

<b><u>No:</u></b>	<b>BH2021/00426</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>The Mews House Adelaide Mansions Hove BN3 2FD</b>		
<b><u>Proposal:</u></b>	<b>Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel:	<b><u>Valid Date:</u></b> 22.02.2021
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	19.04.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Miss Andrea Catlow The Mews House Adelaide Mansions Hove BN3 2FD		

## 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	1804-PA-010		8 February 2021
Proposed Drawing	1804-PA-011		8 February 2021
Proposed Drawing	1804-PA-012	REV A	16 April 2021
Proposed Drawing	1804-PA-013	REV A	16 April 2021
Proposed Drawing	1804-PA-014	REV A	16 April 2021
Proposed Drawing	1804-PA-015		8 February 2021
Proposed Drawing	1804-PA-015		6 May 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. The glass balustrade hereby approved shall be frameless and retained as such thereafter.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The obscured glass wall on the southern end of the garden room hereby approved shall be installed prior to the first use of the terrace and shall remain obscured as such thereafter.

**Reason:** In order to protect adjoining properties from overlooking and to comply with policy 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 located within the Brunswick Town Conservation Area and is attached to 1-4 Adelaide Mansions which is listed Grade II. The property is not itself a designated heritage asset, however it relates in scale and architectural treatment to the adjacent 3 storey rear extension of 1 Adelaide Mansions, and sits prominently in views of the listed buildings from the north along St Johns Road thereby having potential to impact the setting of this heritage asset.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/00427** Erection of garden room on roof with roof terrace. Installation of replacement aluminium windows and doors to first floor balcony and new lower ground floor flue on East elevation. Concurrent Listed Building Consent application under consideration
- 3.2. **BH2014/01865** Application for removal of condition 2 of BH2014/00106 (Internal alterations to layout of second floor) which states that no works shall take place until full details of the external vent have been submitted to and approved in writing by the Local Planning Authority. Approved 06.08.2014
- 3.3. **BH2014/00106** Internal alterations to layout of second floor. Approved 25.03.2014
- 3.4. **BH2009/00162** Erection of garden room on roof. Approved 30.04.2009

## 4. APPLICATION DESCRIPTION

- 4.1. Householder planning consent is sought for the erection of a garden room on the roof with a roof terrace. Consent is also sought for the installation of replacement aluminium windows and doors to the first-floor balcony and a new lower ground floor flue on the East elevation.
- 4.2. The proposal represents an amended scheme for a garden room and roof terrace, previously approved in 2009 (BH2009/00162). The extension in the current application has been re-positioned to the south west corner of the roof when compared to the previously approved scheme, the permission for which has now expired.

## 5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:
  - Adverse effect on listed building
  - Adverse effect on conservation area
  - Detrimental to property value
  - Inappropriate Height of Development
  - Noise
  - Overdevelopment of the property
  - Overshadowing
  - Restriction of view
- 5.2. **Conservation Advisory Group Objection**

The proposed glass room on top of the existing roof would be very visible from several parts of the public realm and because of its design and size and would introduce an alien and harmful intrusion into the street scene. The proposed glass balustrade for the proposed roof terrace would also be very visible from the public realm and would be equally, if not more harmful, to the setting of a listed building and to the street scene.

## 6. CONSULTATIONS

### 6.1. Heritage

#### 09.03.2021 - Objection

This application is for a glazed structure with a pitched roof on top of the existing flat roof, a roof terrace and glass balustrading added to the existing parapet. Any increase in height of this property will have an impact on the highly visible roof-scape of the three storey extensions to Adelaide Mansions, and the setting of the listed building. The scale of building at this end of St Johns Road drops dramatically northwards from the principle frontage of 1 Adelaide Mansions and the development of the roof of Mews House has the potential to disrupt this relationship.

- 6.2. It is considered that as proposed, the proportions of this structure would be overly prominent, and the addition of glass balustrading would be an uncharacteristic addition to the street scene. It is therefore suggested that a

lower, flat-roofed structure would have less impact and would relate better to the roof profiles in views from the north, and an alternative balustrade arrangement, perhaps set back from the existing masonry parapet should be investigated. The heritage team is unable to support this application as submitted.

