

<u>No:</u>	BH2020/02655	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Basement 5 D'Aubigny Road Brighton BN2 3FT		
<u>Proposal:</u>	Erection of a single storey outbuilding/ shed to rear garden (part-retrospective).		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	24.09.2020
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	19.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Laurence Marks 5A 5 D'Aubigny Road Brighton BN2 3FT		

This application has been referred to Planning Committee for decision due to the number of representations received. Furthermore, one representation has been received from a member of the department.

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
Proposed Drawing	Plan		21 September 2020
Proposed Drawing	Elevations		21 September 2020
Proposed Drawing	Site Plan		21 September 2020
Block Plan			24 September 2020
Location Plan			21 September 2020

2. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

3. The outbuilding hereby approved shall only be used for purposes incidental and ancillary to and in connection with the use of the main property as a residential unit and shall at no time be occupied as a separate or self-contained unit of accommodation or place of employment.

Reason: To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies QD27 of the Brighton & Hove Local Plan.

4. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION AND APPLICATION DESCRIPTION

- 2.1. The application site relates to an end of terrace property which is sub-divided into flats. The property is located within the Round Hill conservation area.
- 2.2. Planning permission is sought for the erection of a single storey outbuilding at the end of the rear garden. Works have commenced on site.

3. RELEVANT HISTORY

None

4. CONSULTATIONS

- 4.1. **Arboriculture:**
Initial Comment - 24/09/2020

The Arboriculture team notes the subbase and concrete pad have already been constructed, with this being retrospective consent. We would always recommend a raft/pile foundation in close proximity to trees, to minimise root damage during construction and potential future direct root pressure. Beech as a species are particularly sensitive to root disturbance. Although the tree is not protected by a Preservation Order it is located within a designated Conservation Area (Round Hill) and therefore has certain protection measures under the Town & Country Planning Act.

Further Comment - 15/10/2020

- 4.2. If there has been damage to roots, it will have already occurred constructing the base and not really much that can be done arboriculture wise here. The only relevant condition is for the replacement within 5 years obligation if the tree were to die.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters has been received objecting to the proposed development on the following grounds:
- Outbuilding is large, overbearing and obtrusive and visible from adjoining properties and gardens.
 - Badly sited and too close to boundary wall
 - Damage to the beech tree which has been subject to some branch lopping.
 - Loss of tree would gradually erode the character and appearance of the conservation area.
 - Risk to the local wildlife as the gardens provide valuable habitats for wildlife.
 - Harmful impact on the setting of the conservation area.
 - Spoils the views over the Roundhill back gardens
 - Increased socialising in shed will negatively affect neighbours
 - Concerns that the outbuilding would be used as employment workspace with potentially noisy work activities taking place.
 - Loss of view

6. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

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 ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the design and appearance of the development; impact on the character and setting of the conservation area; impact on neighbouring amenity; and impact on trees within the site.
- 7.2. The application is part retrospective as the concrete base has been laid, the outer structure of the outbuilding has been built and the roof partially completed. 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 this application.
- 7.3. Concerns raised by local residents that the structure will be used as a place of employment are speculative and there is nothing in the application submission which suggests this to be the case. If planning permission is granted and the structure later became used as a place of employment, this may constitute a breach of planning control, however, it is not part of the assessment of this application. The proposed outbuilding would be used as a shed ancillary to the main dwellinghouse. It is recommended that this is secured by condition.

Design and Appearance

- 7.4. The proposed outbuilding is sited at the rear of the garden and has a gross footprint of approximately 11.8m². The mono pitched roof slopes upwards from the rear to the front of the structure, with an eaves height of 2.1m at the rear, rising to 2.51m at the front.
- 7.5. The appearance of the outbuilding would be alternative to the host building, finished in stained timber 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. It is considered that the outbuilding would be a suitable size and height, relative in proportion to the size

of the rear garden and its more modern appearance does not cause any harm to the character and appearance of the host building or wider conservation area. Moreover, it will appear as an ancillary domestic outbuilding, typical of garden locations.

Impact on Heritage Assets

- 7.6. 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. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight"
- 7.7. Policy HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One requires proposals to preserve or enhance the character or appearance of the conservation area which includes the retention and protection of trees, gardens, spaces between buildings and other open areas.
- 7.8. The application site has a generous rear garden and features a large beech tree to the rear which contributes positively to the character of the conservation area. The outbuilding would not be visible from D'Aubigny Road or Ashdown Road and a significant amount of garden space would be retained. The beech tree is not covered by a Tree Preservation Order, however by virtue of being located within a designated conservation area, has certain protection measures under the Town and Country Planning Act 1990. Whilst it is regrettable that the base for the outbuilding has already been laid and some branches of the tree have already been removed, the Council's Arboriculturalist has reviewed the proposal and recommended that the retention of the beech tree and replacement if it becomes seriously damaged or dies within 5 years, is secured by condition.
- 7.9. For these reasons, the proposal is not considered to harm to character or appearance of the site or wider conservation areas.

Impact on Neighbouring Amenity

- 7.10. Due to the Covid-19 pandemic a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery of the site. In addition, the applicant provided site photos throughout the course of the application.
- 7.11. The outbuilding is between 2.1m and 2.51m in height and would be of a modest scale, typical of an outbuilding found within a garden. To the south and west, the site is enclosed with a boundary wall/fence of approximately 1.6m in height and to the north, the boundary wall is 2.8m in height. It is noted that the additional 0.5m increase in height close to the shared boundary could result in some additional impact in terms of its appearance from the neighbouring side of the boundary, however, given the minimal increase, the outbuilding would not appear overbearing or cause significant loss of light through overshadowing.
- 7.12. The proposed outbuilding is to be used as a shed by the occupants of the host dwelling house. Such use is unlikely to generate significant noise disturbance or

additional activity that could be considered harmful to the amenities of local residents. Views from the outbuilding would be similar to the existing views achieved from standing within the rear garden and would not result in significant overlooking or loss of privacy to the adjacent properties above the existing situation.

8. EQUALITIES
None identified