

<b><u>No:</u></b>	<b>BH2018/01221</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Microscape House Hove Park Villas Hove BN3 6HX</b>		
<b><u>Proposal:</u></b>	<b>Alterations and extension to third floor flat, including increase to ridge height, following prior approval application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no flats. (Part retrospective).</b>		
<b><u>Officer:</u></b>	Chris Swain, tel: 292178	<b><u>Valid Date:</u></b>	30.04.2018
<b><u>Con Area:</u></b>	Adjacent to Hove Station	<b><u>Expiry Date:</u></b>	25.06.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	FR Properties (Development) Ltd Brighton BN41 1DH	77 North Street	Portslade

**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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	Y0263-001		18 April 2018
Sections Proposed	104-08	P4	26 June 2018
Elevations Proposed	104-06	P6	26 June 2018
Elevations Proposed	104-07	P3	15 June 2018
Floor Plans Proposed	104-05	P2	18 April 2018

2. Access to the flat roof to the rear at third floor level shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**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.

3. The windows in the rear elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

**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.

4. The external finishes of the development hereby permitted shall be in accordance with the materials schedule set out in the email titled Planning Application BH2018/01221 - materials from the agent dated 28 June 2018.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton & Hove Local Plan and CP12 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. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to the top floor of a former four storey office building known as Microscape House. The top floor is a non-original addition which is set back from the front and rear elevations. The site is part of a larger row of buildings which are locally listed. The buildings face towards the listed Hove Railway Station across a service road and parking area. To the rear, the building backs onto a rear yard and then the rear of the properties on Newtown Road and their respective gardens. The Hove Station Conservation Area is located immediately south of the site.

- 2.2 Planning permission is sought for the following:

- Increase to the height of the third floor by 250mm to the front and 200mm to the rear,
- Revised fenestration to the front elevation,
- Full width extension to the rear to a depth of 1.6m with new fenestration,
- Removal of existing lift overrun tower to the rear elevation and erection of new lift overrun tower to the centre of the roof.

## 3. **RELEVANT HISTORY**

**BH2016/02328** - External alterations including new entrance, removal of rear fire escape and revised fenestration following prior approval

application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no two bedroom flats. Approved 3 February 2017.

**BH2016/05473** - Prior approval for the change of use from offices (B1) to residential (C3) to form 7 flats. Approved 24 November 2016.

Hove Business Centre (adjoining site)

**BH2014/03742** - Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works. Allowed on appeal (non-determination) 6 December 2016.

**BH2017/03863** - Creation of additional floor to provide 4no office units (B1) with associated works. Currently under consideration.

#### **4. REPRESENTATIONS**

4.1 Fifteen (15) representations have been received, objecting to the proposed development for the following reasons:

- It would materially alter the alignment of the building and would have a detrimental impact,
- Works have started without planning permission,
- Loss of sunlight and natural light, especially in spring, autumn and winter,
- Additional overlooking / loss of privacy,
- Building line would be closer to the properties on Newtown Road,
- A high number of planning applications have been submitted on the building in current years and resident's concerns have not been taken into account,
- Scheme puts financial gain over impact on neighbouring properties,
- The applicant already has permission for an adequate top floor flat and this enlargement is unnecessary,
- Sets an unwanted precedent for future development on the wider building,
- Rear garden of adjoining property will become less usable and the paving more slippery due to receiving less sunlight,
- Sense of claustrophobia,
- Increasing size of flat would have the potential for more cars and this could result in parking and road safety issues,
- Any new building on top of the original perfumery building will harm its appearance,
- Increased noise, disturbance and nuisance,
- Concern that the proposal would contravene Article 8 of The European Convention on Human Rights (ECHR),
- No light report submitted,
- Uncertainty as to whether a site visit has been undertaken by the council,
- Detrimental effect on property value,
- Overdevelopment,

- Overshadowing,
- Inappropriate height,
- Reduction of jobs in the city,
- Concerns with the Planning Committee process,
- Would spoil the skyline and aesthetics of an iconic building,
- Alterations are out of character,
- Restriction of view,
- Inadequate consultation to the neighbours to the rear.

## **5. CONSULTATIONS**

### **5.1 Heritage: - No objection**

The rear (north elevation) of this building is far more utilitarian than the front and has also been more affected by alterations and fire escapes. Alterations to the south elevation will be clearly visible from the railway station car park and the elevated vantage points of the railway platforms and public footbridge, therefore the impact of this proposal on the South elevation is considered to be the principal consideration.

A strong characteristic of the front of this building is the varied yet harmonious treatment of the elevation in sections, in particular the roofline which for one section has a distinctive curved parapet.

It is noted that the elevation of the proposed additional floor has been divided to reflect the window rhythm on the lower floors; an approach that has been encouraged with previous proposals.

