

<u>No:</u>	BH2016/00954	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Hove Street Hove		
<u>Proposal:</u>	Erection of orangery extension to rear		
<u>Officer:</u>	Charlotte Bush Tel 292193	<u>Valid Date:</u>	01/04/2016
<u>Con Area:</u>	Old Hove	<u>EOT:</u>	16 September 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Landivar Architects Limited, Former Ironworks Cheapside Brighton BN1 4GD		
<u>Applicant:</u>	The Ginger Pig, Mr Ben McKellar 3 Hove Street Hove BN3 2TR		

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 is a link-detached three storey property located on the eastern side of Hove Street.
- 2.2 This property is locally listed and is in the Old Hove Conservation Area. The property dates from 1914 designed by Thomas Garrett. Architecturally it is a good example of an early 20th Century public house with its design surviving intact and its original use as a pub remains. The three mock timber-framed gables are particularly prominent features in the streetscape.
- 2.3 Hove Street is predominantly comprised of detached and semi-detached houses and blocks of residential apartments. 1 – 58 Lancaster Court is adjacent to the south; 1-3 Adelaide Mews to the rear; and 5 and 5a Hove Street to the north, which is a detached property with commercial property premises on the ground floor and residential accommodation above.
- 2.4 The ground floor is currently occupied as a restaurant and public house. The rooms to the first and second floor are currently uninhabitable, but a Certificate of Lawfulness has been granted for the proposed use of the first and second floors as ancillary guest accommodation (Application BH2016/022059). The rear garden is currently used a beer garden, with a licence restriction for the pub garden to be closed by 11pm

3 RELEVANT HISTORY

BH2016/02147 - Roof alterations incorporating roof extension and insertion of 4no rooflights to front elevation. Approved 29/08/2016

BH2016/02059 - Certificate of lawfulness for the proposed use of the first and second floors as ancillary guest accommodation. Approved 18/08/2016

BH2016/00956 - Roof alterations including a roof extension and installation of rooflights to front elevation, creation of rear roof terrace at first floor and alterations to fenestration. Withdrawn

BH2016/00844 - Certificate of lawfulness for existing use of premises as a guest house (C1). Refused 23/05/2016

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of an orangery extension to the rear of the property. The orangery would project 6.1 metres from the rear elevation to abut the boundary, and 5.55 metres from the south east elevation. Access to the orangery will be via the restaurant area. The proposed scheme would feature two non-opening acoustic rated triple glazed rooflights and two sets of acoustic rated triple glazed French doors.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Fourteen (14) letters of representation have been received from **Lancaster Court Freehold Company, Unknown number at Lancaster Court, 3 Lancaster Court, 6 Lancaster Court, 23 Lancaster Court, 28 Lancaster Court, 37 Lancaster Court, 55 Lancaster Court, 2 Adelaide Mews, 11 Hove Street, Flat 3- 15 Hove Street, 21 Viceroy Lodge, 45 Viceroy Lodge, 8 Vallance Gardens** objecting to the application for the following reasons:

- Existing noise pollution will be increased
- Increased use of the rear of the property which is close to residential properties
- The orangery will need to be well ventilated, allowing noise to escape
- Increased traffic from delivery and collection lorries early in the morning which is also noisy and disruptive
- Increased capacity for private functions which are disruptive to the neighbourhood
- There is too much construction in the area and it is becoming cramped

- 5.2 **Five (5)** letters have been received from **1 Adelaide Mews, 2 Adelaide Mews, 3 Adelaide Mews, 28 Lancaster Court and the Lancaster Court Freehold Company**, withdrawing objections following amendments received on the 10th June 2016 and 17th July 2016.

- 5.3 **One (1)** letter of support has been received from 8 Vallance Gardens.

- 5.4 **Councillor Wealls** supports the application. A copy of the correspondence is attached.

Internal:

- 5.5 **Sussex Police:** No objection

After viewing the proposals in this application, Sussex Police do not object.

- 5.6 **Environmental Health:** No objection subject to condition

Given the area is currently a pub garden, the erection of an extension is likely to provide greater protection to local residents from people noise emanation. The application should therefore be approved.

- 5.7 However I would note that the licence for the pub requires that the pub garden be closed by 11pm. Given the extension will be able to stay open in line with the pub hours, and is closer to neighbouring residents than the existing outline of the premises structure, the applicant may want to look at how well acoustically insulated it will be.

- 5.8 If noise complaints are received in relation to the extension then these will be investigated by Environmental Health, and consideration maybe given to restricting the hours of use of the orangery.

- 5.9 **Heritage:** No objection subject to conditions

The proposed work is confined to the rear of the property and will not be visible from the public realm, therefore the impact on the conservation area is negligible.

- 5.10 The proposals include the widening of an existing door and the blocking of a rear window, and details of the proposed doors should be sought by condition. It is considered that the position of the existing window opening should be marked by leaving a shallow reveal visible as evidence of the original form of the building.

