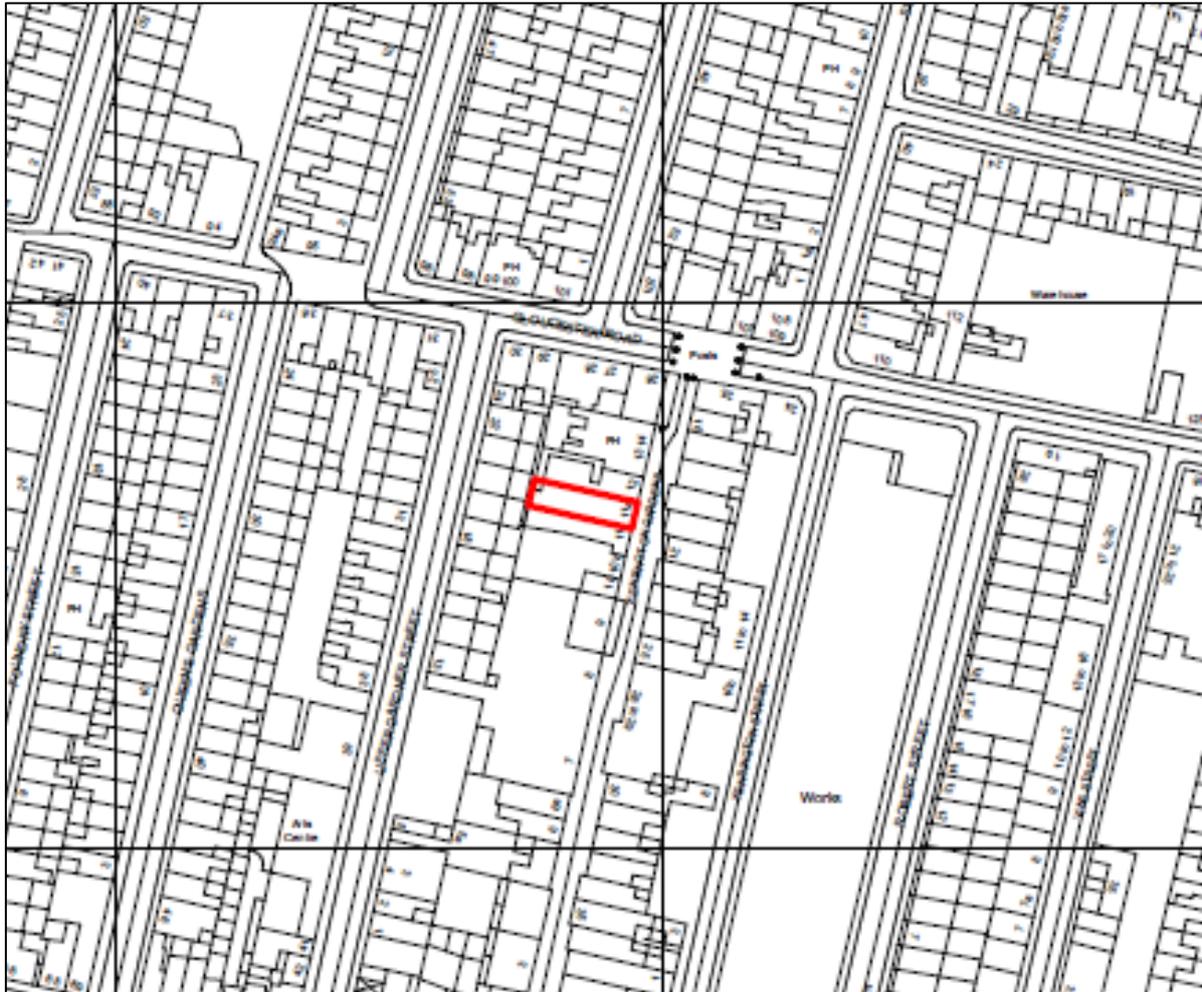


# PLANNING STATEMENT

## I 1 B KENSINGTON GARDENS, BRIGHTON



<b>Whaleback Planning &amp; Design</b> The Old Bank 257 New Church Road Hove BN3 4EE 01273 234 354 www.whaleback.co.uk	<b>Site</b>	I 1 b Kensington Gardens, Brighton, BN1 4AL
	<b>Project</b>	Rear Extension
	<b>Applicant</b>	Oli Whiting
	<b>Our Ref</b>	W2155-a
	<b>Date</b>	August 2021
	<b>Version</b>	20210827

