecturally, the Avenues include a variety of styles due to the changes of taste that took place during the slow pace of development. In general the character and appearance of the area which it is important to preserve or enhance, is of 3 and 4 storey terraced or semi-detached properties, mostly yellow brick with slate roofs (eg First and Second Avenue), but with groups of properties of red brick and tile. In terms of the site itself, the property forms the end of the terrace and a large gap in the building line provides a view of the northern side elevation affording greater prominence in the winter months when the trees aligned to the boundary are not in leaf.
- 8.6. The existing terrace on this 1980's part of the building features a low monopitch roof feature to the east elevation giving the appearance of a low slate roof when viewed head on from the east. This is an open terrace area with a small shed. The addition of a dayroom onto the existing terrace area on the property would be incorporated within a new monopitch feature which would appear from the First Avenue elevation as a raised roof ridge. This roof slope would be increased in height and would incorporate slate roofing to match the existing and a large rooflight feature would be installed which is proposed as approximately 3.5 metres wide and 2.3 metres long, sitting flush with the north side elevation of the adjacent taller part of the building to the south. The terracing itself would be altered and raised, with the existing shed removed, and screening slats installed to the west and north sides.
- 8.7. The alterations which would have a noticeable impact on the character and appearance of the property and the surrounding area are the day room with raised monopitch roof, and the rooflight proposed. It is not considered that the screening slats or the glazing to the west elevation (rear) of the dayroom would have a notable or unacceptable impact on the streetscene or that they would result in harm to the character or appearance of the Conservation Area.
- 8.8. The Heritage team have reviewed this application and note that the proposed extension affords a better proportioned roof when viewed from the First Avenue side and would result in the removal of the existing fencing which appears incongruous within the streetscene, whilst still expressing subservience to the historic core of the terraced property (the main taller part of the building to the south). The raised roof appearance and the principle of the additional of the dayroom is considered to be acceptable within the site and Conservation Area context when viewed from the north, east and west.
- 8.9. In terms of the rooflight, this would provide a large modern feature in the roofscape, and whilst this part of the building is modern it is essential that any such installation does not detract from the historical character and appearance of the conservation area and the adjoining older part of the terrace. The rooflight is considered to be acceptable in that it would be a

secondary feature which would not occupy the majority of the roof slope and would only be readily visible from the First Avenue side at a relatively tall height. Conditions should be added to secure samples of the proposed materials and joinery details to ensure that the rooflight does not result in a harmful impact on appearance.

- 8.10. Overall, the works proposed would not unacceptably impact the appearance of the site or the character and appearance of The Avenues Conservation Area and would accord with policies HE6 and QD14 of the Brighton & Hove Local Plan, CP12 and CP15 of the City Plan and SPD12.

**Impact on Amenity:**

- 8.11. 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.
- 8.12. A number of objections have been received raising concerns on the potential for noise disturbance, loss of privacy, and loss of light resulting from the proposed extension and altered terrace area.
- 8.13. It is not considered, due to the positing of the extension relative to the neighbouring dwellings, that there will be unacceptable loss of light or outlook experienced from the perspective of the neighbours. The extension would remain well below the ridge of the adjacent part of the terrace to the south and would sit partly in its shadow as it does currently.
- 8.14. The most likely risk to neighbouring residential amenity posed by terrace alterations is generally loss of privacy and overlooking. The impact on privacy has been fully considered, accounting for the use of the dayroom, as well as a slight raising of the level of the terrace. The impact will not be notably different than the existing situation, as there is a terrace currently useable with potential views on three sides. The slatted screening if installed correctly would limit actual and perceived overlooking on the neighbouring windows and conservatories surrounding.
- 8.15. In conclusion the proposed terrace may result in increased noise disturbance although not considered to be significant, or above what could be considered reasonable given the wider setting. The potential impacts on residential amenity such as overlooking, overshadowing and loss of outlook have been assessed and it is not considered that any significant harm will arise. Accordingly the application is recommended for approval. Overall, the proposal would not have an unacceptable impact on the amenity of neighbours in accordance with policies QD14 and QD27 of the Local Plan and SPD12 design guidance.

**Other Matters:**

- 8.16. Letters received in objection to the proposed development also noted land ownership and legal rights to build on and/or access the terrace. This is a civil matter and not a material planning consideration.

**9. CONCLUSION**

- 9.1. In summary, the main issues raised in objections to this development were the impact on appearance and the impact of the residential amenity of neighbours. Given the location of the site within The Avenues Conservation Area and the site's visual prominence, the impact on both has been carefully considered. Overall, due to the reasons set out above, the proposed development would not result in unacceptable levels of harm in either matter.

**10. EQUALITIES**

None identified.

