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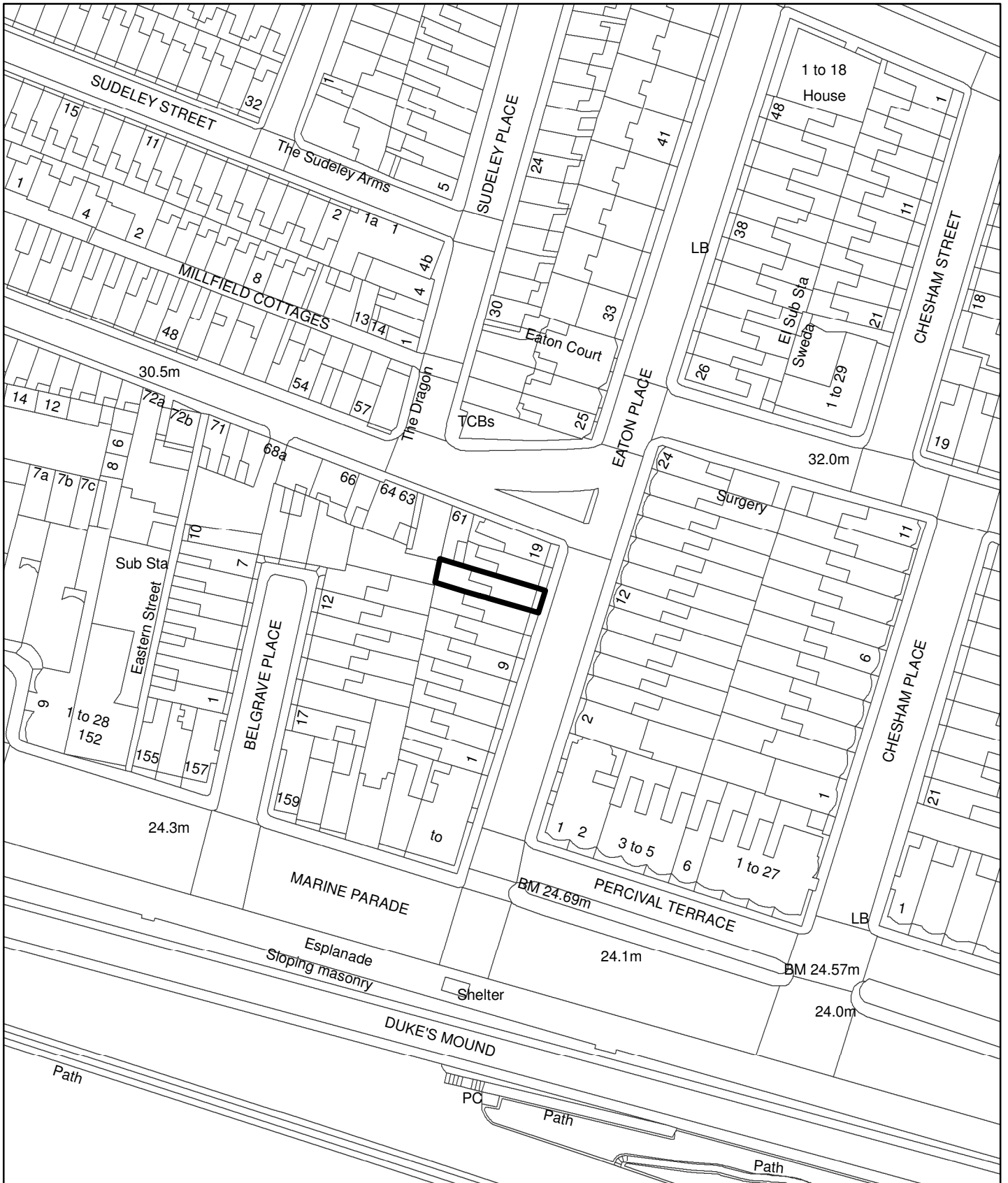
15 Eaton Place, Brighton

BH2013/03478

Householder planning consent

29 JANUARY 2014

BH2013/03478 15 Eaton Place, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

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<u>No:</u>	BH2013/03478	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	15 Eaton Place Brighton		
<u>Proposal:</u>	Installation of metal staircase with glass balustrading and metal handrail, replacement of timber casement window with door at first floor level to the rear.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	17 October 2013
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	12 December 2013
<u>Listed Building Grade:</u>	II		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton BN1 2BB		
<u>Applicant:</u>	Michael Lipton, 15 Eaton Place, Brighton BN2 1EH		

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 four storey, terraced building, on the western side of Eaton Place, between St George's Road to the north and Marine Parade to the south. It is divided into an upper maisonette and a lower flat (15A Eaton Place), each with two floors. The lower flat has an access door to the rear garden on the basement floor and the ground floor, while the upper maisonette does not have any access to the garden. The property is Grade II Listed and sited within the East Cliff Conservation Area, in a mainly residential area of four storey terrace houses.