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## Introduction

1. Whaleback Planning & Design is instructed by the applicant to prepare and submit a part-retrospective planning application to Brighton & Hove City Council for the erection of a single storey rear extension and the removal of an outbuilding and fencing at 11b Kensington Gardens.
2. The application is a revised scheme following the refusal of planning permission for the retrospective erection of a rear extension (application reference BH2020/02632). The amended scheme differs in terms of its materiality, form and fenestration design, the acceptability of which is covered within the Planning Appraisal.
3. This Planning Statement describes the application site and its surroundings, the development proposal, the planning history of the site and the relevant planning policy framework. A planning appraisal is provided to consider the merits of the application followed by a conclusion.

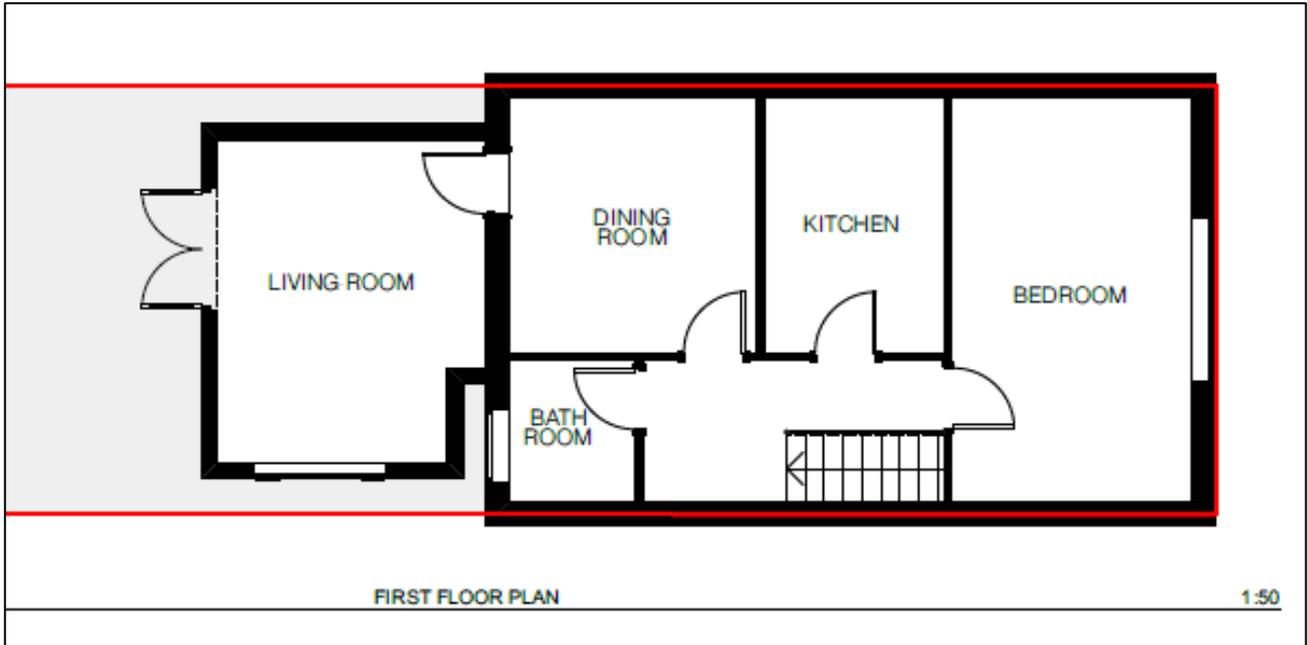
## Site and Surroundings

4. The application site is a first floor flat on the western side of Kensington Gardens, Brighton and within the North Laine Conservation Area. The original flat has a white rendered finish, white timber fenestration and a pitched roof with flat roof as the property extends to the rear.
5. To the west of the first-floor flat is an area of flat roof which is sited over an existing restaurant (Wai Kika Moo Kau) at ground floor level. The flat has been recently extended onto this flat roofed area, with planning permission for the development refused under retrospective application BH2020/02632.



