

No:	BH2019/02411	Ward:	Brunswick And Adelaide Ward
App Type:	Full Planning		
Address:	Flat 2 33 Adelaide Crescent Hove BN3 2JJ		
Proposal:	Creation of roof terrace over existing flat roof at rear with balustrade and glazed screening and associated alterations.		
Officer:	Sam Bethwaite, tel:292138	Valid Date:	27.08.2019
Con Area:	Brunswick Town	Expiry Date:	22.10.2019
Listed Building Grade:	Grade II*	EOT:	
Agent:	Olli Blair Architects 11 Harbour Street Plockton IV52 8TG		
Applicant:	Ms Polly Borland Flat 2 33 Adelaide Crescent Hove BN3 2JJ		

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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	0023.PL.003		13 August 2019
Location and block plan	023.PL.001		13 August 2019
Proposed Drawing	0023.PL.002		13 August 2019
Proposed Drawing	0023.PL.004		13 August 2019
Proposed Drawing	0023.PL.005		13 August 2019
Proposed Drawing	0023.PL.006		13 August 2019
Proposed Drawing	0023.PL.007		13 August 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 external finishes of the new wall on the western balustrade hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No development shall take place until a sample of the obscured glass balustrade has been submitted to and approved by the Local Planning

Authority in writing. The scheme shall be carried out in full as approved prior to first occupation of the roof terrace and balustrade shall thereafter be retained in place at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. Prior to the use of the terrace hereby approved the screen on the East side of the terrace and along the access walkway as shown on drawings 0023.PL.002 & 0023.PL.004 shall be fully installed and thereafter permanently retained.

Reason: To protect the amenity of the neighbour and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 is a Grade II* Listed Building within the Brunswick Town Conservation Area. The property is part of an important group of properties forming one of the regency style frontages for which Hove is recognized. This application relates to flat 2, located on the first floor.

2.2. This application is for the creation of a roof terrace over a section of an existing flat roof. This requires the creation of a new opening adjacent an existing window to provide an access door to a walkway that will lead to the terrace. The balustrade to the West elevation of the terrace facing St John's Road will be a 1.1m rendered blockwork wall. To the East of the terrace and along the defined access walkway from the new door the balustrade will be 1.8m in height and will be an obscurely glazed screen.

3. RELEVANT HISTORY

3.1. BH2019/02412 (Listed Building Consent) - Internal and external alterations to layout, including formation of mezzanine level and creation of roof terrace over existing flat roof at rear with balustrade and glazed screening. – Pending decision

3.2. BH2014/04261 - Creation of roof terrace over existing flat roof at rear with balustrade and glazed screening and associated alterations. - Approved 18.06.2015

3.3. BH2011/02347 - Creation of roof terrace over existing flat roof at rear with balustrading. - Approved 06.10.2011

- 3.4. BH2011/01198 - Creation of roof terrace over existing flat roof at rear including glazed balustrading. - Refused 05.07.2011
- The proposal to erect glazed balustrade to the rear of the property would give the proposed terrace an unduly prominent appearance which would detract from the historic character of the listed building to the detriment of rear elevation of the listed building, the wider listed terrace and the Brunswick Town Conservation Area. The proposal is therefore contrary to policies HE1 and HE6 of the Brighton and Hove Local Plan.
 - The proposed balustrade by virtue of its height and elevated position relative to the flat below would cause significant harm to the outlook of this property and cause increased sense of enclosure harming the residential amenity of the occupiers of this property. The proposed development would be un-neighbourly and contrary to policies QD14 and QD27 of the Brighton and Hove Local plan.

4. REPRESENTATIONS

- 4.1. **Eleven (11)** letters have been received, objecting to the proposed development for the following reasons:
- Noise disturbance and anti-social behaviour
 - Loss of privacy
 - Loss of outlook
 - Negative impact on property prices

5. CONSULTATIONS

- 5.1. **Heritage:** No objection
This application is the re-submission of a scheme that was previously approved in 2011 following revisions to an earlier scheme.
- 5.2. It is considered that where it has changed since the time of the last application, the national and local policy and guidance determining consideration of this scheme does not significantly affect the advice previously provided by the Heritage Team and therefore the comments below are largely the same as those provided for applications BH2011/02346 & BH2011/02347.
- 5.3. Where visible above the low scale buildings in St Johns Road the rear elevation of much of this part of Adelaide Crescent is severely harmed by a network of high level gantries and fire escapes, and enclosures to flat roofs to form outside spaces. It is not considered that the creation of a modest rear terrace for flat 2 at first floor level would cause further harm to the terrace as a whole, and as the rear of the property is viewed as part of a terrace rather than as an individual property the impact is assessed on this basis. The alignment of the proposed balustrading was negotiated during the previous application process with a view to minimizing its impact and the heritage team does not wish to object to this part of the proposal.

5.4. **Historic England:** No Comment

On the basis of the information available to date, we do not wish to offer any comments.

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
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the impacts of the proposal on the historic character and appearance of the Grade II* Listed Building and the surrounding Brunswick Town Conservation Area as well as the impacts on amenity.

