

<u>No:</u>	BH2016/05550	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Amber Court 38 Salisbury Road Hove BN3 3AA		
<u>Proposal:</u>	Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear (part-retrospective).		
<u>Officer:</u>	Emily Stanbridge, tel: 292359	<u>Valid Date:</u>	18.10.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.12.2016
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr BPM 33 Stoneleigh Avenue, Brighton, BN1 8NP		
<u>Applicant:</u>	Griston Lahaise Cross 11 Church Hill, Brighton, BN1 8YE		

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
Location and block plan	01		4 October 2016
Site Layout Plan	1461.P.04.C		22 March 2017
Sections Proposed	1461.P.04.C		22 March 2017
Floor Plans Proposed	1461.P.05.B		15 March 2017
Elevations Proposed	1461.P.06.B		9 February 2017
Material sample/detail	ALUMINIUM CLADDING RAL 9022		6 March 2017
Material sample/detail	ALUMIUM WINDOWS RAL 7011		6 March 2017

- 2 All materials used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the submitted material samples and the annotations of the approved drawings.
Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and QD14 of the Brighton & Hove Local Plan, and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.

- 3 The screening for the approved terraces, as indicated on drawing nos. 1461.P.05.C and 1461.P.06.B shall be obscure glazed to all sides and installed before the flats are occupied. The screens shall be retained as such thereafter.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 6 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One
- 7 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove Submission 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This application relates to a flat roofed purpose built three-storey block of flats, dating from the 1960's positioned on the on the eastern side of Salisbury Road, with parking at basement level to the rear. The building features extensive brickwork with UPVC windows and includes a small front extension with a

stepped entrance. Whilst the site is not located within a conservation area, the boundary of the Willet Estate Conservation Area incorporates the properties opposite the application site on Salisbury Road.

- 2.2 The current application seeks to amend the balustrading to the rear terraces of the units proposed from 1.8m in height to 1.5m. The remainder of the application is the same as approved under application **BH2015/01237** as amended by **BH2016/06217**.

3. RELEVANT HISTORY

BH2016/06217: Variation of conditions 2, 3 and 5 of application **BH2015/01237** (Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear.) to allow amendments to approved drawings and for external surfaces and recycling and refuse storage to match what is shown in the approved drawings (part-retrospective). Approved 9th March 2017.

BH2016/05055: Application for Approval of Details Reserved by Condition 3 of application **BH2015/01237**. Approved December 2016.

BH2015/01237: Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear. Approved December 2015.

BH2012/01263 Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation. Approved April 2014.

BH2010/03843 Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear - Approved March 2011 for the following reasons:

- The proposed development has addressed the Inspector's concerns raised in the previous appeal and the proposal would not have an adverse impact on the character and visual amenity of the host building or surrounding area.
- Subject to planning conditions, the scheme would have no material detriment on the amenity of adjacent properties and is appropriate in terms of sustainability, transport measures, lifetime homes and refuse and recycling facilities.
- The development would be in accordance with the policies of the adopted local plan.

BH2008/03885: Formation of additional storey to create 2 no. 2 bed flats Refused 26/02/2009 for the following reasons:

- The development by reason of an overly dominant front stairwell and discordant fenestration would relate poorly to the remainder of the building and appear an incongruous feature detrimental to the character and appearance of the building and surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

- There is insufficient information to demonstrate that the proposed development will not result in harmful loss of light and overshadowing of adjoining gardens to the rear of the application site on Palmeira Avenue. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

This decision was appealed by the applicant and the appeal was dismissed in December 2009 (**appeal ref: APP/Q1445/A/09/2105147**). The Inspector's reason for refusal related to the unacceptable harm the fenestration of the scheme would have on the character and appearance of the building and surrounding area. Notably, the Planning Inspector did not uphold the concern regarding impact on amenity.

4. REPRESENTATIONS

4.1 Fourteen (14) letters have been received objecting to the proposed development for the following reasons:

- Salisbury Road is already saturated with new accommodation
- There is no provision for parking for the existing number of residents
- New accommodation will lead to an increase in noise and disturbance from additional traffic
- Direct overlooking into neighbouring properties as a result of the lowered screen
- The additional storey will result in overshadowing and loss of light to neighbouring properties
- The additional storey is not in keeping with the Victorian properties on the road.
- The proposed development will set a precedent
- The increase in cars will present a problem for parking
- The proposed screens will be reduced by 39% to waist height
- The reduction in height of the privacy screens will result in an increase in noise pollution
- The neighbouring development at 39 Salisbury Road does not allow access to balconies
- Loss of outlook

4.2 Following a re-consultation process Eight (8) letters have been received objecting to the proposed development for the following reasons:

- Loss of light and outlook
- Increase in noise disturbance from the terraces
- Direct overlooking

4.3 In addition One (1) letter of comment has been received raising the following concerns:

- An increase in parking spaces for Zone N permit holders would alleviate the existing situation, as opposed to the current pay and display situation.

