

<b><u>No:</u></b>	<b>BH2021/00897</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>6 St Aubyns Gardens Hove BN3 2TA</b>		
<b><u>Proposal:</u></b>	<b>Retention of flat roof to replace existing pitched roof to rear outrigger.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	12.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	07.05.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
<b>Applicant:</b>	Bellimo Ltd Brighton Kingsway Hotel 2 St Aubyns Hove BN3 2TB		

## 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>
Proposed Drawing	ADC1345/05	A	30 April 2021
Proposed Drawing	ADC1345/06	A	30 April 2021
Proposed Drawing	ADC1345/07		12 March 2021
Proposed Drawing	ADC1345/08		12 March 2021
Location and block plan	ADC1345/LP		12 March 2021

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. Access to the flat roof hereby approved 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.

### 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

- 2.1. The application site is on the north side of St Aubyns Gardens, which is effectively part of the west-to-east section of the dual carriageway known as Kingsway (A259), and opposite King Alfred Leisure Centre. It is a mid-terrace building, but which is at the western end of a row of 15 similar Classical style, mid-Victorian properties with two lower, four storey buildings adjoined to its western flank wall. The property the subject of this application was original four storeys plus basement and roofspace, which has subsequently been converted via roof extensions either side of the original Dutch gables to the front elevation. In contrast with those buildings to the east, it only has one canted bay and features light green painted render as opposed to cream coloured render. To the rear it has a two storey outrigger that is set away from the rear elevation and straddles the boundary with no. 5. According to Council Tax records, the building is comprised of six flats; 1-4 are numbered as such and there are also nos. 6A and 6B.
- 2.2. The application site is within the Old Hove Conservation Area, an Archaeological Notification Area and Controlled Parking Zone (CPZ) N. It is not a listed building or within the setting of any.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/01599**: Retention of a single storey annex building for use as an office.  
Invalid
- 3.2. **BH2002/01632/FP**: Alteration to rear roof light to form roof access hatch.  
Approved 13 August 2002

## 4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the retention of a flat roof to replace the existing pitched roof to the outrigger to the rear of this building. The works commenced on 1 November 2020 and although they were not finished at the time of the application, they have since been completed in May 2021.

## 5. REPRESENTATIONS

- 5.1. **Eight (8) objections** have been received, **five** of which are from properties directly affected, raising the following concerns:
- The Council and neighbours should have been consulted on this significant building change prior to the work commencing.
  - Loss of light
  - The extension is out of character with the other buildings in the row.

- Scaffolding has been erected for under false pretences (repair, not an entire new roof) and for longer than stated, significantly limiting the use of garden space by neighbours. Debris including brickwork, nails and wood has also fallen from it at a significant height into neighbouring properties without warning.
- Construction noise and disruption, including from the burning of construction waste.
- Visually the pitched roof is more in keeping with the rear of all these properties.
- It appears that the roof replacement is to allow the loft to become a habitable space.
- It would not preserve the character and the appearance of the conservation area.
- It impacts on the neighbouring properties valuation.
- The flat roof must not be allowed to be used as a terrace to overlook adjoining properties and become a potential noisy party area.

5.2. **Nine (9)** representations in support, **four** of which are from properties directly affected have been received for the proposal for the following reasons:

- The roof works undertaken are not unsightly.
- The roof works on the back of the building would not affect its nice character and uniqueness on this row by reason of its colour.
- The appearance and size of the new roof is appropriate.
- It is understood that the occupant of the flat affected was unhappy with the damp conditions due to the old damaged roof.
- The new flat roof is nicely designed, matches the current building and adds beauty to the area.

## 6. CONSULTATIONS

None

## 7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.3. 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).

7.4. 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.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development  
 CP12 Urban design  
 CP15 Heritage

#### Brighton and 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

#### Brighton & Hove City Plan Part 2:

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18 High quality design and places  
 DM20 Protection of Amenity  
 DM21 Extensions and alterations  
 DM26 Conservation Areas

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to design and heritage as well as the impact on neighbouring amenity.

9.2. Officers investigating the matter prior to submission of the application visited the application site. The application has been assessed using photographs and information from previous site visits as well as using aerial imagery.