Design and Appearance:

- 8.2. Approved on both previous applications the permissions have lapsed as a result of lack of implementation. Prior to these applications a similar scheme for a larger terrace was submitted and refused (BH2011/01198). The two refusal reasons cited the incongruous and overly dominant appearance of the glazed balustrade and the impact on outlook and the sense of enclosure it would have on the flat below.
- 8.3. The refusal reasons were addressed by changing the balustrade visible from St John's Road to a rendered blockwork wall and a reduction in the overall size of the terrace.
- 8.4. The rear of 33 Adelaide Crescent is visible from St John's Road over the low rise buildings that front this street. The rear façade is rendered with some of it painted. The properties either side are fully painted render at the rear. Given this wider palette of materials visible it is considered that the proposed rendered blockwork balustrade will be in keeping and will not draw the eye as the glazed balustrade on the refused scheme would have done. This wall will also be conditioned to match the existing building.
- 8.5. The glazed balustrade to the East side of the proposed terrace and along the access walkway may be visible from street level over the rendered blockwork wall. This will only be a small proportion of the glazed structure and it will set back 2.4m behind the rendered wall. As a result of this its prominence will be significantly reduced and its impact is considered acceptable, as it was on the two previously approved applications for this terrace.
- 8.6. The proposed access door to the terrace will be timber panelled with glazed top panels, it will be painted back to match the colour of the existing window frames. It is considered to be an appropriate design and material and cause no harm in design terms. It is also noted that it will not be visible from the public realm.
- 8.7. The top of the sun pipe proposed to provide natural light into the bathroom will not be visible above the parapet wall to the flat roof of the second floor outrigger. Accordingly it is not considered to causes any harm in design terms.
- 8.8. The conclusion regarding the design put forward is that as with the two previous approvals for this work, the impact is acceptable. As stated by the Heritage Team the rear of Adelaide Crescent has been severely harmed by a network of high level gantries and fire escapes, and enclosures to flat roofs to form outside spaces. Within this wider setting the terrace proposed is not considered to be unduly harmful and on this basis is recommended for approval.

Impact on Amenity:

- 8.9. 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.

- 8.10. A number of objections have been received raising concerns on the potential for noise disturbance and loss of privacy and outlook as a result of the proposed terrace. The impacts on amenity were considered acceptable on the two previous applications. A site visit was conducted on this application to assess the impacts of the proposed terrace.
- 8.11. There will be an increase in noise over the current situation where the flat roof is used for maintenance access only. The potential noise disturbance will most directly affect the windows to the South elevation of the Outrigger at second floor level (flat 3) and the windows to the main rear elevation of both 33 and 34 Adelaide Crescent.
- 8.12. The windows to flat 3 were described as serving a bathroom and an office on the two previous applications. No information has been received on this application to suggest the use of these rooms has changed. They are above and set back from the main area of the terrace. At 8.7sqm the proposed terrace is not considered to be overly large, but will provide space for seating. The South elevation windows of flat 3 will experience increased noise disturbance but the level of this is not considered to be above what can reasonably be expected in a tight subdivided terraced property setting.
- 8.13. The main rear elevation windows of both 33 and 34 Adelaide Crescent will look out over the proposed terrace and could experience noise disturbance. Situated towards the West side of the existing flat roof the terrace will be approximately 7.5m from the main rear elevation. This distance means that the potential noise disturbance will not be above what could reasonably be expected within this setting.
- 8.14. With regards to the potential for loss of privacy and outlook the kitchen window of the flat below at ground floor level is the most directly affected. This is situated in the main rear elevation of 33 Adelaide Crescent and looks out into the lightwell and over the existing flat roof. The submitted section (on drawing 0023.PL.003) shows that the lightwell of the property is 3.7m in depth. The rear balustrade of the roof terrace would be set back 3.9m from the lightwell. The 1.8m high boundary would therefore rise approximately 9.5 metres away from the window when measured along the sight line. The balustrade to the end of the access walkway adjacent the new access door will be 3m closer to the neighbouring window but is only 0.9m wide. Given that this neighbouring flat is set a storey lower than the roof terrace, the proposed balustrade would be visible. However given the set back of the balustrade the occupiers would still retain an upwards outlook towards the sky as the balustrade is to be made of etched glass it would not unduly block light to the lightwell. At 1.8m metres in height the balustrade is generally considered to also prevent a direct loss of privacy to the flat below. A sample will be required by condition to ensure the privacy screen is adequate to protect amenity.

- 8.15. The courtyard to the rear of Adelaide Cottage on St John's Road will be protected from harmful overlooking from the proposed terrace above as the rendered balustrade will be 1.2m back from the edge of the flat roof. While only 1.1m in height the setback means that there will not be views into the courtyard.
- 8.16. In conclusion the proposed terrace may result in increased noise disturbance and reduction of outlook. The level of these impacts is not considered to be significant, or above what could be considered reasonable given the wider setting. Accordingly the application is recommended for approval.

Other Considerations

- 8.17. When considering whether to grant planning permission for development in a conservation area and which affects a listed building or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.18. 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".
- 8.19. As noted earlier in the report, the works are considered acceptable in relation to the listed building, its setting and the conservation area and accordingly it is concluded that the proposal will not cause harm to these heritage assets.

9. EQUALITIES

None identified.

