

<u>No:</u>	BH2020/01101	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Girton House 193 Kingsway Hove BN3 4FB		
<u>Proposal:</u>	Erection of roof extension to create additional fifth floor to north elevation forming 1no one bedroom flat incorporating 2no dormers to the west side and associated alterations.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	21.04.2020
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	16.06.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Alex Bateman 139 Kipling Avenue Brighton BN2 6UF		
<u>Applicant:</u>	Maxiwood Limited Nautical House 5 Ship Street Shoreham-by-Sea BN43 5DH		

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	PR01		21 April 2020
Proposed Drawing	PR02		21 April 2020
Proposed Drawing	PR03		21 April 2020
Proposed Drawing	PR04		21 April 2020
Proposed Drawing	PR05		21 April 2020
Proposed Drawing	PR06		21 April 2020
Proposed Drawing	PR07		21 April 2020
Proposed Drawing	PR08		21 April 2020
Location and block plan	PR09		21 April 2020

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 new windows hereby permitted shall not be installed until full details of the new windows and their reveals and cills 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 prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason: 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.

4. The external finishes of the development 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.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the new flat hereby permitted, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints. The render shall be painted to match the paintwork of the surrounding elevations of the building.

Reason: 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.

7. The rooflight(s) hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: 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.

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. The applicant is advised that the scheme required to be submitted by Condition 5 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking

Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a three storey over basement building with additional accommodation within the roof space. The building comprises white painted render walls, a slate roof and a mix of timber and UPVC framed windows.
- 2.2. To the rear are two four storey projections (basement to second floor). They do not match, the one to the western end appearing approximately half a storey taller. The building is subdivided into flats. At the rear is a bank of nine garages and a bin store.
- 2.3. The building is situated within Sackville Gardens conservation area.
- 2.4. Planning permission is sought for the addition of an additional storey to the westernmost rear projection to provide a split-level one-bedroom flat, with bedroom at mezzanine level. The application is a resubmission of refused application BH2020/00035 which proposed additional storeys to 2no rear projections to provide two split level flats.

3. RELEVANT HISTORY

- 3.1. **BH2020/00035:** Erection of roof extensions to create additional fifth floor to north elevation forming 2no one bedroom flats incorporating 4no dormers to the east and west sides and associated alterations. Refused 05/03/2020 for the following reasons:
 1. The proposed development, by reason of the bulk, height, form, positioning and proximity of the additional storeys to rear facing, second floor, windows serving habitable rooms at Girton House, would result in an overbearing impact for occupiers, with a significant loss of outlook and increased sense of enclosure. The proposals would be contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
 2. The proposed flats, by reason of the limited provision of vertical windows, and the position of those windows provided, would have an unacceptably poor outlook, which would result in the accommodation having an oppressive living environment. Further, the eastern flat, by reason of the restricted headroom within the bedroom, would have cramped living conditions, which would further contribute to the oppressive nature of the accommodation. For these reasons, the proposals would be contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.2. The applicant has appealed this decision.
- 3.3. **BH2005/05119:** Replacement PVC Windows to flat 7. Approved 30/09/2005

4. REPRESENTATIONS

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

- Recent structural issues with the building (subsidence)
- Loss of view
- Loss of property value
- Overshadowing
- Loss of light
- The proposal is an overdevelopment of the building
- Poor design, not in keeping with existing building
- Harmful impact on Conservation Area
- Disruption, noise and dirt during construction
- Damage to common ways
- Extra flats would stretch local services

5. CONSULTATIONS

5.1. **Environmental Health:** Comment

There is an issue with the layout of the 1-bed flat. The spiral staircase leading to the bedrooms are within the living room/kitchen meaning that the bedrooms are 'Inner' rooms with escape in the event of a fire being through a high risk room. I would advise changing the layout so that the bedrooms can escape directly to a protected hallway/escape route or provision of a mist system or similar.

5.2. **Heritage:** Comment

- This application follows refusal of a previous scheme (BH2020/00035) for two new units, the current scheme proposes an additional floor to one of the wings at the rear of the building which is currently 3 storeys above ground level with a hipped roof. This part of the building fronts Walsingham Road and provides a transition in height between the large scale seafront buildings and the smaller houses in the roads running north.
- Whilst increasing the scale of this rear wing, this proposal would result in a lower overall height compared to the main frontage building, thereby retaining some element of graduating heights and interesting roofline (the proposed hipped roof profile contributes to this effect). It would also be lower than the rear part of no 191 which adjoins the property on the east side.
- The height increase as proposed would still result in unrelieved areas of masonry above the existing second floor windows on the west elevation, however amendments to the proposals for the northern elevation have improved this aspect.
- It is considered that due to the context with the grander scale of buildings fronting Kingsway and the (albeit reduced) transition to the scale of buildings to the north of the site the harm to the conservation area would

be less than substantial, and subject to this being balanced against public benefits the Heritage Team does not wish to object to the proposal.

5.3. **Sustainable Transport:** Verbal Comment

- No SPD14 compliant cycle parking, but acceptable due to site constraints.
- No new car parking proposed. Site within CPZ so consider conditioning car free if uptake is high to avoid overspill.
- No changes to pedestrian access proposed, which is acceptable in this case.
- Trip generation not considered to be significantly different than existing arrangement, therefore deemed acceptable.

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 JAAP (adopted October 2019).