3 RELEVANT HISTORY

BH2013/03477 - Installation of metal staircase with glass balustrading and metal handrail, replacement of timber casement window with door at first floor level to the rear (Listed Building Consent). Currently under consideration.

BH2012/03924 - Installation of cast iron access stairs and French doors to first floor rear elevation. Refused 27 June 2013.

BH2012/03923 - Installation of cast iron access stairs and French doors to first floor rear elevation. Refused 27 June 2013.

BH2011/03770 Reconfiguration of rear steps to garden. (Part retrospective). Approved 23 February 2012.

BH2011/03508 Reconfiguration of rear steps to garden. (Part retrospective). Approved 23 February 2012.

BH2011/01610 Installation of new cast iron access stairs and timber French doors to rear elevation. Refused 14. September 2011.

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BH2011/01609 Installation of new cast iron access stairs and timber French doors to rear elevation. Refused 14. September 2011.

BH2008/0392 Basement extension and internal alterations to lower maisonette. Refused 1 April 2008.

BH2008/00394 Basement extension and internal alterations to lower maisonette. Refused 1 April 2008.

BH2008/03545 Basement extension and internal alterations to lower maisonette. Approved 27 January 2009.

BH2008/03546 Basement extension and internal alterations to lower maisonette. Approved 27 January 2009.

70.1853. Convert existing house into two separate residential units. Granted 13.10.1970.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of a metal staircase with glass balustrading and metal handrail and replacement of timber casement window with door at first floor level to the rear.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** None received.

- 5.2 **Councillor Gill Mitchell** supports the application. Email attached.

Internal:

- 5.3 **Heritage:** Objects to the application.

This application follows previous proposals for stairs in a different position which were considered unacceptable for various design reasons as well as in principle.

Relevant appeal decisions in respect of refusals of similar proposals are:

- 5.4 *BH2011/00304, 5 Sudeley Place, First Floor Balcony, (glass balustrading, no stairs). Not Listed, in Conservation Area. Refused for design reasons, loss of original window and loss of amenity. Appeal Dismissed.*
- 5.5 *BH2009//01258, Flat 3, 7 Adelaide Crescent, First Floor Balcony (metal railings, no stairs). Grade II* Listed, in Conservation Area. Refused for design reasons. Appeal Dismissed.*
- 5.6 *BH2008/02764, 23 Tennis Road, First Floor Balcony (metal railings, spiral stairs). Not Listed, Not in Conservation Area. Refused for amenity reasons. Appeal Dismissed.*
- 5.7 The current proposal has resolved problems in relation to the principle of removing original fabric by positioning the access at a non-original opening, however the addition of an uncharacteristic feature on the rear of this property is still a significant concern; the staircase, whatever the detail, will dominate the side elevation and will also be detrimental to the

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rear elevation due to its projection in front of the large ground floor sliding sash.

- 5.8 It is therefore still considered not to meet the requirements of the National Planning Policy Framework to 'enhance or better reveal the significance of the heritage asset', or the guidance for PPS 5 to 'make a positive contribution to the appearance, character, quality or local distinctiveness of the historic environment' or policy HE1 in the Local Plan.
- 5.9 The design of the proposed door is not considered appropriate as the large area of glass has a very modern character.

Mitigations and Conditions

- 5.10 It is considered that further amendments to the design would not be sufficient to overcome the problems with the proposal in principle.

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
HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents:

SPD9	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposal upon the Listed Building and the wider Conservation Area and the impact on residential amenity.

Design and Appearance

- 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

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and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

- 8.4 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
 - a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.5 Policy HE6 advises that proposals within a conservation area should preserve or enhance the character or appearance of the area. They 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. They should also show the use of building materials and finishes which are sympathetic to the area, with no harmful impact on the townscape and roofscape of the conservation area.
- 8.6 Two previous applications for an external staircase to the rear of the property to provide access to the rear garden have been refused on the grounds that the structure was inappropriate in design terms and would harm the appearance and character of the Listed Building and the wider Conservation Area and that the proposal would result in overlooking to neighbouring properties.
- 8.7 The applicant has attempted to address these reasons for refusal by proposing an external staircase to the side of the property rather than the rear. An opening would be created at first floor level, with a door inserted in the place of the existing non-original window and a staircase extending down along the side of the building terminating at the existing raised decked area adjacent to the existing side door at ground floor level. The steps would be 0.8m in width and would be finished in painted metal with a glazed balustrade. The proposed door would be glazed with a timber frame.
- 8.8 Whilst the relocation of the steps to the side elevation rather than the rear would ensure that the rear elevation was preserved and limit the loss of original fabric the proposal would still have an adverse impact upon the appearance and character of the Listed Building and the wider Conservation Area and as such is contrary to policies HE1 and HE6 of the local plan.
- 8.9 The staircase would dominate the side elevation of the building, obscuring the original sash window at ground floor level and resulting in a cluttered appearance to the rear of the building. The incongruous design and detailing would fail to respect the traditional appearance and character of the Listed Building. The fully glazed door and the glazed balustrading would both be alien features to the rear of the Listed

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Building and further detract visually from the architectural and historical character an appearance of the Listed Building.

