

City Development & Regeneration
Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

7th December 2023

Dear Sir/Madam

Flat 4, 175 Kingsway, Hove, BN3 4GL
Planning Application for rear roof alterations to create external terrace

We write on behalf of the property owners of the above property [REDACTED] to seek planning permission for alterations to the existing roof access area to create a new terrace.

The application follows an appeal decision (APP/Q1445/W/22/3290733) for an alternative roof terrace design where the Inspector concluded that it would not give rise to noise or disturbance to neighbours. Proposals for a revised scheme were subsequently submitted to the City Council with positive pre-application feedback provided on 26th October 2023.

The Principal Conservation Officer concluded that on balance it is considered that this scheme would not cause unacceptable additional harm to the Sackville Gardens Conservation Area. Planning consent is now sought for the revised terrace proposals and an application enclosed accordingly.

Application Site

The proposals relate to a three-bedroom self-contained flat on the top floors of 175 Kingsway, Hove.



Site Location Plan



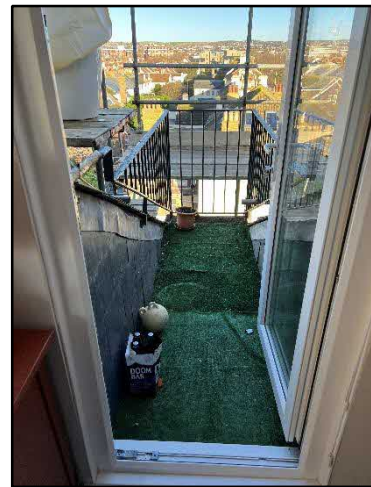
RTPI

mediation of space · making of place

Chartered Town Planners

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Registered in England and Wales

Flat roof dormer windows already exist on both the front and rear roof slopes. The rear dormer occupies a large proportion of the rear roof slope and leads to a small outside area that previously provided access to an emergency fire escape. Whilst the external staircase has been removed, the metal railings remain in place.



The wider terrace of buildings has been disrupted over the years with extensions, dormers, fire escapes, drainpipes, tv aerials and other visual clutter.

Site Designations

The application site is not listed or identified as locally listed heritage asset. The property is located within the Sackville Gardens Conservation Area.

Planning Application History

The City Council planning register includes the following applications relating to Flat 4, 175 Kingsway:

BH2018/01401: Existing rear roof terrace to be widened from 0.9 metres to 3.9 metres. Refused 30th July 2018.

BH2021/03594: Alterations to rear roof area to create roof terrace with balustrade. Refused 7th December 2021. Appeal dismissed (see below).

Planning Appeal (APP/Q1445/W/22/3290733)

Application BH2021/03594 was dismissed on appeal on 29th July 2022 for the following reason:

“Most of the roofslope would be removed and balustrading added and the likelihood is that paraphernalia would follow. The result would look ungainly and uncharacteristic; the aesthetic qualities of the established roofscape would be changed and diminished.....In summary, the appeal property would be harmed as would the Conservation Area.”

In response to concerns raised by the Council relating to the potential for noise disturbance, the Inspector provided the following conclusions:

“I note that the roof terrace would be modest in size, north facing, lacking in sea views, accessed via a bedroom, subject to some ambient background noise, and somewhat separated and in part screened from immediate neighbours. One can never be sure, however I would not envisage it being used to any appreciable degree for ‘gatherings’ but rather for one or two people to utilise from time to time. From my perspective I therefore find the Council’s noise and general disturbance scenario very unlikely to mirror reality.”

Pre-Application Stage (PRE2023/00169)

Revised proposals for a roof terrace were submitted to the City Council on 5th October 2023. The amended scheme incorporated a smaller terrace with matching roof tiles and a solid upstand balustrade rather than a glazed screen. Planning Officers supported the proposals on the following basis:

“The creation of the balcony/ terraced area by removing a section of the roof in front of the existing dormer with revised fenestration would likely be supported based on the drawings submitted with the pre-application and subject to the below recommendations.

Whilst the removal of part of the roof to create a terrace would cause additional harm to the appearance of the building, as the proposal reinstates the area of the roof that previously provided access to the fire escape along with the removal of the guard rail, the alterations could be seen as an improvement which would mitigate this harm.