*Rear Extension to Flat at 11b Kensington Gardens*

6. The single storey extension has an unpainted shiplap clad finish, flat roof form and features white uPVC French doors to the rear and side window facing southwards. It measures 2.6m in height and extends 3.45m beyond the rear wall of the host property. The extension is set in from the sides of the original flat and leaves a small gap where the existing bathroom window is located.



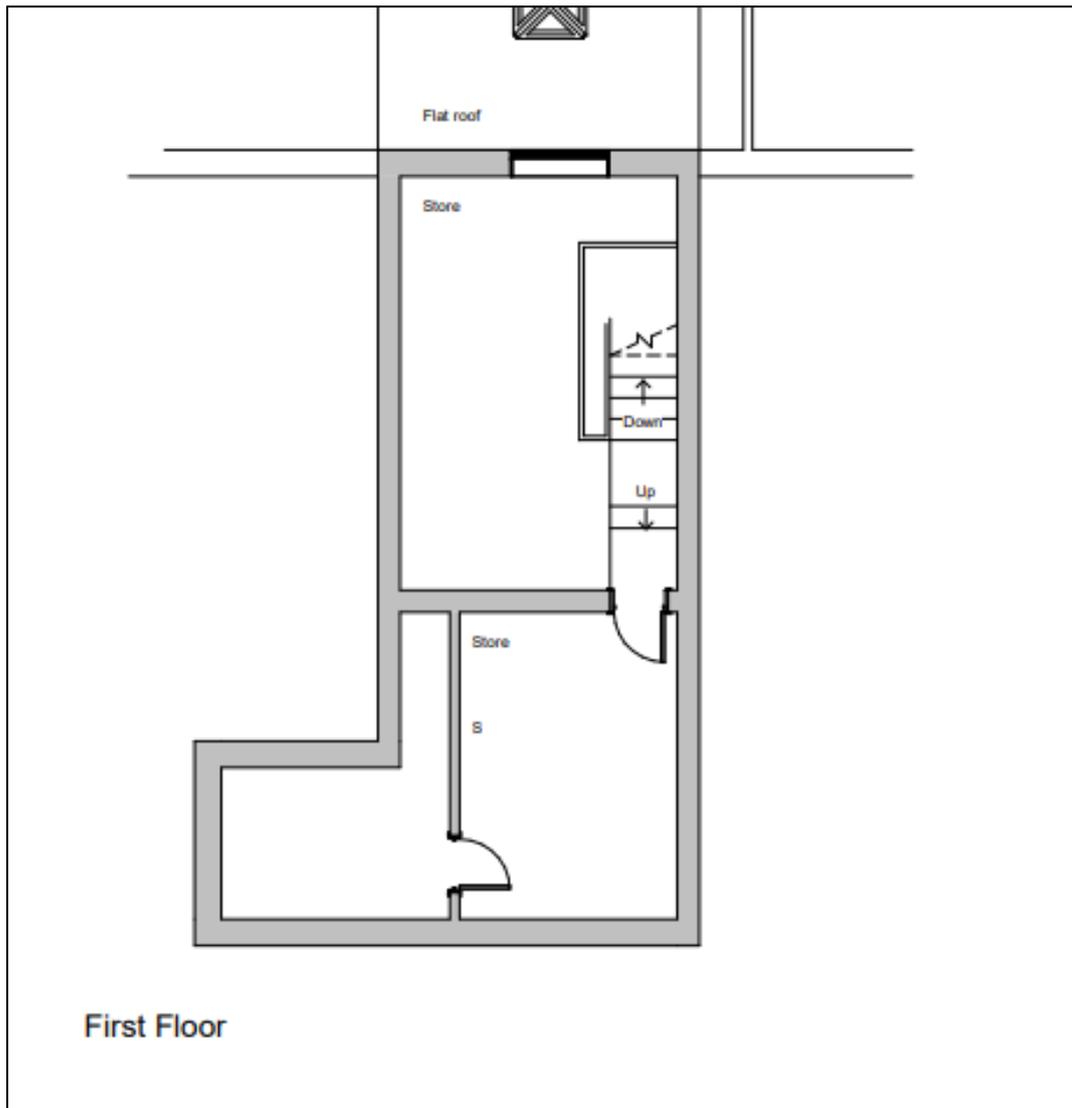
*As Built Floor Plans – 11b Kensington Gardens*

