

<u>No:</u>	BH2020/02557	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Pembroke Crescent Hove BN3 5DH		
<u>Proposal:</u>	Erection of a single storey detached garden room outbuilding to rear. (Part-retrospective)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	10.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	05.11.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	DesignHouse 1 Pembroke Crescent Hove BN3 5DH		
Applicant:	Mr Dan Grant 13 Pembroke Crescent Hove BN3 5DH		

1. RECOMMENDATION

- 1.1. 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:

1. 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	001	-	10 September 2020
Proposed Drawing	-	-	10 September 2020

2. The external finishes of the development hereby permitted shall be as follows:
- walls finished in vertical timber cladding.
 - roof finished in roofing felt.
 - aluminium fenestration.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

3. Access to the roof over the outbuilding hereby approved shall be for maintenance or emergency purposes only and the roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is an Edwardian semi-detached dwellinghouse on the north side of Pembroke Crescent, within the Pembroke and Princes conservation area.
- 2.2. Planning permission is sought for the erection of a single-storey outbuilding at the end of the rear garden. Such works require express permission from the Local Planning Authority as the conservation area is subject to an Article Four Direction that has removed the right for such works to be carried out as 'permitted development'

3. RELEVANT HISTORY

- 3.1. **BH2020/02558** Addition of render to side elevation. Under Consideration
- 3.2. **BH2019/02972** Erection of single storey rear and side extensions and summer house, installation of basement incorporating gym, sauna and swimming pool with associated alterations. Refused 30 January 2020 for the following reason: *“The proposal, by reason of the significant excavation works that would be necessary at the north end of the garden, would have an unacceptably high probability of causing critical damage to the root system of a mature Sycamore tree sited in an adjacent garden. The loss of this tree would both reduce the biodiversity of the locality and cause harm to the character of the Pembroke and Princes conservation area, contrary to policies QD16 and HE6 of the Brighton and Hove Local Plan and CP10 and CP15 of the City Plan Part One.”*

4. CONSULTATIONS

- 4.1. **Heritage**

This is a three-storey Edwardian semi-detached property built of red brick with white painted decorative timber features that typifies this part of the Pembroke and Princes Conservation area. The pairs of houses are closely spaced allowing only glimpses into the plots behind, therefore the generous rear gardens are an important element of the urban grain of this part of the conservation area but are not seen from the public realm.
- 4.2. This application proposes the construction of a single storey timber outbuilding at the rear of the plot. It is considered that the size and position of the proposed structure would allow retention of sufficient un-developed rear garden space, such as not to harm the established urban grain, and also allow access for the maintenance of the existing boundaries. In addition, the building will not affect

the public realm, therefore the Heritage Team does not wish to object to this application.

4.3. Arboriculture

As the structure appears non-invasive, with no works identified to neighbouring trees, arboricultural input would not be relevant to the decision process; arboricultural comment is not required to this application.

5. REPRESENTATIONS

5.1. Seven letters have been received, objecting to the proposal on the following grounds:

- The proposed outbuilding is too large/overbearing
- The proposed outbuilding is of an inappropriately modern design
- The proposal could set a harmful precedent
- Loss of light from overshadowing
- Loss of privacy
- The proposed outbuilding includes plumbing and may include facilities with the intention of creating a new dwelling
- Plumbing is required to be shown on the plans
- The proposal would cause harm to the character of the Pembroke and Princes conservation area
- It is unclear how large the outbuilding will be
- The proposed outbuilding is visible from the adopted public highway
- The 'office' will attract staff and customers that will impact on the amenities of local residents
- Development began before the date specified in the application form
- There is a live application for the addition of render at this site and the objector does not know why
- The proposal could lead to increased traffic and noise
- Concerns that the applicant does not have adequate respect for the planning process. Previous application for a summer house was refused. Development only ceased when a Planning Officer contacted the applicant.

