

ITEM H

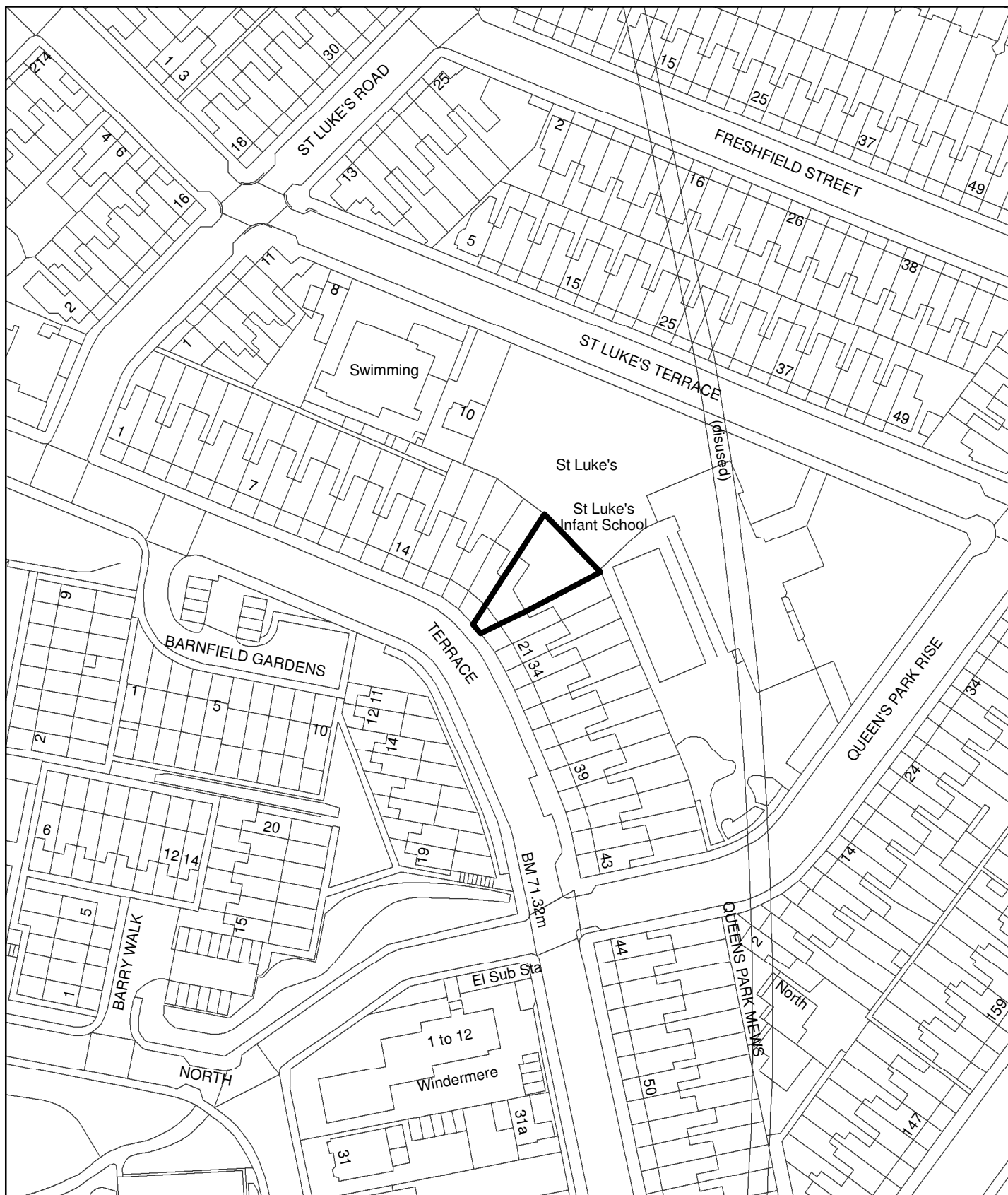
19 Queens Park Terrace, Brighton

BH2013/03680

Householder planning consent

08 JANUARY 2014

BH2013/03680 19 Queens Park Terrace, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03680	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	19 Queens Park Terrace Brighton		
<u>Proposal:</u>	Formation of rear dormer.		
<u>Officer:</u>	Robin Hodgetts Tel 292366	<u>Valid Date:</u>	29 October 2013
<u>Con Area:</u>	Queen's Park	<u>Expiry Date:</u>	24 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ARCH-Angels Architects Ltd, 128 Edward Street , Brighton BN2 0JL		
<u>Applicant:</u>	Fraser Trewick , 19 Queens Park Terrace, Brighton BN2 9YA		

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 **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a two storey, terrace house on the northern side of Queen's Park Terrace, which is situated between Queen's Park Road and Queen's Park Rise. It is at the centre of the terrace, which bends to the south so that the site is wedge shaped with a larger rear roof slope than the front.
- 2.2 The site is within the Queen's Park Conservation Area, and backs onto St Luke's Primary School which is a Grade II Listed Building. The ground rises to the north, so that the rear garden and school is at a higher level.

3 RELEVANT HISTORY

BH2012/02737 - Loft conversion incorporating dormer to rear and installation of rooflight to front facing roofslope. – Refused 03/12/2012 for the following reasons:

1. The rear dormer, due to its siting, height, design and bulk, is not well designed in relation to the existing property and adjoining terraced properties. As such, it would form an unsympathetic and incongruous addition and would be detrimental to the character and appearance of the existing property and the adjoining terraced properties, contrary to SPGBH1 and policies QD14 and QD27 of the Brighton & Hove Local Plan.
2. The proposed rear dormer, due to its height, bulk, massing and prominent location would form an intrusive and incongruous feature

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that would significantly harm the building's appearance, the character and appearance of the Queen's Park conservation area and the setting of the adjoining listed building, St Luke's School. The development is therefore contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.

