

<u>No:</u>	BH2017/00668	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	17 Denmark Villas Hove BN3 3TD		
<u>Proposal:</u>	Erection of single storey rear extension. (Part retrospective)		
<u>Officer:</u>	Joan Tooth, tel: 294251	<u>Valid Date:</u>	27.02.2017
<u>Con Area:</u>	Denmark Villas	<u>Expiry Date:</u>	24.04.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Joyce 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	Mr Michael Cook CMG 17 Denmark Villas, Hove, BN3 3TD		

Councillor O'Quinn has requested that this application is determined by the Planning Committee

1. RECOMMENDATION

1.1 That Committee has taken into consideration and agrees with the reason for the recommendation set out below, and resolves to be **MINDED TO REFUSE** planning permission subject to no further comments raising further material planning consideration being received before the expiry of the consultation period and for the following reason:

- 1 The height and depth of the side wall is substantial and dominates the decked area immediately to the rear of the neighbouring property and their patio doors that are close to the boundary. The high level side windows and the proposed planting would assist in breaking up the side elevation, but do not overcome the harmful effect of the extension on the living conditions of neighbouring occupiers at no.15 Denmark Villas caused by the height and depth of that side wall. The application is therefore contrary to 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	2016/VIL/01	A	27 February 2017
Floor plans and elevations proposed	2016/DEN/01	B	27 February 2017
Landscaping Proposed	PLANS 1		13 March 2017
Landscaping Proposed	PLANS 2		13 March 2017

Landscaping Proposed	PLANS 3		13 March 2017
Landscaping Proposed	ELEVATIONS 1		13 March 2017
Landscaping Proposed	ELEVATIONS 2		13 March 2017
Landscaping Proposed	ELEVATIONS 3		13 March 2017

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Denmark Villas is a predominately street within the Denmark Villas Conservation Area.
- 2.2 17 Denmark Villas is a semi-detached brick faced 2 storey property with habitable accommodation and small dormer to the front in the roof. There are gardens to the front and rear of the property.
- 2.3 To the rear a single storey part brick part UPVC extension has been erected with a UPVC roof lantern.
- 2.4 This application seeks retrospective planning permission to retain this extension.

3. RELEVANT HISTORY

BH2016/01646

Erection of single storey rear extension. (Retrospective)

Refused 18.07.2016

Appeal dismissed 27.10.2016

BH2016/06298

Erection of single storey rear extension.

Withdrawn 23.02.2017

4. REPRESENTATIONS

- 4.1 Seven (7) letters have been received objecting to the proposed development on the following grounds:
- Application remains 'as is' but with planting/vegetation in an attempt to green the extension but does not affect the material difference in terms of its bulk and massing to that which was dismissed at appeal;
 - Objected to the LPA accepting this application as it is similar to ref **BH2016/01646** which within the last two years has been dismissed by the Secretary of State on appeal;
 - No guarantee that the proposed planting could ever be sustained particularly given that it is to be located between two solid structures in a gap no greater than 10cm in width;
 - The application is contrary to the Planning Inspectorate's decision for ref **BH2016/01646** and should be refused on those grounds;
 - This is the third attempt to secure planning consent for this structure that has been considered at appeal and formal enforcement proceedings should follow this application;

- Photos of provided showing previous and current extensions during day and night time that include the lighting through the then non obscured windows, of the roof/lantern from an upper window, of the existing extension at 17 Denmark Villas at daytime as viewed from the decking area at 15 Denmark Villas;
- Concerned about impact on drainage, foundations and basements;
- That original extension was not dilapidated as stated;
- That the proposal due to the combined scale, depth, materiality, and height would still result in an overly large extension which would appear excessively dominant and oppressive when viewed from no. 15 Denmark Villas and does not overcome the concerns as outlined in the Appeal documents.
- Against planning regulations and the conservation area status;
- Others in the area have had refusal of applications because of the conservation status in the area;
- The windows in this structure are UPVC which is contrary to the conservation criteria;
- Concerned that planning permission, conservation and building regulations were not applied for or their criteria's were not observed;
- Others have employed a structural engineer/architect and consulted Building Control on all aspects of the build and adhered to the Conservation Area's criteria;
- Concerned about the overall stability of the site and neighbouring properties/basements;
- The existing conservatory sets a precedent for further unlawful building in this area;
- This is the only road of this type and period in Hove have not been destroyed like other roads in the city;
- This building should be removed and a proper design and oversight be given should they chose to rebuild;
- Light pollution;
- The previous conservatory was smaller in that the eaves went away from the rear terrace at 15 Denmark Villas and there were no large windows and did not have the feeling of intrusive domination.

