



SUPPLEMENTARY PLANNING DOCUMENT (SPD) Design Guide for Extensions and Alterations

STATEMENT OF REPRESENTATIONS

This Statement has been prepared by Brighton & Hove City Council under regulation 12 of the Town and Country Planning (Local Planning) 2012 Regulations.

The draft Supplementary Planning Document (SPD) 'Design Guide for Extensions and Alterations' has undergone two separate periods of public consultation, the first between 5 December 2011 and 13 January 2012 and the second between 11 March 2013 to 19 April 2013. A summary of the consultation content and feedback is details below, with the feedback from the most recent consultation period addressed first.

Summary of Second Consultation Period (11 March 2013- 19 April 2013)

The second formal consultation period for the draft Supplementary Planning Document (SPD) 'Design Guide for Extensions and Alterations' ran from 11 March 2013 to 19 April 2013. A public notice was placed in the Brighton and Hove Leader on 15 March 2013. whilst the draft SPD, the draft Sustainability Appraisal and the Consultation Statement were made available for inspection throughout this period in the council's City Direct offices in Bartholomew Square, Brighton and Hove Town Hall; at Brighton Jubilee Library and Hove Library; and on the council's website.

Copies of the SPD documents were sent to the following specific and general bodies or groups:

Conservation Advisory Group
All Ward Councillors
All members of the local Planning Agents'
Forum

Representations received

Representations were received from the following bodies, groups or individuals:

Conservation Advisory Group (collective)
Natural England
Montpelier and Clifton Hill Association
Brighton Society
ARCH-Angels Architects
Brunswick & Adelaide Residents Group
Mr Johnson (resident)

Summary of the Main Issues Raised During the Second Consultation Period (11 March 2013 - 19 April 2013)

The main issues raised from the public consultation are summarised as follows, along with an explanation as to whether the SPD has been changed or otherwise:

1. Four of the respondents welcomed the guidance and its protection of conservation areas and listed buildings. No Change
2. One respondent was generally not against the formation of a design guide, however the SPD was considered overly restrictive and confusing for householders with the Government seeking to free up restrictions. The council was urged to redraft the SPD to be much more positive with regard sustainable householder development, with proposals to be considered on their merits. The SPD is guidance only and should not be mandatory given the variety of buildings in the city. Partial change. The SPD is a design guidance document only, not a policy document. All applications are considered on their own merits having regard the development plan and all other materials planning considerations. The purpose of the SPD is to present best practice design guidance, not set out a mandatory list of requirements for all proposals. The guidance for single storey rear extensions has been relaxed from a general 3m restriction to a proportionality restriction based on 50% of the depth of the main floor area to the house. This would potentially allow larger rear extensions of up to 4-4.5m in incidences where no significant amenity harm would arise.
3. There is confusion between the application of the 50% rule in chapter 2, and the 3m rule for rear extensions in chapter 3.1. Change. The 50% rule has been placed in Chapter 3.1 (rear extensions) whilst the 3m rule in Chapter 3.1 has now been replaced with a more relaxed guidance based on floorspace proportionality
4. The 45 degree ruling in Appendix A is unduly restrictive, whilst some drawings in the SPD do not comply with it. No change. The 45 degree rule is standard BRE guidance and the SPD does not require it to be complied with in every case.
5. The recommended 1m setback for side extensions is unnecessarily restrictive and not always the best solution. Change. The 1m setback for side extensions has been reduced to 0.5m.
6. Front and corner extensions should be considered on their merits only. No change. This is inherent to the consideration of all applications.
7. The SPD stifles contemporary extensions that may upgrade existing bad quality homes. Contemporary design and materials that compliment but do not necessarily match existing building should be supported. No change. The guidance on modern design approaches is already addressed in Chapter 2
8. Boundary walls should be allowed to be replaced where agreement made under Party Wall Act. No change. The Part Wall Act is separate to the Planning Acts and is not a material consideration. The merits of retaining/replacing boundary walls are taken case-by-case however the presumption against their removal remains.
9. There is confusion as to whether the guidance on windows relates to replacement or new windows. Change. The guidance has been updated to clarify that it applies to both.

10. The policy on UPVC windows to street elevations within conservation areas should be stronger as appeals have recently been lost on this issue. No change. This guidance compliments further detailed advice already in SPD09 'Architectural Features'
11. Unbalanced roofs to semi-detached houses is not a big problem visually. No change. Good design practice remains to preserve or restore balance to semi-detached pairs, as currently expressed in SPGBH1 'Roof Alterations and Extensions'
12. Solar panels should not be allowed at all on front roofs in conservation areas unless treated as part of roof finish, as they have a worse impact than rooflights. Change. The guidance has been updated accordingly.
13. Cabrio rooflights are not inappropriate when not on street elevations and should be allowed. No change. Cabrio rooflights form balconies that in most cases cause overlooking therefore the presumption remains to resist them.
14. Balconies, additional floors, terraces etc should be allowed along the seafront to make most of views. Partial change. The wording of the balconies section has been revised to read more positively and better reference context. However, each case is taken on its own merits and more often than not balconies will be unacceptable due to amenity harm. The purpose of the SPD is not to prescribe particular approaches for particular areas of the city.

Summary of the Main Issues Raised During the First Consultation Period (5 December 2011- 13 January 2012)

As background, the SPD underwent an initial issues and options consultation with stakeholders in 2009, prior to formal drafting commencing. The resultant draft was then subject to a 6 week formal public consultation between 5 December 2011 and 13 January 2012. The consultations included an advertisement in the local paper (The Leader) and on the Council's website, with hard copies sent to the main libraries. Elected Members and local amenity societies were consulted by email whilst workshop for planning agents was held at Hove Town Hall on the 10th January 2012.