7. There is an outbuilding (which was erected to store equipment during construction works for the extension) and low fencing on the flat roofed area to the west.
8. To the north of the extension is a flat roofed extension forming the first-floor level at 12 Kensington Gardens. The neighbouring extension is higher and extends further to the rear than the extension at 11b Kensington Gardens, measuring 3.28m high and 5.95m deep.
9. The neighbouring extension has a west-facing rear window and an obscure glazed side window that faces towards the rear extension at the application site. Internally, the first floor level at 12 Kensington Gardens is in use as a second hand clothing shop (To Be Worn Again).



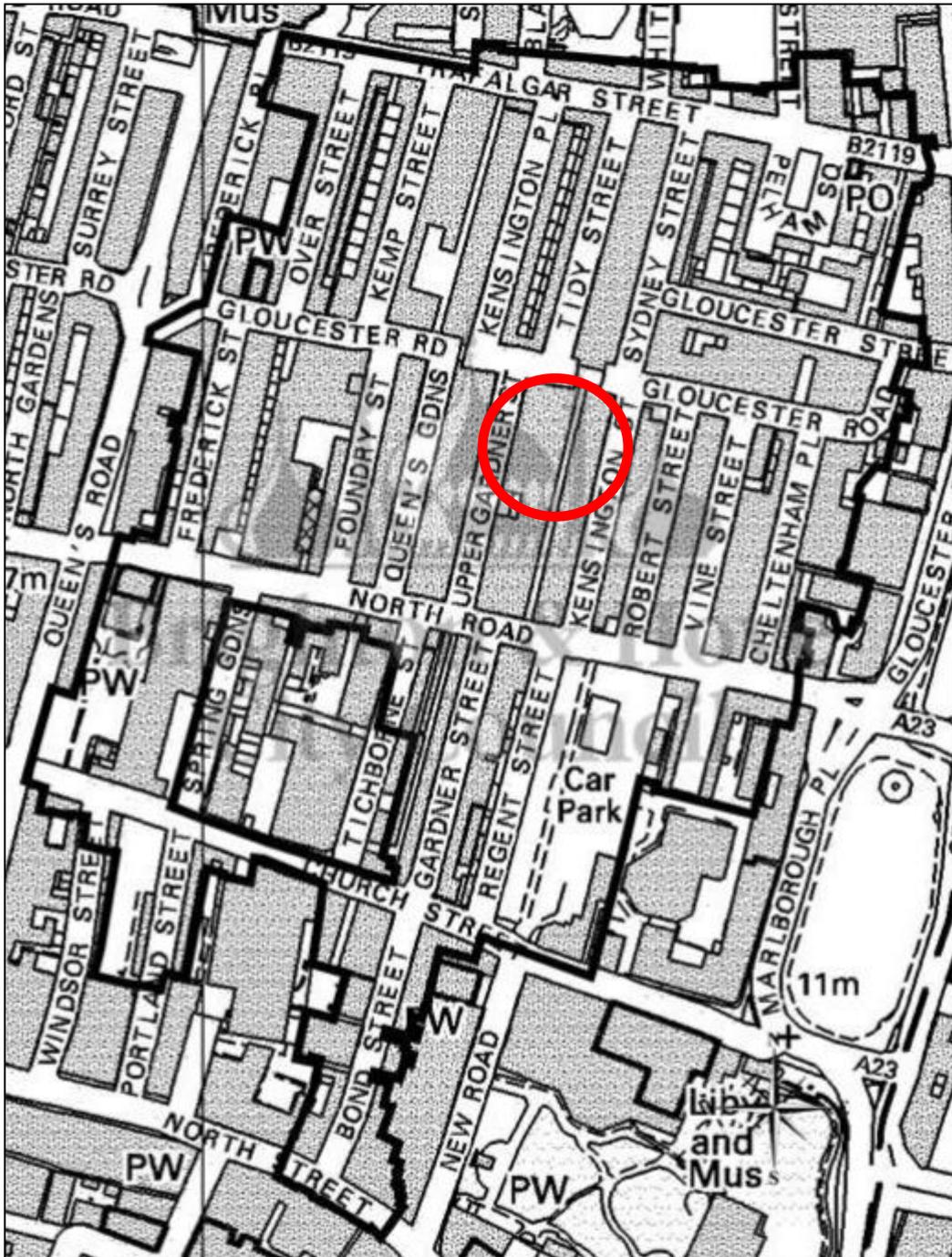
*Obscure Glazed Side Window at 12 Kensington Gardens facing towards Extension at Application Site*