5. CONSULTATIONS

5.1 **Heritage:** No Comment

5.2 **Sustainable Transport:** No objection subject to conditions

5.3 Cycle Parking

A bicycle store showing capacity for three bikes is shown to the front of the premises. This is conveniently located at ground floor level; however, further details on the details of the proposed cycle store are requested.

5.4 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005, cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within Manual for Streets section 8.2.22.

5.5 Car Parking

No additional car parking is proposed. However, the site is in a very accessible location for travel by sustainable modes and the potential for overspill parking will be limited by the presence of the surrounding controlled parking zone.

5.6 Trip Generation and Financial Contribution

The proposed development represents a net addition of two units and will therefore generate a small increase in trips; however, given the location and access to sustainable modes it is likely that the majority of these will be by sustainable means. The Highway Authority does not wish to request financial contributions in this instance.

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 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 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
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues of consideration in the determination of this application are the impact of the additional storey on the character and appearance of the building and surrounding area including the adjacent Conservation Area and residential amenity for occupiers of adjoining properties; the standard of accommodation created by the development; and transport and sustainability issues.
- 8.2 **Principle of Development**
The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 The previously approved applications in both 2011 and 2015 are a material consideration in the determination of this application. The planning approval for

the creation of an additional floor to facilitate 2no units under application reference **BH2015/01237**, as amended by **BH2016/06217**, remains extant.

8.4 Design and Appearance:

The design and appearance of the proposal is very similar to the previous application (**BH2015/01237**) which received consent.

8.5 The proposed additional storey is flat roofed and set back from the main outside walls of the building. On the front elevation, the main accommodation would be set back 1.3 metres. The stairwell would come further forward being set back just 0.3 metres from the front elevation. To the rear the additional storey would be set back 3 metres from the existing rear façade. Inset balconies with glazed balustrades are proposed for the flat roof area to the rear of the flats. A balcony privacy screen would be set back 0.8 metres from the rear elevation.

8.6 Minor revisions have been made to that as approved under **BH2015/01237**. Most notably to the rear of the building it is proposed to extend the existing rear wall to match the parapet to the rear of the property with the incorporation of extended pipework and box guttering to suit the new design proposed.

8.7 These works are identical to those that were approved under a S73 application (**BH2016/06217**) which sought to vary condition 2 of **BH2015/01237**, allowing amendments to the drawings, on 9th March 2017. These works were considered to respect the character of the building.

8.8 The design of the additional storey is simple. The previously approved applications in 2011 and 2015 featured a render finish. It was considered this was a more suitable option than an additional storey with a brick finish. This design approach is fairly common in creating additional stories on blocks of flats of this nature. The current application however proposes to replace the render with vertical powder coated aluminium cladding of RAL colour 9022. In addition powder coated aluminium windows of RAL colour 7011 are proposed. The proposed change in material was considered acceptable and approved under **BH2016/06217**. It is considered that the principle of cladding is acceptable given its use on No.39 Salisbury Road. Furthermore the tone of cladding matches that of the adjacent block of flats, ensuring that the development is in keeping with neighbouring properties.

8.9 The proposed development would give the application site a height comparable to those on adjacent properties. The additional storey on Amber Court would be slightly higher than that of 39 Salisbury Road and slightly lower than the property to the north no. 40 Salisbury Road. The scale of the proposal would be acceptable when viewed in the context of the street scene.

8.10 For the reasons outlined above, it is considered that the impact of the proposal on the character and appearance of the surrounding properties in terms of increased density would not result in significant harm to the visual amenities of the area. The proposal is therefore considered to comply with CP12 of the Brighton and Hove City Plan Part One.