The main issues raised from the first public consultation exercise are summarised as follows:

General Issues:

1. The document should state that departures from the guidance may be acceptable on their own merits and on a site-by-site basis
2. Greater emphasis should be placed on the sustainability of extensions and should run through the whole document
3. Concern that the guidance may be a mechanism to standardise development and restrict extensions
4. Reference should be made to the fact that many buildings in the city are within a conservation area or listed

Quality of Guidance:

5. The guidance should be clearer about use of materials and promote modern/materials design more to ensure modern interpretations are not excluded. Materials and detail should not necessarily always match the main building. Reference should be made to good modern design examples/pictures
6. The document is very traditional and too prescriptive in its approach, with too many hard and fast rules that restrict alternative approaches. There should be more emphasis on providing for contemporary design and materials, and on the individual appearance of buildings, otherwise areas will be left bland and uninteresting. The guidance does not state that alternative designs may also be acceptable
7. More reference should be made to extensions on detached houses.
8. Larger extensions should be considered acceptable on larger sites
9. The drawings are confusing as they look at one aspect only and are irrelevant to overshadowing, daylight etc. There are also contradictions in the use of flat roofs as most drawings show them.
10. The requirement for a full daylight/sunlight analysis is too harsh for household extensions
11. The 50% rule at the start of Chapter 2 is unnecessary and is not supported.
12. The guidance should emphasise the importance of gardens and green spaces around homes in term of well-being and biodiversity
13. Subservience is not always the best solution.
14. Infill rear extensions should be able to sit on the boundary as retaining the boundary is not feasible for maintenance and construction reasons, especially if the neighbours have infilled. The guidance should consider changing ground levels and set a realistic eaves height for extensions
15. The windows section should link to energy conservation
16. The roof extensions guidance is already covered in SPGBH1 and is too prescriptive.
17. Dormer windows with no cheeks are not feasible due to modern construction methods. Permitting larger dormers may encourage people not to build oversized dormers under permitted development.
18. Solar panels within conservation areas can be harmful and should not be allowed on street elevations. The guidance too restrictive and should instead focus on the arrangement of panels in regular blocks.
19. There is no justification for coverage rules for decking .
20. The presumption against balconies does not coordinate with sustainable development for flats
21. The document should emphasise the conservation of historic assets, with greater consideration being given to matters relating to listed buildings and conservation areas
22. Reference to SPD09, SPG11 etc should be moved to the front of the chapter, with better reference to SPD9 and the SPGs on Listed Buildings
23. Chapter 4 should be broken down to make it more readable and contain more detail. There is too much text.
24. Not all extensions to listed buildings should match- contemporary extensions are generally supported by officers. The guidance should strengthen the historical significance of boundary walls

Errors/omissions:

25. Consideration should be had to maintenance strategies and aftercare and to the relevance of the Party Wall Act
26. The document should provide a table/annex on Rights to Light
27. There should be a checklist of considerations/ best practice
28. There is no guidance for subterranean extensions and lightwells, or for joint extensions to semi-detached properties
29. The guidance should mention the need to seek professional advice (especially for listed building owners as specialist advice can save time and money), and the need to speak to neighbours before submitting as best practice
30. All references to Conservation Areas in Chapter 3 should be moved to Chapter 4
31. Appendix A does not relate to orientation or rights to light, and should refer to BRE guidance on 45 degree rule
32. Appendix B does not contain any info as to whether planning permission is required or not
33. Appendix D does not connect with Code for Sustainable Homes Levels

How these main issues were addressed in the SPD

Many of the above issues were positively incorporated into the second draft SPD however it must be emphasised that the purpose of the SPD is to promote good design practice and set out a clear 'benchmark' for proposals rather than to provide an exhaustive set of rules for all development types. Consequently not all recommendations within the responses could be incorporated into the document without significantly diluting its effectiveness.

Consultation responses raised concern that sustainability issues and modern design approaches were not being sufficiently encouraged, and that the guidance was too traditional in its approach. The SPD is clear in stating that departures from the guidance will be considered on a case-by-case basis based on the particular merits of the site and proposal. The document was revised to clarify that the Council will strongly encourage proposals to take the opportunity to improve the energy efficiency of buildings provided the proposal remains in broad compliance with the guidance as a whole. Further modifications were made to clarify the circumstances when modern design approaches would likely be considered favourably, however the presumption remains that in the majority of cases it will be most appropriate for extensions and alterations to reflect the appearance of the host building.

A running theme within the consultation responses was the perceived restrictiveness of the guidance. To clarify, the purpose of the document is to set out design 'rules of thumb' to assist applicants, members of the public and decision makers in the production and assessment of proposals. These rules are intended to be applicable to the vast majority of developments within the city, however suitable caveats have been built into the guidance to enable sensible departures to be made where appropriate. Such caveats are essential to give the guidance flexibility and integrity given the wide range of building types and site constraints throughout the city.

Notwithstanding the above, significant amendments were made to the detailed guidance within document where appropriate to reflect feedback. In particular the sections on infill extensions and roof extensions were updated with some restrictions

relaxed and new visuals added throughout to include more detached properties and different forms of extension. In response to feedback the guidance for listed buildings and buildings within conservation areas was reformed, with all guidance moved into chapter 4. All matters relating to listed buildings were essentially removed as it is not realistic to provide universal rules for such historically significant buildings within the context of this document. Instead, applicants are advised to seek advice from the Council's officers and independent specialists where appropriate prior to submitting proposals.

Other issues raised from the consultation were not specifically addressed as they fell outside the remit of the SPD, would conflict with other primary policy, or were already covered by other supplementary planning documents or guidance notes. These included permitted development, rights to light, building regulations and the Party Wall Act.

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