10. 11 Kensington Gardens is to the south of the application site is a commercial unit at ground floor and first floor level, with the lower level a retail shop for Two Feathers and the upper floor ancillary storage space. The recently submitted application at 11 Kensington Gardens (application reference BH2021/02738) is accompanied by existing floor plans that demonstrate that the first-floor level is in use as a commercial store. The neighbouring property also has a rear window at first floor level which faces westwards.



*First Floor Plans at 11 Kensington Gardens as submitted under BH2021/02738*

11. The property to the south of no. 11 (10 & 10A Kensington Gardens) is in use as a retail shop at ground floor level and ancillary commercial space at first floor level
12. The upper floor levels of the properties to the south have been extended in the past with primarily flat roofed additions.
13. To the west of the application site is a row of two-storey terraced dwellings with basement level along the eastern side of Upper Gardner Street. These dwellings have rear windows that face towards the application site and back gardens at basement level, below the flat roof space serving the ground floor commercial units along Kensington Gardens.
14. The Area Study for the North Laine Conservation Area describes most buildings as dating from the 18<sup>th</sup> or 19<sup>th</sup> Century, with the dominant material within the area being white rendered walls and slate roofs. The Conservation Area derives its special interest from its attractiveness as a townscape when taken as a whole.

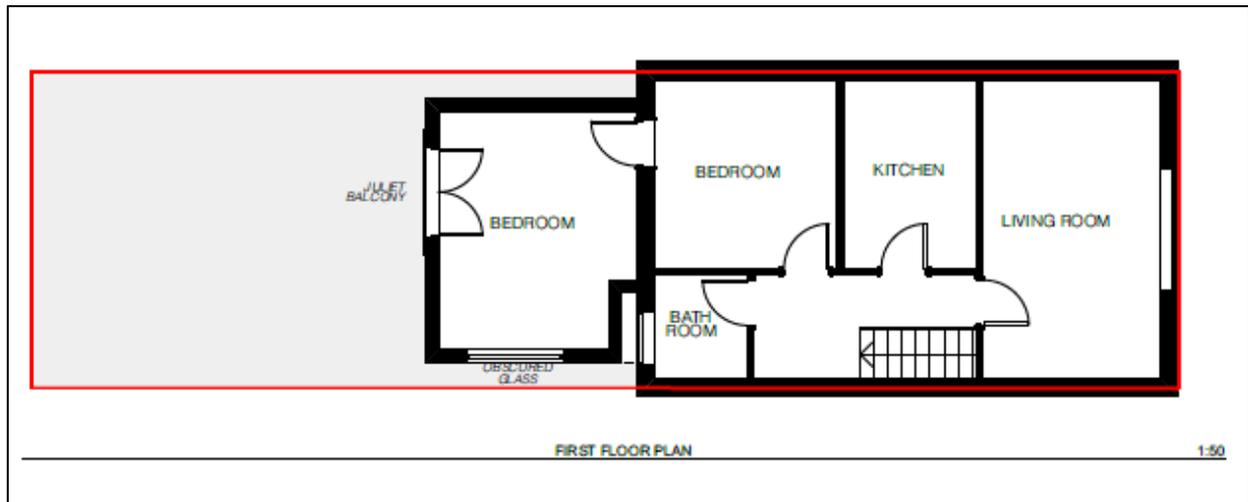


North Laine Conservation Area – site identified within red circle

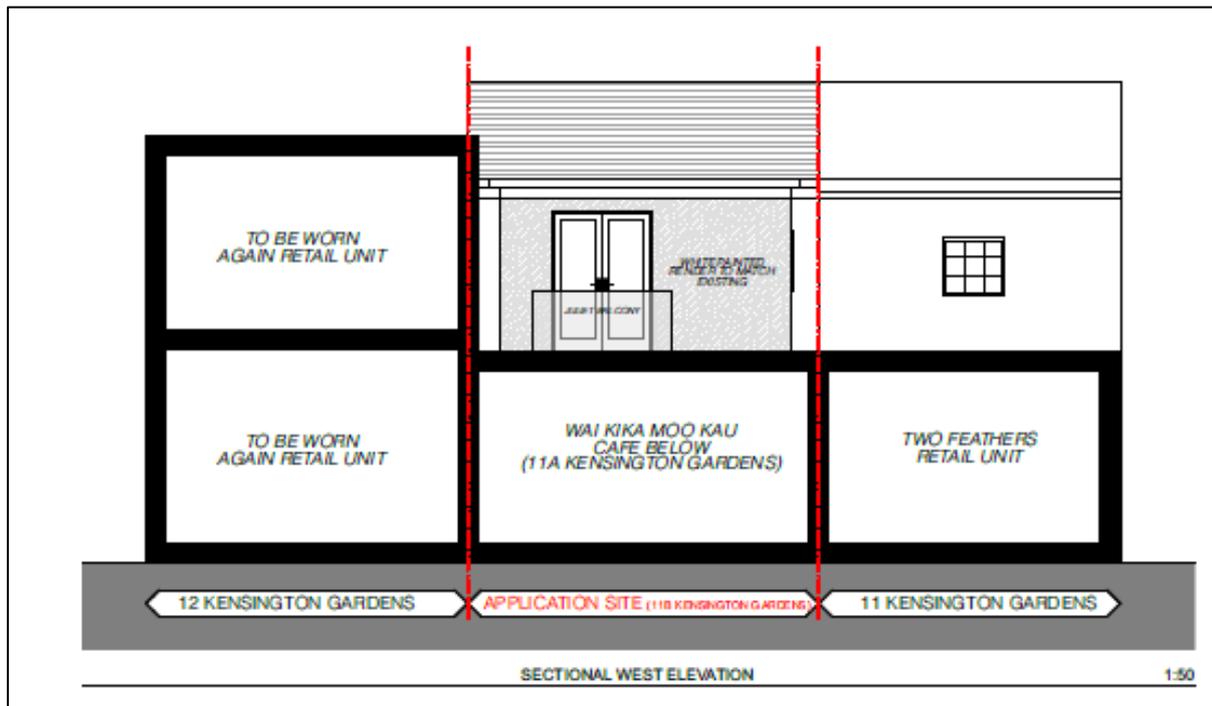
## Development Proposal

15. This application seeks part-retrospective planning permission for a single storey first floor rear extension to create a more useable and open plan living / dining area for the applicant's family and follows refused planning application BH2020/02632 for the retrospective erection of the first-floor rear extension.
16. The development has a flat felt roof of 2.6m in height and 3.45m in depth as it extends westward. Externally, the extension would be finished in white render, has a white uPVC side window with

obscure glazing facing southwards and white uPVC double doors to the rear with Juliet balcony. It is proposed that the extension will fully adjoin to the rear of the original flat.



Proposed Floor Plans – 11b Kensington Gardens



Proposed Rear Elevation – 11b Kensington Gardens

17. The fencing and outbuilding to the rear are to be removed as part of the proposal. The flat roofed area to the west will be used for maintenance / emergency purposes only.

### Relevant Planning History

18. **BH2020/02632:** Erection of single storey first floor rear extension (retrospective). Refused 14th December 2020.

19. **96/0829/FP:** Conversion of existing retail premises (A1) to restaurant (A3). Installation of extract flue to rear flat roofed area. Approved.