It is noted that the glass balustrade to the southern terrace is an existing feature therefore although the use of glazed balustrading has generally been seen as a detracting element and has been discouraged in the past, it is not proposed to object to this element.

It is considered that a brise soleil would add an uncharacteristic feature to the roofline of this building and could not be supported by the Heritage Team.

Revised drawings were received during the application which omitted the brise soleil to the front of the building and as such there is no objection from the Heritage Team.

## **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

CP9 Sustainable Transport

CP12 Urban design

CP15 Heritage

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

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

TR1 Development and the demand for travel

TR7 Safe Development

TR14 Cycle Access and Parking

## 8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposal on the design and appearance of the building and the wider surrounding area, including the setting of the Hove Station Conservation Area to the south and the impact on neighbouring amenity.

8.2 A prior approval application (BH2016/05473) for the change of use from office to seven residential flats was granted in November 2016. This included a single residential unit on the top floor which is subject to this application. It was noted on site that much of the conversion has taken place with the residential flat layouts set out internally. To the top floor the roof had been increased in height and the rear wall set back. It is considered that the works to convert the building to a residential use have progressed to a stage whereby the office use has ceased. This application relates solely to works to alter the approved third floor flat.

### 8.3 **Design and Appearance:**

- 8.4 The roof has been increased by 250mm at the front elevation and aligns through to the same height as the existing parapet to the adjoining building to the east. The sliding doors would be revised to better align with the fenestration on the lower floors, similar to the approved planning application (BH2016/02328). The rear wall has been set back 1.6m to the north with the overall height increased by 200mm.
- 8.5 The works are considered to result in a more coherent appearance to the principal southern elevation. The works to the rear would not be visible from the public domain and are again considered to be acceptable.
- 8.6 The external works in their entirety are relatively minor in nature and are considered to have an acceptable impact on the appearance and character of the locally listed building and the wider Hove Station Conservation Area and are considered to be acceptable in accordance with development plan policies.
- 8.7 The Heritage Team have accessed the application and have no objection to the proposal.
- 8.8 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.
- 8.9 The main consideration is whether the increase in depth of the third floor by 1.6m, in conjunction with the increase in height of the roof to the rear of 200mm would result in harm to the residential amenity of the occupiers to the rear in Newtown Road.
- 8.10 A site visit clearly indicated that the extended top floor would be visible from the ground floor windows and also the rear half of the gardens of the properties directly to the rear on Newtown Road. Whilst the altered top floor was visible it is considered that the set back of 3.4m from the rear elevation in conjunction with the relatively minor increase in height is such that there would not be an unacceptably overbearing or enclosing impact or a significant loss of outlook to neighbouring properties to the rear.
- 8.11 Whilst the extended top floor would be set approximately 1m higher than the roofline at the adjoining property to the east, the 3.4m set back from the rear elevation would help to screen the extended top floor from views from the north east.
- 8.12 It is noted that there is an extant planning permission for an additional storey to the adjoining building to the west (Hove Business Centre).

The additional storey would be set back between 3.1m and 2m from the rear elevation of the building.

- 8.13 Whilst the roofline at the application site would be approximately 200mm higher than the extant scheme at Hove Business Centre the greater set back (3.4m) from the rear elevation would ensure that it would have a reduced impact on neighbouring amenity than the extant scheme.
- 8.14 A sunlight and daylighting study was submitted with the Hove Business Centre application which demonstrated any negative impact on sunlight and daylight was relatively minimal.
- 8.15 In the context of the existing third floor storey at the application site and the existing and consented built form to both of the adjoining properties it is not considered that the proposal would result in any significant loss of light or overshadowing to the properties to the rear and the proposal is considered to be acceptable in this regard.
- 8.16 It is further noted that the former lift overrun structure has been removed and relocated to the centre of the roof which would result in a minimal reduction in the massing of the application property to the rear.
- 8.17 Whilst there is extensive glazing to the rear of the building and the wider terrace it is acknowledged that additional glazing at third floor level could increase levels of overlooking towards the properties to the rear. As such a condition is suggested to ensure any parts of the windows to the rear below 1.7m above the internal floor levels are obscure glazed and fixed shut.
- 8.18 A condition is also suggested precluding access to the flat roof to the rear other than for maintenance in order to protect neighbouring amenity in regards to privacy and the potential for noise disturbance.
- 8.19 Overall the application is considered to result in an acceptable impact on neighbouring amenity in accordance with the policy QD27.

**8.20 Sustainable Transport:**

The proposal involves a relatively minor increase in floorspace over and above that already consented and as such it is not considered to result in any significant transport or parking impacts.

**9. EQUALITIES**

- 9.1 None identified.