An appeal was subsequently dismissed on 10/04/2013 with the Inspector stating:

“Overall, I conclude that the harm that would be caused to the Conservation Area in terms of the failure of the development to preserve or enhance its character or appearance, together with the adverse effect the development would have on the setting of the listed building, are of such significance in the particular circumstances of this site that the proposal is unacceptable on this issue. The development would fail to comply with the guidelines set out in the SPG and would conflict with policies QD2, QD14, HE3 and HE6 of the local plan for the reasons I have given. The other material considerations that have been advanced in support of the development and which I have considered in full are insufficient in weight to overcome these conflicts and the harm that would be created in the ways I have described. “

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a dormer in the rear roofslope of the dwelling. The dormer would measure 1.4m high, 3.2m wide and project from the roofslope by 1.95m. It would be constructed from materials to match the existing roof.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from the occupiers of **8 Montreal Road, 21 St Luke's Road, 23 St Luke's Road, 25 St Luke's Terrace, 29 St Luke's Terrace, 18 Queen's Park Road, 13 Queen's Park Terrace, 15 Queen's Park Terrace, 21 Queen's Park Terrace, 34 Queen's Park Terrace, 37 Queen's Park Terrace, 42 Queen's Park Terrace, 61 Queen's Park Terrace** and **St Luke's Primary School** supporting the application for the following reasons:

- It's improvement on the previous scheme,
- reduced scale,
- lack of amenity harm
- and presence of other dormers in the vicinity.

- 5.2 **One (1)** letter of representation neither supporting nor objecting to the application from the occupier of **20 Queen's Park Terrace**.

Internal

5.3 None

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 Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - 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 relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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 Local Plan:

- QD14 Extensions and alterations
QD27 Protection of Amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of a conservation area

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the dormer on the host building and the setting of the Queen's Park conservation area and listed building, St Luke's Primary School and any impact on the amenity of neighbouring properties.

Design:

- 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:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) 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
- d) 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 Further detailed guidance is found in *SPD12: Design guide for extensions and alterations*, which advises that dormer windows should be kept as small as possible and align with the windows below. Materials should generally match those of the existing roof, with the window materials, placement and opening style relating closely to the scale and proportions of the windows below and aligning where possible.

- 8.5 Policy HE6 of the Brighton & Hove Local Plan seeks to preserve or enhance the character and appearance of conservation areas. It seeks a high standard of design and detailing reflecting the scale and character or appearance of the area. Building materials and finishes should be used which are sympathetic to the area, with no harmful impact on the townscape and roofscape of the conservation area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE3 advises that development will not be permitted where it would have an adverse impact on the setting of a listed building.

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- 8.6 Although it is recognised that the scheme would be reduced in scale from the previous application, BH2012/02737, the proposed rear dormer would still have a significant impact on the appearance of the building. It would be visible from the rear of St Luke's Primary School, and would affect the setting of that Listed Building. Although not visible from Queen's Park Terrace the proposal would be visible from St Luke's Terrace to the north and as such have an impact upon the character and setting of Queen's Park Conservation Area.
- 8.7 The dormer would not comply with the guidance set out in SPD12, as it is larger than the width of the first floor windows below it and fails to relate well to the fenestration on the existing building. Although it is recognised that there are larger dormers present on properties to the south (Nos. 20 & 21 Queen's Park Terrace), there is no planning history for these and they are not considered to form a precedent in line with the guidance contained in SPD12. The existing large dormers which are visible reinforce the view that the additions are unsightly and harmful to the area's character and appearance.
- 8.8 The proposed dormer would not comply with policies HE3 or HE6 as it would be a modern addition with an unsympathetic design that would fail to achieve a high standard of design, reflecting the character and appearance of the existing building and area. It would also negatively impact upon the setting of the listed building, St. Luke's Primary School to the rear.

Residential 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 The proposed dormer would face St Luke's primary school at the rear boundary, which is approximately 20m to the north-east. As it is a school, and given the existing windows facing the rear boundary, it is not considered that this would cause any loss of residential amenity. There would be no impact in terms of loss of light, overshadowing or outlook.

9 CONCLUSION

- 9.1 The proposed development, due to its design, size and siting, would result in harm to the character and appearance of the existing building. It would fail to enhance or preserve the Queen's Park conservation area, and would detract from the appearance of the roofscape in the conservation area, and the setting of the adjoining Grade II listed building of St Luke's school. The proposal is therefore recommended for refusal.

10 EQUALITIES

10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The rear dormer, by reason of its excessive size and cladding, position in relation to the roofslope and existing fenestration on the property below would appear as an overly dominant and incongruous feature that is detrimental to the character and appearance of the existing property, the surrounding area and Queens Park Conservation Area. The development is therefore contrary to QD14, HE6 of the Brighton & Hove Local Plan and SPD12.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location plan	E01		29/10/13
Existing plan	E02		29/10/13
Existing section	E03		29/10/13
Existing elevation	E04		29/10/13
Block plan	P01		29/10/13
Proposed plan	P02		29/10/13
Proposed section	P03		29/10/13
Proposed elevation	P04		29/10/13