Planning Application BH2020/02632

20. Retrospective planning permission was sought for the erection of a first-floor rear extension at 11b Kensington Gardens and differed to the current application in the following ways:
- Small separation with rear wall of original flat
  - Unpainted shiplap clad finish
  - Clear paned south-facing window
  - Outward opening double doors to the rear, without Juliet balcony.
21. Permission was refused for the following reasons:

*'1. The extension has a harmful effect on the character and appearance of the host property and its setting, due the use of unsympathetic materials, form and design of the fenestrations, effect on extant buildings through obscuring of existing window details and the form of the extension appearing an incongruous addition in the setting of the western terrace of Kensington Gardens, such that the extension has a harmful impact on the host property and the wider North Laine conservation area, contrary to NPPF, Brighton & Hove Local Plan policy HE6 and QD14, Brighton & Hove City Plan Part One policy CPI2 and CPI5 and Supplementary Planning Document on Extensions and Alterations SPD12.*

*2. The extension by reason of its depth, height and positioning in relation to neighbouring boundaries, presents a visually detrimental structure which creates a loss of outlook, overshadowing, and loss of light for neighbouring properties significantly harming their residential amenity. The fenestration and continued use of the flat roof area as amenity space causes substantial harm to neighbouring amenity through overlooking and potential noise disturbance. The development would not accord with policies QD27 of the Brighton and Hove Local Plan and Supplementary Planning Document on Extensions and Alterations SPD12.'*

**Planning Policy Framework**

22. Planning and Compulsory Purchase Act 2004 Section 38(6) requires local planning authorities to determine planning applications in accordance with the development plan, unless other material considerations indicate otherwise.

National Planning Policy Framework

23. A presumption in favour of sustainable development is found at the heart of the NPPF, for both plan-making and decision-taking, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
24. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environment.

25. For decision-taking this means approving applications that accord with up-to-date policies without delay; or where policies are absent, silent or out-of-date, granting permission unless the Framework provides clear reasons for refusing a proposal in a particular location or any adverse impacts of permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Brighton and Hove Local Planning Policies

26. The development plan of Brighton and Hove City Council is currently out of date. A review of City Plan Part 1 (“CPPI”) carried out in March 2020 (as reported to the Tourism, Equalities, Communities and Culture Committee on 11<sup>th</sup> March 2020) concluded that due to changes which have occurred at national level (changes to the NPPF, changes to the Use Classes Order and changes to permitted development legislation), and changes to the calculation of housing targets which have seen the annual housing target raise from 660 homes per year to 1250 homes per year from June 2021, CPPI is out of date.
27. A review of CPPI is scheduled for 2025 or later which leaves the current development out of date and relevant weight in the planning balance must be attributed accordingly.
28. The emerging City Plan Part 2 was submitted to the Secretary of State for formal examination and approval on the 13<sup>th</sup> May 2021. The policies within the proposed plan cannot be attributed full statutory weight until the plan is formally adopted.

Brighton & Hove Local Plan (2005)

29. BHLP policies relevant to the application proposal are as follows:

**Policy HE6** – Development within or affecting the setting of conservation areas

**Policy QD14** – Extensions and Alterations

**Policy QD27** – Protection of Amenity

Brighton & Hove City Plan Part 1 (2016)

30. CPPI Policies relevant to the application proposal are as follows:

**Policy SSI** – Presumption in Favour of Sustainable Development

**Policy CP12** – Urban Design

**Policy CP15** - Heritage

Supplementary Planning Document

31. SPD12 (2020) provides detailed design guidance relating to extensions and alterations, outlining that as a rule of thumb new extensions should be subservient to the host property and should have regard to its host building and surroundings in terms of scale, mass, height, siting, character, choice of materials and spacing.
32. SPD17 (2021) provides detailed guidance on good design to support the vision, objectives and planning policies as set out in CPPI and CPP2, in particular policy CP12 within CPPI.