### **Design and Heritage**

- 9.3. 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.
- 9.4. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.5. The application involves removing the pre-existing pitched roof and extending the sides of the outrigger upwards by 1.87m creating a flat roof. The total height of the outrigger as extended would be 9.7m from ground level, 57cm below the ridge height of the pre-existing pitched roof. This has also resulted in the removal of the chimney. It is understood that the rationale behind this is to replace the previous leaking roof.
- 9.6. In terms of the surrounding context, there are a mix of roof forms to the rear outriggers (where they exist) of properties within this curved terrace on St Aubyns Gardens and St Aubyns, which is to the east and runs up to Church Road (B2066) to the north. Some are pitched down towards the rear gardens, some are dual-pitched down to either side and some are flat. The roof forms of nos. 7 and 8 as well as 1-3 Vallance Gardens immediately to the east are also flat. The existing roof form incorporating three pitches is not one that is seen in the immediate area and therefore this application results in the removal of an incongruous roof form. Given that the outrigger is not historic, does not have group value and in the context of this mix of roof forms, both a single pitch down to the rear of the gardens and a flat roof are acceptable in principle.
- 9.7. The additional height from the eaves of the pre-existing roof is considered acceptable in design terms as the height of the outriggers varies from single storey to four storeys. It also provides an improved standard of accommodation for the occupier in respect of enlarged floor to ceiling heights to their living room, kitchen and shower room.
- 9.8. As regards materials, the flat roof is GRP (Glass Reinforced Plastic), also known as fibreglass. GRP offers a high resistance to long-term wear, is low maintenance, UV resistant, remains watertight and cannot rust or corrode. It is resin applied straight onto roof boarding and the topcoat results in a dark grey coloured finish. As such, it is considered to be an attractive, high quality material that, although modern, is suitable for use in a conservation area. It is recognised that the flat roof is visible from the public realm, specifically the gap between the rear elevation of 1-3 Vallance Gardens and the flank wall of 5 Vallance Gardens, but that no harm to heritage assets would arise in the view of Officers. As such, NPPF paragraph 196 regarding public benefits is not engaged.
- 9.9. Therefore, the change from a pitched roof form to a flat roof is considered acceptable in design and heritage terms and would not materially harm the appearance and character of the Old Hove Conservation Area or due to the siting and scale of development would not have a detrimental impact on the setting of any nearby listed buildings. As such, the application is considered to

be compliant with Policies CP12 and CP15 of the City Plan Part One and QD14 and HE6 of the Local Plan.

### **Impact on Neighbouring Amenity**

- 9.10. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.11. The objections received raise issues of loss of light, overlooking and noise from the potential use of the flat roof as a terrace / amenity area.
- 9.12. Given the orientation of the site with the rear of the property facing north, any loss of light would be to the rear gardens of 5 and 7 St Aubyns Gardens as well as to that of the application property. The test for overshadowing is set out in the BRE guidance where an adverse impact is caused when either the area of garden that can receive 2 or more hours of direct sunlight on 21 March is reduced to below 50% of the total area, and the total area of the garden that can receive 2 or more hours of direct sunlight on 21 March is reduced by 20% or more of the existing value as a result of the proposed development. The overshadowing created by the increase in height to the sides of the roof is considered to be relatively minor, particularly given the existing situation where the four storey frontage buildings overshadow much of the rear gardens of these properties. As such, the rear gardens are considered to not be adversely affected by this application.
- 9.13. No windows have been included in the section of additional height to this rear outrigger and therefore no overlooking or loss of privacy would ensue. It is recognised, however, that its use as a roof terrace or external amenity area would cause an adverse impact on that respect as well as a noise disturbance. As such, a condition is recommended to be imposed preventing the use of the flat roof as any kind of terrace or amenity area.
- 9.14. As such, the proposal is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

### **Matters raised by consultation**

- 9.15. Matters regarding property values, noise, disturbance and general unneighbourly activity generated by building works, including that from scaffolding, are not valid planning considerations and therefore have not been taken into account in the determination of this application. The drawings do not show a loft to the rear outrigger or it as a habitable space.

## **10. CONCLUSION**

- 10.1. This application is considered acceptable since the replacement roof form would not be out of character or incongruous with the appearance of the host terrace and the conservation area, and would not cause harm to neighbouring amenity. As such, this application is recommended for approval.

**11. EQUALITIES**  
None identified