22.04.2021 - Comment following revised plans received 21.04.2021

- 6.3. The design of the proposed structure has been amended to have a flat roof as suggested in the original comments. This is considered to reduce the prominence of the structure in the street scene due to the reduction in height and the simplification of the profile and is considered acceptable. The glass screen has been re-positioned inside the area of flat roof, rather than being placed on top of the existing parapet as originally proposed. It is considered that this has potential to reduce its visibility, however clarification of the impact this would have is considered necessary, and a section showing visibility from street level from the north is requested.

10.05.2021 - Approve with Conditions - Final comment following information received 07.05.2021

- 6.4. The applicant has provided a 3D visual and section to aid assessment of the visibility of the proposed glass screen. It is considered that the northern balustrade will be clearly visible in views southwards along St Johns Road, but the eastern barrier is likely to be less visible from closer viewpoints. It is therefore considered that the screen should be frameless (as indicated in the visuals) in order to minimise its visibility - please add a condition accordingly.

## **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. 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).
- 7.3. 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.

## **8. RELEVANT 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 & Hove Local Plan (retained policies March 2016)  
QD14 Extensions and alterations  
QD27 Protection of amenity  
HE1 Listed buildings  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of a conservation area

Brighton & Hove City Plan Part Two (Proposed Submission October 2020)  
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  
DM27 Listed Buildings  
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:  
SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character and significance of the adjacent Grade II listed building to which the Mews House is connected (1-4 Adelaide Mansions) and the wider Brunswick Town Conservation Area.
- 9.2. "In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, 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.

- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight.

#### Design Comments

- 9.4. The original proposal submitted sought permission for the erection of a glazed structure with a pitched roof on top of the existing roof and a glass balustrade along the existing parapet. Following the initial consultation with heritage, amended drawings were received which removed the pitched roof element from the design of the proposal to reduce the visual prominence of the structure and so that it would relate better to the surrounding roof profiles. The amended drawings also repositioned the glass balustrade as it was considered to be an uncharacteristic feature within the surrounding context of the area.
- 9.5. The proposed balustrade would now be set back from the perimeter rather than being situated on top of the existing parapet wall, reducing its visibility from the streetscene. A 3D visual and sectional drawing were also received following further consultation with heritage which confirm that the northern side of the balustrade would be clearly visible from St John's Road, but the eastern side would be less visible. A condition will be added to ensure the balustrade would be frameless to minimise its visibility from the public realm.
- 9.6. The amended plans have addressed the concerns raised by the Heritage Team.
- 9.7. Following these amendments to the design of the proposal, the proposed works would not harm the historic character or appearance of the adjacent Grade II listed building or wider conservation area, in accordance with policies QD14, HE1 & HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26, DM27 & DM29 of the Brighton & Hove City Plan Part Two.
- 9.8. The proposed replacement aluminium windows and doors to the first-floor balcony and new lower ground floor flue on the East elevation are considered to be minor alterations that are unlikely to result in significant harm to the character or appearance of the host building, the significance of the adjacent listed building or wider conservation area, in accordance with Local Plan policies QD14, HE1 & HE6, City Plan Part One policy CP15 and City Plan Part Two policies DM18, DM21, DM26, DM27 & DM29.

#### Impact on Neighbours and Amenity

- 9.9. 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.
- 9.10. Concerns have been raised from neighbouring occupiers regarding the impact of the structure.

- 9.11. The impact of the proposal on the amenity of the adjacent properties has been assessed following the submission of site photographs with this application and the review of photos taken during a site visit on the 14.06.2021.
- 9.12. With regard to neighbouring amenity, some impacts are expected to occur as a result of the proposed development. The proposed roof terrace would result in greatly increased usage of the roof space as an outdoor amenity area. This in turn would create noise nuisance on a regular basis for the adjacent residents of Adelaide Mansions and the surrounding area. However, the significance of this impact is not considered sufficient enough to warrant a refusal of the application in this instance.
- 9.13. No impacts relating to loss of privacy or overlooking are expected to occur as a result of the proposed development as the southern wall would be constructed from obscured glass and the western wall would be a full height rendered wall with no windows. The other two walls would face away from the adjacent residents of Adelaide Mansions. Due to the positioning of the proposed structure, no impacts relating to sunlight and daylight are expected to occur.

**10. EQUALITIES**  
None identified

