

<u>No:</u>	BH2020/03287	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	18 Valley Drive Brighton BN1 5FA		
<u>Proposal:</u>	Erection of folly in rear garden.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	18.11.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CMK Planning 11 Jew Street Hove BN1 1UT		
<u>Applicant:</u>	Mr P Byrne 14 Valley Drive Brighton BN1 5FA		

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	150	G	22 April 2021
Proposed Drawing	250	E	22 April 2021
Location and block plan	002	B	9 March 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The landscaping scheme detailed on drawing no.150 revision G received on 22.04.2021 shall be carried out in the first planting and seeding season following the first occupation/use of the development hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to protect neighbouring amenity and to comply with policies QD15 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. APPLICATION SITE

- 2.1. The application site is a semi-detached house located on the north side of Valley Drive. The rear garden slopes steeply upwards from the rear of the house and is relatively long at approximately 30m and comparatively narrow at approximately 7m.

3. RELEVANT HISTORY

- 3.1. Pre-application advice request under reference PRE2020/00116 for the creation of a raised terrace in the rear garden in the style of a folly. Response summarised below:
 - The design and materials of the proposed raised patio are likely to be considered acceptable.
 - The potential for overlooking towards the neighbouring gardens is the main consideration against which, the acceptability of the proposed structure will be assessed.
 - A formal planning application will include a site visit where the potential amenity impacts of the proposed raised patio will be fully considered.

4. APPLICATION DETAILS

- 4.1. This application is for the erection of a raised patio at the north end of the rear garden. This would be in the style of a medieval folly, so would have a stone construction with castle inspired detailing. The garden would be terraced to accommodate the raised patio.
- 4.2. The proposed structure would have two levels, the smaller lower level would have a maximum platform height of approximately 0.38m above the existing garden level and an area of approximately 2sqm. The upper level would have a maximum platform height of approximately 0.78m above the existing garden level and an area of approximately 17.4sqm.
- 4.3. The application has been amended during the consideration process with the height of the proposed terraced reduced by 0.25m and reduced in width by approximately 1.9m. Additional details of proposed screening by planting have also been submitted.

5. CONSULTATIONS

None

6. REPRESENTATIONS

- 6.1. **Eleven (11)** letters have been received, objecting to the proposed development on the following grounds:
- Overlooking and reduction in privacy
 - Noise disturbance
 - Detrimental impact on property prices
 - Out of character for the area
 - Excessive garden development
 - Concern regarding rainwater runoff and lack of drainage
 - Inappropriate height
 - Overshadowing of gardens
 - Increase in traffic from visitors to the site
 - Impact on wildlife
 - Light pollution
- 6.2. **Councillors Nield and Davis** have objected to the application. A copy of their representation is attached to the end of this report.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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).
- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14	Extensions and alterations
QD15	Landscape Design
QD27	Protection of Amenity

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main issues to consider are design and appearance and impact to the visual amenities of the area, and the impact to amenity.

Design and Appearance:

- 9.2. The proposed terrace would be constructed in materials that are different from the main house but that match an existing smaller feature within the garden. The design and detailing in the style of a folly would contrast with the render and tile finish of the main dwelling. In this instance this is considered acceptable. The proposed structure would be separated from the main house by a substantial distance and as such the contrasting style would not present in a jarring manner.
- 9.3. The position of the proposed raised terrace in the rear garden of the application site would mean that it would not be highly visible in the street scene of Valley Drive. Potential glimpse views only may be available between 16 and 18 Valley Drive. It is acknowledged that the structure will be visible from the rear windows the neighbouring properties. The proposed planting that will be secured by condition would reduce the prominence of the proposed structure from the neighbouring properties and soften its impact on the landscape.
- 9.4. The scale of the proposed terrace would fit comfortably within the rear garden of the site and would not result in it appearing overdeveloped. It should be noted there are examples of other outbuildings in rear gardens in similar positions in the area.
- 9.5. The proposed terrace is considered to be a suitable addition to the site that would not harm its appearance or that of the wider area, in accordance with

policy QD14 of the Brighton & Hove Local Plan, DM21 of the Brighton & Hove City Plan Part Two and SPD12 guidance.

Impact on Amenity:

- 9.6. The impact on the adjacent properties at 16 & 20 Valley Drive and 2 Colebrook Cottages has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit that took place after completing a covid-19 risk assessment, and no significant harm has been identified.
- 9.7. It is noted that despite the substantial size of 17.4sqm of the upper level of the proposed terrace, approximately 10sqm of this would be at, or below the existing ground level of the rear garden. The remaining 7.4sqm would be between 0.0m & 0.78m above the existing ground level. The highest portion of the proposed terrace would be set in from the boundaries of the site by 2.2m on both sides.
- 9.8. To the west of the application site is 20 Valley Drive. The existing shared boundary between the sites is a chain-link style fence (approximately 1m in height) with fake foliage attached and some trees and hedging. The proposed structure will afford an elevated position for views across the area of the rear garden at no.20 that is directly adjacent. Existing boundary planting would obscure views of the rest of the rear garden. The provision of planting as shown on the proposed plans would significantly reduce the views available and will be secured by a condition attached to this permission. It is acknowledged that the section of the garden most directly affected is away from the rear of the house, the area of a garden typically considered to be the most sensitive.
- 9.9. The views towards the rear elevation of no.20 will not be significantly different from that which already exist. The highest point of the proposed raised platform would be below the highest part of the existing garden. The distance between the rear elevation of no.20 and the proposed structure is also significant at over 22m.
- 9.10. To the east of the site is 16 Valley Drive. The shared boundary has a similar style chain-link fence with fake foliage attached and a hedge above. As with the impacts on no.20 the proposed structure would provide an elevated position for views towards the rear garden of no.16. The proposed planting would restrict these significantly, resulting in a minimal impact on privacy. The distance between the rear elevation of no.20 and the proposed structure is also significant at over 23m.
- 9.11. To the rear of the application site is 2 Colebrook Cottages. Between the sites is a significant planted boundary. The scale of this is considered to mitigate any potential amenity harm.
- 9.12. The potential for noise disturbance was highlighted in a number of the comments received on this application. The position of the proposed raised patio would be away from the adjacent properties and is considered appropriate. Potential disturbances from noise associated with the use of the patio would be investigated by the Council's Environmental Health Team but is not expected

that a domestic outbuilding/terrace used ancillary to the main dwelling would give rise to undue noise or disturbance.

9.13. It should be noted that there are other structures and outbuildings in similar positions in rear gardens in the area.

9.14. A condition requiring the implementation of the planting shown on the proposed plans has been attached to reduce the impact of the proposed structure on the privacy of the neighbouring properties and the landscape of the area. This is in accordance with policies QD15 and QD27 of the Brighton & Hove Local Plan.

10. EQUALITIES
None identified