

<u>No:</u>	BH2017/00338	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	39 Withdean Road Brighton BN1 5BP		
<u>Proposal:</u>	Extension to skyframe (Retrospective).		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	17.02.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	14.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.08.2017
Agent:	DMH Stallard Mr Peter Rainier Gainsborough House Pegler Way Crawley West Sussex RH11 7FZ		
Applicant:	Mr Paul Templeton C/o Agent DMH Stallard Gainsborough House Pegler Way Crawley West Sussex RH11 7FZ		

1. RECOMMENDATION

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:

- 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.

Plan Type	Reference	Version	Date Received
Location and block plan	1310/180		1 February 2017
Floor Plans Proposed	1310/280		1 February 2017
Elevations Proposed	1310/490		1 February 2017

Informatives:

- 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. LOCATION AND THE APPLICATION:

- The application relates to a newly constructed detached property of contemporary design within a group of three houses, and is located within the residential area of Withdean. Properties in the locality vary in scale and design and are generally set within spacious verdant surroundings.

- 2.2 The proposal in question relates to an extended 'skyframe' structure of approx. 3m in height and 4m x1.6m in floor area. The skyframe is a partly open structure forming part of an existing roof terrace, and is located to the rear of the property. The application is retrospective. The skyframe as originally approved was to be approx. 2 metres short of the rear elevation of the property. The proposed skyframe projects approx. 1.5m beyond the rear elevation.

3. RELEVANT HISTORY

39 & 41 Withdean Road:

BH2017/00337: Application for variation of condition 2 of application BH2013/03456 (Demolition of existing houses and erection of 3no detached houses with associated landscaping) to allow amendments to the approved drawings relating to external lighting. Under Consideration.

BH2017/00339: Application for Approval of Details Reserved by Conditions 5, 9 and 15 of application BH2013/03456. Under Consideration

BH2015/03868 - Unit 2 (now no.39): Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2. Refused 10/6/16.

BH2013/03456: Demolition of existing houses and erection of 3no detached houses with associated landscaping. Granted 9/4/14.

The application proposal has been submitted as a result of an enforcement complaint. No formal pre-application advice has been given.

4. CONSULTATIONS

- 4.1 None

5. REPRESENTATIONS

- 5.1 **Four (4)** letters has been received from **46B, 47, 49, 51 Withdean Road** objecting to the proposed development on the following grounds:

- Loss of light
- Overshadowing
- Increased mass of building/overbearing intrusion
- Adverse impact to visual amenity
- Layout and density of building/overdevelopment
- Light pollution
- Loss of privacy
- Developer was aware works were unauthorised before commencing

- 5.2 **Cllr Nicholas Taylor:** Objection on the following grounds and wish the application to heard at Planning Committee if the recommendation is to approve:

- Previous extension has been turned down due to loss of amenity
- Loss of amenity
- Significant overlooking
- Overbearing presence
- Doubt over agents claim this area only occasionally used
- Concern proposal is retrospective and how this was built by accident

(See full letter attached at end of this report)

5.3 **Cllrs Ann and Ken Norman: Objection** on the following grounds and wish the application to heard at Planning Committee if the recommendation is to approve:

- Previous extension has been turned down
- Serious overdevelopment of site
- Negative impact to neighbouring properties by way of being overpowering/overbearing and causing overlooking, esp no.49
- Contrary to policies QD27 and CP12
- Fact proposal is retrospective is not reason to allow it - is one retrospective proposal too far

(See full letter attached at end of this report)

6. **RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations
QD25 External lighting
QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

7. **CONSIDERATIONS & ASSESSMENT**

7.1 The two main considerations are:

- The visual impact of the proposal and how it relates to the character and appearance of the existing dwelling and the wider locality
- The impact to the amenity of occupiers of adjacent properties

7.2 **Planning Policy Context:**

City Plan policy CP12 requires all new development to be of a high standard of design that respects the character and urban grain of neighbourhoods.

- 7.3 Local Plan policy QD14 states:
Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties;
 - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) Uses materials sympathetic to the parent building.
- 7.4 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 7.5 Supplementary Planning Document 12 is a design guide for extensions and alterations and is a material consideration. It provides general design principles. It states the original design of the building and its setting (including the general character of the street/area) should form the primary influence on the design of any extension or alteration. As a general rule, extensions should not dominate or detract from the original building or the character of an area, but should instead play a subordinate 'supporting role' that respects the design, scale and proportions of the host building.
- 7.6 Local Plan policy QD27 seeks to protect amenity and states that permission for development 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. Local Plan Policy QD25 seeks to prevent undue light pollution from lighting proposals.
- 7.7 The fact the scheme is retrospective has no bearing on the assessment of the proposal.
- 7.8 **Design:**
The character and appearance of the locality is varied, with dwellings of many architectural styles, including of contemporary design such as is the case of the application site. There is therefore no objection in principle to a continuation of the existing contemporary design approach, and the location of the proposal to the rear of the property means that it would have limited visual impact in the wider locality.

- 7.9 The proposal forms the continuation of a skyframe that formed part of the overall composition of the building and continues its contemporary design. It matches a skyframe at Unit 1 to the north. The proposal is a relatively modest extension in the context of this substantial dwelling and relates well to it. The partly open structure means it has a sculptural quality to it and it would not result in a top heavy building.
- 7.10 Therefore in design terms, the proposal is considered to respect the design, scale and proportions of the host building, and the appearance of the wider locality, in accordance with policy and SPD12.
- 7.11 **Amenity:**
The proposal can be clearly viewed from properties to the rear (no.s 49 and 47 in particular). Whilst there is some tree cover, there is no doubt that the proposal has a presence, particularly given its location at roof level. This impact would be less if it were set back to the approved line of the building. The fact that the proposal is visible however is not sufficient in its own right to make it unacceptable. On balance, there is considered to be sufficient distance and height difference between properties to ensure it is not unduly overbearing, plus it is viewed against the backdrop of a substantial development.
- 7.12 It is considered that loss of privacy from the proposal is limited, and not significantly different to the relationship that currently exists from the main roof terrace. The skyframe is enclosed at the rear preventing views out, and views sideways from the open sides of the proposal are somewhat constrained, and the part of the terrace that contains the proposal is small and does not lend itself to sitting out, as opposed to the main area of the terrace. The proposal does not explicitly seek permission for lighting on the terrace and such domestic lighting is usually deemed 'de minimis' in planning terms. Should neighbours have concerns about the lighting, this can be investigated by the council's Environmental Health Team, who will establish whether it constitutes a statutory nuisance.
- 7.13 The merits of the proposal are considered to be somewhat balanced as it is clear the structure does have a presence to neighbouring properties, however, on the basis of the above, the proposal is not considered to cause significant harm to amenity and approval is recommended.

8. EQUALITIES

- 8.1 None identified