- 5.11 Mitigation and Conditions

Please see above regarding the window and door to be altered. Details of the new roof and window framing should also be required for approval.

- 5.12 Further comments 27 July 2016

The changes do not affect the original comments.

- 5.13 **Brighton & Hove Archaeological Society:** Comment

The proposed application is close to the finds spots of material from both the Late Bronze Age and Neolithic periods. It is possible that vestiges of ancient landscapes may remain.

- 5.14 The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

- 5.15 **County Archaeologist:** No objection

The site is within an Archaeological Notification Area defining the historic core of Hove. There is a condition on permission BH2014/00735 at 1 Hove Street for a programme of archaeological works. However, in this case as the development impacts will be relatively limited and we are aware from historic mapping that the area of the proposed development had been built on in the 19th century, I consider it unlikely that these proposals will have a significant archaeological impact and have no further comments to make in this case.

5.16 Highway Authority: No objection

The Highway Authority would not wish to restrict grant of consent of this Planning Application.

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
- CP2 Sustainable economic development
- CP12 Urban design
- CP15 Heritage

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

- SU10 Noise nuisance
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations; and

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extension upon the character and appearance of the existing locally listed property, street scene and wider conservation area. In addition any impacts to the amenities of neighbouring properties shall also be assessed.
- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 **Character and appearance**
The application is currently occupied as a public house and restaurant, with a beer garden to the rear which can be used until 11pm.
- 8.5 Amendments have been made during the lifetime of the application to address the concerns from neighbours regarding noise pollution.
- 8.6 The proposed scheme would project 6.1 metres from the rear elevation to abut the boundary, and 5.55 metres from the south east elevation. Access to the orangery would be via the restaurant area. The proposed scheme would feature two non-opening acoustic rated triple glazed rooflights and two sets of acoustic rated triple glazed French doors.
- 8.7 The primary design concern relates to the size of the proposed structure as it would develop a substantial area of the rear curtilage of the building and would be built out to the boundaries of the site. However, the proposed scheme would not readily be visible from the public realm and would be predominantly concealed by the high boundary walls. As such, the proposed scheme is not considered to

cause harm to the character of the building, the streetscene or the wider Old Hove Conservation Area, and is therefore recommended for approval.

8.8 Impact on Amenity:

Policy QD27 states that planning permission for any development 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 original scheme was considered to have a negative impact on neighbouring amenity due to potential increased noise disturbance. Amendments to the plans have largely addressed this issue with the inclusion of a sound proofed roof, triple glazed non-opening rooflights and triple glazed French doors.

8.10 A condition is recommended to ensure that the French doors remain closed after 11pm in line with the current licencing agreement for this site.

8.11 The proposed scheme is not considered to pose any additional harm to neighbouring properties in terms of overlooking, loss of privacy, overshadowing or loss of light.

8.12 The proposed extension will not result in significant harm to the amenities of neighbouring residents and as such is considered acceptable.

9 CONCLUSION

9.1 The proposed extension would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

1. 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.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Plan Type	Reference	Version	Date Received
Existing Location and Block Plan	A001		16/03/2016
Proposed Location and Block Plan	D001		16/03/2016
Existing Roof Plan	A006		16/03/2016
Proposed Roof Plan	D006		16/03/2016
Existing West Elevation	A007		16/03/2016

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Proposed West Elevation	D007		16/03/2016
Existing East Elevation	A008		16/03/2016
Proposed East Elevation	D008	A	10/06/2016
Existing basement Plan	A002		16/03/2016
Proposed Basement Plan	D002		16/03/2016
Existing Ground Floor Plan	A003		16/03/2016
Proposed Ground Floor Plan	D003	A	10/06/2016
Existing First Floor Plan	A004		16/03/2016
Proposed First Floor Plan	D004	A	10/06/2016
Existing Second Floor Plan	A005		16/03/2016
Proposed Second Floor Plan	D005		16/03/2016
Acoustic Zinc Roof	AA008		15/07/2016
Upgraded Acoustic Wall Roof	AA009		15/07/2016

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The French doors leading into the garden shall remain closed between the hours of 23.00 and 09.00 the following day.
Reason: In order to protect adjoining properties from noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. No development shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority.
- the door leading from the restaurant to the proposed extension;
 - the blocking up of the existing rear window between the kitchen and proposed extension, to include a shallow reveal visible as evidence of the original form of the building;
 - the roof of the proposed extension; and
 - the window framing to the proposed rear extension.
- The development shall be carried out in accordance with the details approved.
Reason: To ensure a satisfactory appearance of the development in the interests of this locally listed building and the visual amenities of the area and to comply with policies QD14, HE6 and HE10 of the Brighton & Hove Local Plan.

Informatives:

- 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.
- This decision to grant Planning Permission has been taken:
 - 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
 - for the following reasons:-

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The proposed extension would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers, in accordance with development plan policies.