- 8.11 Furthermore, given the scale of development is considered appropriate for the setting, the development is not considered to harm the character of the adjacent Conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.
- 8.12 Standard of accommodation:
The proposal would form two additional units of accommodation with the layout identical to that approved previously for the site. The rooms are considered to be of an adequate size throughout and comparable to that existing at lower levels of the building. The top floor would be accessed from the stairwell which would be offering some restriction to general access, however circulation space is considered to be reasonable. The proposed flats would have access to private amenity space in the form of rear roof terraces. The scheme is therefore considered appropriate in terms of the standard of accommodation.
- 8.13 **Impact on Amenity:**
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 scale of the development is identical to that of the previous application. There is only limited separation between Amber Court and adjoining buildings on Palmeira Avenue. Historically the Local Planning Authority raised concern that the flats would result in a loss of light and overshadowing of the adjoining gardens to the rear of the application site on Palmeira Avenue. However such concerns were not upheld by The Planning Inspectorate who stated the following in the assessment of application **BH2008/03885**:
- 8.15 'A number of interested parties from Palmeira Avenue have expressed concern about overshadowing, privacy and a loss of light, indeed I viewed the appeal site from a number of flats in Palmeira Avenue. Policy QD14 of the Brighton & Hove Local plan requires account to be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships and how overbearing the proposal would be.
- 8.16 While I note that the levels shown on the drawings are not representative of the actual levels, I was able to visit a number of the adjacent properties and was able to make a full assessment of the proposal taking into consideration the actual ground levels. I saw that garden levels in Palmeira Avenue were significantly higher than those at the appeal site and at the time of my visit I saw that properties in Palmeira Avenue were not being overshadowed by Amber Court.'
- 8.17 During the course of application **BH2015/01237** an additional light and overshadowing report was requested and submitted as material changes had occurred in the vicinity of the site, namely the construction of an additional storey at 39 Salisbury Road. This was a comprehensive report which identified that the effect of an additional storey would have a minimal impact on the

properties to the rear. Since the undertaking of this report, no further material changes are noted within the vicinity of the site.

Furthermore the previous application noted that the separation distances between the rear of the additional storey and the properties on Palmeira Avenue are typical of those in central areas of the city. As such this proposed relationship was considered appropriate.

- 8.18 In regard to the noise and disturbance of the proposed terraces at the rear of the building, the amenity areas are not particularly expansive and would be located a sufficient distance from neighbouring occupiers to prevent significant noise and disturbance to properties at the rear. It is also important to acknowledge that the position of the terraces proposed is the same as previously approved.
- 8.19 In regard to privacy, a privacy screen is to be installed to the rear of the terrace to prevent overlooking and loss of privacy to the properties at the rear. The balconies approved under application **BH2015/01237** included a 1.8m high obscurely glazed screening. Originally the current application proposed to reduce the height of these screens to 1.1m. However this reduction was considered unacceptable and considered to result in harmful overlooking to the properties at the rear of the site.
- 8.20 During the lifetime of the application amendments have been made to alter the screening to a height of 1.5m. It is important to note that within the appeal decision of application **BH2008/03885**, in December 2009, the Planning Inspector made the following comments:
- 8.21 'A privacy screen would be erected at roof level and would be approximately 1.5m high and setback from the rear elevation by about 0.8m. In my opinion this configuration would be sufficient to ensure minimal harm with regard to daylight and sunlight to the properties that back the appeal site in Palmeira Avenue. With regard to privacy I am satisfied that the proposed privacy screen would be sufficiently high to avoid overlooking and loss of privacy. I conclude on this issue that the proposal would comply with policy QD27 of the Brighton and Hove Local Plan.'
- 8.22 There has been no material change to the relationship between Amber Court and those properties to the rear on Palmeira Avenue. The use of a 1.5m screen was considered sufficiently high and an acceptable approach for the locality. A planning condition would be required to ensure this is in place prior to occupation.
- 8.23 It is acknowledged that a similar arrangement of rear terraces was recently proposed for the top floor of 39 Salisbury Road. This was refused permission due to the prominence of the height of screening when viewed in conjunction with projecting lower levels. The staggered arrangement to the rear of 39 Salisbury Road is different to that of the application site and the visual impacts of the two proposals are not directly comparable. This was acknowledged by the Planning Inspector when assessing the proposal at 39 Salisbury Road and for this reason, the refusal to allow planning permission for balconies on 39

Salisbury Road is not considered to carry significant weight in the assessment of the balconies on application site.

8.24 Refuse and Recycling

The application incorporates a storage area for 2 additional refuse and 2no additional recycling bins to the northern end of the site. This is identical to that proposed under application **BH2016/06217** and therefore deemed acceptable.

8.25 Sustainable Transport:

A bicycle store showing capacity for three bikes is shown to the front of the premises. This is conveniently located at ground floor level. During the lifetime of the application amendments have been made to incorporate the cycle parking on the elevation plans, of an identical design to that approved under application **BH2015/01237**. The cycle parking proposed is therefore considered acceptable.

8.26 Whilst no additional car parking is proposed, it is considered that given the site is in a very accessible location for travel by sustainable modes, the potential for overspill parking will be limited by the presence of the surrounding controlled parking zone.

8.27 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

9. EQUALITIES

9.1 None identified