- 8.10 The Heritage Team objects to the principle of the proposal and state that there are no alterations that could mitigate for the inappropriate nature of the proposed works.
- 8.11 It is noted that there is a balcony and access steps down to the garden at the adjoining property, No. 13 Eaton Place and also a number of fire escapes to neighbouring properties within the locality. There is no recent planning history for these structures, which are considered to detract from the appearance and character of the Listed Buildings and do not set a precedent for further inappropriate development at the application property. A recent application has been approved for the removal of the fire escape at No.11 Eaton Place and this is considered to result in an enhancement to the Listed terrace and is welcomed by the Local Planning Authority.
- 8.12 To conclude, the proposal is considered to constitute an incongruous and uncharacteristic element to the rear, resulting in a detrimental impact to the character and appearance to the Listed Building and the wider East Cliff Conservation Area.

Impact on Amenity:

- 8.13 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.
- 8.14 The proposal is considered to detract from the residential amenity currently enjoyed by the occupiers of the lower flat, 15A Eaton Place. The proposed access steps would extend for over half the width of the rear lounge window at ground floor level resulting in an unneighbourly impact to this property. The proposal would result in an overbearing and overly dominant impact to 15A. Outlook would also be significantly restricted from the rear ground floor window and as such would have an enclosing impact upon the rear of this property. Light would be restricted to both the ground and basement floor windows although this is not considered to be to an unacceptable degree.
- 8.15 The siting of the staircase to the side elevation of the building would ensure views to neighbouring properties would be adequately screened by the existing built form of the locality and it is not considered that there would be any significant loss of privacy to neighbouring properties and their respective gardens.

9 CONCLUSION

- 9.1 The proposal, by reason of design, scale and detailing would constitute an incongruous and uncharacteristic element to the rear, resulting in a

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detrimental impact to the character and appearance to the listed building and the wider East Cliff Conservation Area.

- 9.2 The proposal, by reason of its siting, design and scale would result in an unacceptably overbearing impact, a sense of enclosure and a loss of outlook to the rear of the ground and basement floor flat, 15A Eaton Place.

10 EQUALITIES

- 10.1 None.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposal, by reason of design, scale and detailing would constitute an incongruous and uncharacteristic element to the rear, resulting in a detrimental impact to the character and appearance to the listed building and the wider East Cliff Conservation Area. The proposal is contrary to policies, QD14, HE1, and HE6 of the Brighton & Hove Local Plan.
2. The proposal, by reason of its siting, design and scale would result in an unacceptably overbearing impact, a sense of enclosure and a loss of outlook to the rear of the ground and basement floor flat, 15A Eaton Place. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

11.2 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
Site plan	013859/001		11 October 2013
Existing floor plans	013859/010		11 October 2013
Existing elevation / section	013859/011		11 October 2013
Proposed floor plans	013859/020		11 October 2013
Proposed elevation / section	013859/021		11 October 2013

From: Gill Mitchell
Sent: 28 October 2013 10:57
To: Chris Swain
Subject: RE: Planning application Nos BH2013/03477 and BH2013/03478

Hi Chris,

My reasons for supporting the application are as follows,

The proposal to build a small balcony with outside staircase is invisible from the front of the building and from any road. It makes no significant structural change or alteration to the existing fabric of the building and is minimally intrusive being contained in the enclosed 'well' of back gardens.

Similar rear garden access staircases have been approved in Eaton Place and in the nearby Belgrave Place so that neighbours are able to access their back gardens. The applicants are simply asking that they can be allowed to do the same.

I believe that while it is important to protect historic buildings, there has to be a balance with a householder's right to access and enjoy their back garden.

Many thanks,

Cllr Gill Mitchell

From: Gill Mitchell
Sent: 24 October 2013 23:36
To: Chris Swain
Subject: Planning application Nos BH2013/03477 and BH2013/03478

Dear Chris,

This is just to let you know that I am fully supporting the above applications relating to number 15, Eaton Place, Brighton. In the event that there is an officer recommendation to refuse the applications I am requesting that they go before the relevant meeting of the planning committee for decision.

Many thanks,

Councillor Gill Mitchell