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019);

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

TR7	Safe development
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which is currently underway to 30 October 2020.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the development; and the potential impacts on the amenities of local residents; on the character or appearance of the conservation area; on the smooth running of the adopted highway; and on the health of the large tree in the neighbouring garden.
- 8.2. To seek planning permission retrospectively is a valid course of action in the development process and is not a material consideration in the determination of the application.
- 8.3. The proposed development is a single outbuilding that is to be used as a private home office that would be incidental to the main dwellinghouse (planning use

class C3). Concerns raised by local residents that the structure will be used as a self-contained dwellinghouse are speculative and there is nothing in the application submission which suggests this to be the case, or that an assessment based on such a use would be appropriate at this stage. If planning permission is granted and the structure later becomes used as a separate dwellinghouse, this would be a breach of planning control so such concerns are not a valid reason for refusal.

Design and Appearance

- 8.4. The proposed outbuilding has a gross footprint of approximately 15.25m². It is sited at the end of the garden area, with a gap of 1.3m from the rear and left-side boundary, and 1.0m from the right-side boundary. The mono-pitched roof slopes upwards from the rear to the front of the structure, with an eaves height of 2.0m at the rear, rising to 2.5m at the front.
- 8.5. It is considered that the outbuilding is a suitable size and height, relative in proportion to the size of the rear garden of the host building, whilst maintaining a suitable separation distance from all boundaries.
- 8.6. The appearance of the outbuilding is alternative to the host building, finished in vertical timber cladding with a felt roof. However, the detached nature of the outbuilding helps remove the need for it to mimic the appearance of the host building in terms of material finish and general design. The appearance of the outbuilding is that of a subordinate, incidental building and its more modern appearance does not cause any harm to the character and appearance of the host building or wider area.

Impact on Heritage Assets

- 8.7. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.8. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.9. The proposed development is entirely to the rear of the application site and would be visible only fleetingly through gaps between nos.11 and 13 Pembroke Crescent and potentially 24 and 26 Portland Road. It is also noted that the outbuilding would be visible from the rear gardens and windows of nearby properties. The leafy rear gardens of these properties contribute positively to the character of the Pembroke and Princes conservation, but as has already been noted, the outbuilding is considered to be in proportion to its siting and the host property, and a significant area of garden space is to be retained. For these reasons it is considered that the proposal would not be harmful to wider views and is considered to have a neutral impact on the Pembroke and Princes conservation area.

Impact on Amenity

- 8.10. As abovementioned, the outbuilding is between 2.0 and 2.5m in height and will be visible from the gardens/rear windows of surrounding neighbouring dwellinghouses. Being visible, however, does not equate to causing harm. The site is enclosed with a boundary wall of approximately 1.6m in height, which, combined with the building being set back from this, within the site, means that the outbuilding would not appear overbearing or cause any significant loss of light through overshadowing. It is noted that the rear gardens of properties backing onto the application site from the north (fronting Portland Road) are at a lower natural ground level, but this does not alter the view that any impact would be minimal.
- 8.11. The only fenestration on the outbuilding is south-facing and would not provide any views of the host building or neighbouring dwellings that are not already possible from the rear garden of the application site; it is not considered that the proposal will lead to any actual loss of privacy. In addition, the outbuilding is single-storey and surrounded by the aforementioned 1.6m tall boundary wall, which would reduce any outlook into neighbouring amenity space or ground floor windows. A condition is recommended restricting access to the roof for anything other than maintenance or in the event of an emergency. It is considered that access to the roof for amenity purposes would cause a harmful sense of overlooking for neighbours in the adjoining properties.
- 8.12. The proposed use of the outbuilding is as a modest home office for use by persons living at the host dwellinghouse. It is not considered that the scale of the development would attract any level of additional activity that could be considered harmful to the amenities of local residents. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Adopted Highway

- 8.13. It is not considered that the proposal would attract significant footfall; the impact on the smooth and safe running of the adopted public highway is unlikely to be significant.

9. EQUALITIES

None identified.