## Planning Appraisal

### Heritage & Visual Impact

33. In response to refused planning application BH2020/02632, the applicant has made amendments to the design of the extension to overcome the first reason of refusal given by the LPA. It is now proposed that the extension will adjoin fully to the residential flat, overcoming LPA concerns regarding the small gap between the extension and the rear wall of the flat. The development will also have a white rendered finish to match the exterior of the host property and the light rendered finish of properties within the wider North Laine Conservation Area.
34. The development is considerably lower than the ridgeline of the pitched roof on the main dwelling, has a modest depth at approximately a third the depth of the original flat and is set in from the sides of the host property. This ensures that the extension appears as a subservient and proportionate addition to the application property, conserving its overall appearance and character.
35. The extension has a significantly lower built footprint than the first-floor extension at 12 Kensington Gardens to the north, appearing as a more subordinate and proportionate addition to the application property when compared with this adjacent example.
36. The addition of a flat roofed extension is in keeping with the flat roof form of the host property and as seen on extensions to properties to the north (12 Kensington Gardens) and to the south.
37. The extension is entirely shielded from public view given its rear siting. The use of white uPVC fenestration at the application site therefore has no impact when viewed from the public realm and the character of the wider Conservation Area would not be harmed.
38. The flat roofed area to the west of the first-floor properties along Kensington Gardens cannot be seen from any public vantage points and alterations to this area are evident (as seen with the first-floor extension at 12 Kensington Gardens and the rooflights and flues further south). Given this, the flat roofed area does not contribute to the character or significance of the Conservation Area and the introduction of an extension to an area that has been altered in the past would not harm the wider area.
39. Similarly, the windows to the rear of the original flat at 11b Kensington Gardens and to the side at 12 Kensington Gardens are not publicly visible and their removal / obscuration (which is often unavoidable to allow for the construction of extensions) does not harm the special architectural interest of the Conservation Area.
40. For these reasons, the amended rear extension design represents a sympathetic and proportionate addition to the flat at 11b Kensington Gardens and would not harm the character or significance of the wider Conservation Area given that there are no views of the development from the public realm. It therefore accords with Brighton & Hove Local Plan policy HE6 and QDI4, Brighton & Hove City Plan Part One policy CPI2 and CPI5 and Supplementary Planning Document on Extensions and Alterations SPD12.

### Residential Amenity

41. The Delegated Report for the previously refused application at 11b Kensington Gardens stated that the extension did not result in significant overlooking impacts to the neighbours along Upper Gardner

Street. The depth of the extension within this current application has not been increased since the previous application, sited approximately 7.7m away from the rear gardens along Upper Gardner Street, and therefore continues to have an acceptable amenity impact on these western neighbours.

42. The rear doors are now proposed to be inward opening with a Juliet balcony, overcoming the previous concerns that the use of the flat area to the west as a residential terrace could have a harmful impact on the residential amenity of surrounding neighbours. The use of the flat roof area for maintenance / emergency purposes only can be secured by planning condition.
43. The rear extension is sited in close proximity to a south-facing window at 12 Kensington Gardens - it has been demonstrated previously that this window serves a clothing showroom and is obscure glazed. As such, the extension does not impact on residential amenity, instead blocking a window that serves a commercial unit where customer use the space for relatively short periods of time and where the level of light received via this obscured glazed window is already limited.
44. Similarly, the properties to the south are used for commercial purposes at both ground and first floor level and the extension does not impact on the residential amenity to this side. However, in response to the comments made within the Delegated Report for the previously refused application at 11b Kensington Gardens, it is proposed that the south-facing window of the extension is obscure glazed and this can be secured by condition.
45. Overall, the amended extension design would not harm residential amenity and would accord with policies QD14 and QD27 and the guidance set out in SPD12.

## **Conclusion**

46. A number of amendments have been made to the design of the first-floor extension at 11b Kensington Gardens in an effort to respond to the concerns previously raised.
47. The extension would appear as a subordinate addition to the main house, using sympathetic materials and flat roof form to reflect the appearance of the host flat and properties within the wider Conservation Area. There are no public views of the proposed development, and the amended proposal would not harm the character or special architectural interest of the wider area.
48. The south-facing window of the extension is now proposed to be obscured glazed and the flat roof area would be accessed for maintenance and emergency purposes only, overcoming the previous concerns regarding harmful overlooking to surrounding residents. The development does not impact on the residential amenity of 12 Kensington Gardens to the north given that the neighbouring side window at first floor level serves a commercial unit.
49. It is therefore respectfully requested that planning permission be granted for the amended extension proposal.

## **Engagement with the Local Planning Authority**

50. This planning statement has been prepared to assist the Local Planning Authority in the determination of the application with regard to national and local planning policy. However, in the event that the Local Planning Authority should wish to discuss any element of the scheme, including potential

amendments, the applicants would welcome a discussion prior to the determination of the application. Correspondence can be sent to Whaleback Ltd via the contact details set out below.

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