4.2 Two (2) letters has been received supporting the proposed development on the following grounds:

- The previous design of conservatory at 17 Denmark Villas was higher than that now erected, and that previous conservatory did not inconvenience them whilst they lived at 15 Denmark Villas;
- The previous conservatory was a hardwood frame anchored to the wall with iron brackets with a brickwork gable wall and was not lightweight;
- There were no excavations as the foundations of the previous conservatory were considered adequate to support the conservatory as now erected;
- The drainage does not run near the basements and the existing surface water drainage was utilised;
- The previous conservatory despite regular maintenance leaked and the existing frame was decayed too much to carry the weight of a new roof;
- Whilst there is light spillage from the current extension, the previous with more glass emitted more light;

- The windows on the boundary with 15 Denmark Villas have had opaque material applied to limit light spillage and increase privacy;
- The overall height of the existing conservatory matches the overall height of the previous conservatory;
- Top of the lantern is lower level than previous gable and is below first floor windows;
- Counter comments regarding the materials of other structures at other locations and that planning applications can be made retrospectively;
- The social area of 15 Denmark Villas has not been compromised especially due to their own large extension;
- Satellite photos provided using google and the commentary pointed out the design of the neighbour's extensions at 15 Denmark Villas, their own extension at 17 Denmark Villas as well as that at 27 Denmark Villas plus photo showing original conservatory at 17 Denmark Villas as viewed from adjacent road.

4.3 **Councillor O'Quinn** supports the application.

5. CONSULTATIONS

5.1 None received

6. MATERIAL CONSIDERATIONS

6.1 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

6.2 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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

Brighton & 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

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS AND ASSESSMENT

- 8.1 Following the refusal of the previous application BH2016/01646 an appeal was dismissed on 27 October 2016.
- 8.2 The main considerations in the determination of this application relate to this appeal decision and to this proposal to retain the conservatory that has been erected.
- 8.3 The Inspector concluded that the extension preserves the character and appearance of the Denmark Villas Conservation Area and that it complied with Policies QD14, QD27 and HE6 of the Local Plan and Policy CP15 of the City Plan that seek to ensure that the extensions and alterations to dwellings are well designed, taking account of the space around buildings and character of the surrounding area and preserve or enhance the character and appearance of the conservation areas.
- 8.4 The Inspector also found the extension does not harm the privacy of the neighbouring property at 15 Denmark Villas and complies with the Policy QD27 of the Local City Plan that seeks to protect the living conditions of neighbouring occupiers.
- 8.5 However the Inspector concluded the extension causes harm to the outlook of the occupiers of the neighbouring property at 15 Denmark Villas as the 'extension provides a deep and tall wall to the side, with small gap to the existing boundary wall. The height and depth of the side wall is substantial and dominates the decked area immediately to the rear of the neighbouring property and their patio doors that are close to the boundary. The high level side windows assist in bracing up the side elevation, but do not overcome the harmful effect of the extension on the living conditions of neighbouring occupier's caused by the height and depth of that side wall'.
- 8.6 Following the dismissal of the Appeal officers provided pre-application advice and recommended that a more acceptable development would include lowering the eaves height on the boundary to 2.5m to overcome the impact on neighbouring amenity from the loss of outlook as identified by the Inspector and it could be improved even further by pulling the wall away from the boundary by 1.0 metres. A planning application was requested.

- 8.7 An application was submitted under ref BH2016/06298 that moved the side wall of the conservatory inwards from the boundary by 0.7 metres but did not reduce the height. This application was subsequently withdrawn.
- 8.8 The proposal within this application is to retain the extension as built and supply planting to grow along the wall of the extension facing no.15.
- 8.9 The assessment on this application is limited to Planning Inspector's comments regarding the impact on the residential amenity i.e. the outlook of the proposal on the neighbours.
- 8.10 Whilst planting may 'soften' the building however it will take time for the planting to grow as indicated on the application drawings. Nor can the planting be certain to flourish or the life of such plants be guaranteed. Also the plants will not add in giving a 'visual' reduction of height and in turn will not reduce the bulkiness of the side elevation.
- 8.11 Thus the extension remains a harmful effect on the living conditions of the neighbouring occupiers as identified in the Appeal decision and is contrary to policies QD14 and QD27 of the Local Plan.

9. EQUALITIES

- 9.1 None identified.