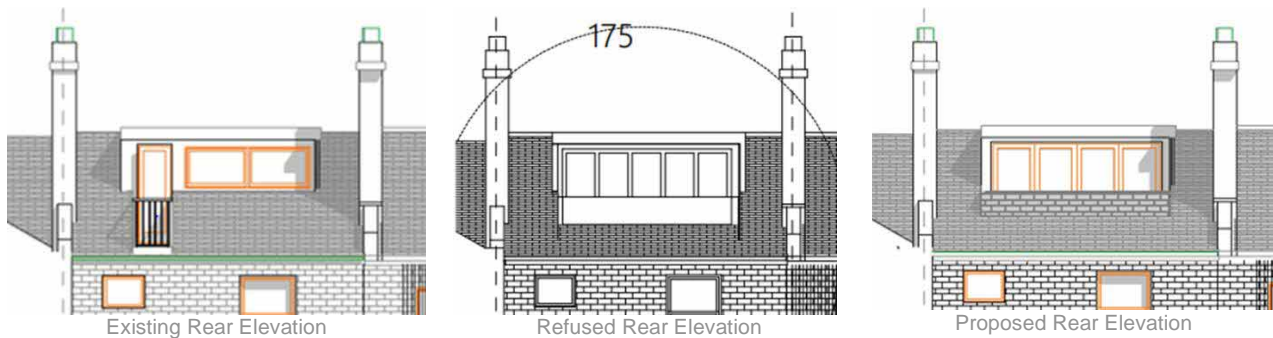
The drawings show a design that is considered to largely overcome the previous objection to the terrace and subsequently dismissed appeal.”

The Principal Conservation Officer also accepted the revised proposals:

“On balance it is considered that this scheme would not cause unacceptable additional harm to the Sackville Gardens Conservation Area, subject to the specification of appropriate materials and finishes.”

Proposed Development

The proposals will increase the outside terrace space from 2.5m² to 4.4m² to create a private external amenity area for seating. The terrace would be set back from the eaves and the roof re-instated with matching tiles (re-using existing tiles where possible). The metal balustrade (which previously formed part of the fire escape) is no longer required and will be removed. A raised balustrade with matching facing tiles would be introduced across the front of the terrace. The existing door and windows will be replaced with new doors, providing improved access.



Whilst the proposed terrace would be small in size it would provide significant health benefits for the appellants who are currently 90 staircase steps up from pavement level. Access to outdoor space is an important factor for both of them who are keen yoga devotees. Access to private external space can allow for physical health advantages and well-being benefits (quiet sitting and increased daylight levels). These benefits are recognised in the NPPF (Paragraph 130) and City Plan Policy DM1.

Planning Considerations

The revised proposals would address the Inspector's comments relating to visual impact on the following basis:

The proposed terrace would be 1.2 metres deep compared to the 2m deep appeal scheme. As such, a significantly greater area of the original tiled roof slope would be retained.

The proposed upstand balustrade would be finished with matching roof tiles rather than a glazed screen to retain the traditional appearance of the building. The applicants are investing in removing the ugly fire escape that was not part of the original construction. These alterations will also help to return the building closer to the original design in a sensitive way.

The solid balustrade would also hide any paraphernalia that would have been visible through the glazed screen.

Overall, the revised proposals would provide a tidier and simpler design that would retain a greater area of the original roof and use sympathetic materials. Accordingly, the aesthetic qualities of the established roofscape would be retained.

Whilst glimpses of the roof are visible from Westbourne Villas, the proposed design would provide an improved appearance due to the removal of the metal balustrade and the reinstatement of the roof slope previously removed to provide fire escape access. The character and appearance of the Sackville Gardens Conservation Area would therefore be preserved and enhanced in accordance with the requirements of City Plan Policy DM26 (Conservation Areas).

The appeal Inspector concluded that the roof terrace would not unduly impinge on the living conditions of neighbours. The revised scheme would create a smaller external space than that previously proposed and the solid balustrade would create an even greater level of privacy for the applicants and the neighbouring flats. As a result, the revised scheme would result in an improved relationship in accordance with City Plan Policy DM20 (Protection of Amenity).

The proposals have not changed from the scheme supported by the City Council at the pre-application stage, and we trust that planning consent can be granted at the earliest opportunity.

Application Documents

The following documents are enclosed with the application:

Householder Application Form & Ownership Certificate

Location & Block Plan – 2104/1

Existing & Proposed Floor Plans – 2112/3/A

Existing & Proposed Roof Plans – 2112/4/A

Existing & Proposed Cross Sections – 2112/5/A

Existing North Terrace Elevation – 2112/6

Proposed North Terrace Elevation – 2112/7/A

Existing & Proposed Elevations – 2112/8

Heritage Statement by OP Architects

Appeal Decision APP/Q1445/W/22/3290733 dated 29th July 2022

BHCC Pre-Application Feedback dated 26th October 2023

Yours faithfully

Lewis & Co Planning