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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to; the principle of the proposed development; the impact of the physical alterations on the character and appearance of the building and the wider Conservation Area; the standard of living accommodation which would be provided for future occupiers; the impact on the amenity of occupiers of neighbouring properties; whether the proposals would meet the transport needs of new occupiers and; the impact on parking provision within the vicinity of the building.

Principle of development:

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.4. In respect of the City's need for housing and the current shortfall, the proposal to provide two new units of residential accommodation is considered acceptable in principle, subject to compliance with development plan policies.

Design and Appearance:

- 8.5. 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.
- 8.6. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.7. Policy HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One refers to development within conservation areas and states that, proposal within or affecting the setting of the conservation area should preserve or enhance the character or appearance of the area and should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms; use building materials and finishes which are sympathetic to the area and; cause no harmful impact on the townscape and roovescape of the conservation area.
- 8.8. The proposed additional storey would result in a rear projection with eaves that would match the eaves of the main roof. The ridge of the new pitched roof over the rear projection would sit below the ridge of the main roof. By reason of these details, the rear projections would maintain a subservient relationship with the main house in respect of their scale and form. The extensions would match the materials of the main building, and the new windows would replicate the scale, proportions and vertical positioning of existing units.
- 8.9. New windows are proposed on the rear elevation wall of the additional storey. This is an improvement over BH2020/00335 which had notable areas of unrelieved renderwork. The windows would be smaller than those found on the elevation below, although of similar width. Overall, the proposed treatment of this rear projection is an improvement over the previous application where the design was considered acceptable.
- 8.10. Two dormer windows are proposed to the western elevation. Each contains a window which replicates the scale, design, proportions and positioning of windows contained on the elevation below. The dormers would be appropriately detailed, with narrow cheeks, an arched top and a pitched roof. Overall, the proposed dormers are well designed additions, which pay appropriate regard to the character and appearance of the host property.
- 8.11. Large scale windows details, matching materials and appropriate detailing of the rooflights shall be secured by condition.

Impact on Amenity:

- 8.12. 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.
- 8.13. The additional storey would add bulk in proximity to a rear facing window serving a habitable room to the second floor of Girton House. The position of that window to the east and within a north facing elevation, means any loss of sunlight would be limited. This window currently has an open outlook, over the pitched roof of the eastern rear projection, but is more enclosed by the western rear projection which has eaves around the mid-point of this window and the pitched roof rising above. The current scheme omits the alterations to the eastern rear-projection, which significantly reduces the impact on this window in terms of loss of outlook and increased sense of enclosure. In this respect, the proposals are considered to address reason for refusal 1 of BH2020/00335. The impact on other rear elevation windows further east on the rear elevation has been addressed through the omission of the second extension and flat from the previous application.
- 8.14. Concerns concerning loss of property value or loss of view are not material planning considerations. Concerns over the impact of the construction process are also acknowledged, although are considered acceptable given the temporary nature of those impacts.

Standard of Accommodation:

- 8.15. The proposed flat would comprise a living/kitchen/dining room (41.1 sq metres at lower level as well as a bathroom (7.6 sq metres). These spaces are considered adequate for a one-bedroom unit. The provision of 4 windows would mean the living space would receive acceptable natural light and outlook. The application includes additional windows to BH2020/00335 and is considered to address the reason for refusal which related to poor outlook.
- 8.16. The upper floor would be a mezzanine level containing a bedroom. The bedroom would be 25.1m² overall, although a variable ceiling height means that there would be approximately 13m² of floor space over 1.8m excluding the spiral staircase and unusable space to its side. Whilst the inaccessibility of large parts of the room is regrettable, the overall provision of usable floorspace is considered sufficient provision to enable the required furniture and circulation space.
- 8.17. The bedroom would have an outlook through a single window close to the corner of the flat. Given the use of the room, it is considered that such a provision, complemented by additional light from rooflights, is acceptable.
- 8.18. Whilst not adopted policy, the DCLG: Technical housing standards - nationally described space standard provides a useful guide for assessing the provision of floorspace in residential development. The standard recommends that a split-level one-bedroom unit for 2 occupiers provides 58m² of total floorspace

(excluding space under 1.5m headspace). A double bedroom should be 11.5m² and at least 2.5m wide. It is welcome that the proposals exceed these recommendations.

Sustainable Transport:

- 8.19. The application makes no provision for cycle parking. Cycle parking does not seem to be possible on the site due to the occupation of the whole rear with garages and refuse storage. Given the easy accessibility of public transport, refusal is not recommended on the grounds of insufficient cycle parking.
- 8.20. No new off-street car parking is proposed, so there is potential for increased parking demand from the development on surrounding streets. The site is situated within a Controlled Parking Zone, where uptake of parking permits by residents over the 12 months to January 2020 is 91%. No parking survey has been submitted with the application to demonstrate whether there is any available capacity in this particular area of the parking zone. Given the high take-up of permits and lack of evidence suggesting localized additional capacity, it would be appropriate to make the proposed flats 'car free' by condition.

Conclusion:

- 8.21. It is considered that the harm caused to the character and appearance of the conservation area is less than substantial. The public benefit of the scheme would be the addition of one unit of residential occupation to the City housing supply. The flat would provide acceptable living conditions for occupiers. No significant harm to the amenity of occupiers of nearby properties or of Girton House have been identified. In view of the above the application is recommended for approval.

9. EQUALITIES

No issues identified.

