

<u>No:</u>	BH2021/01064	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	173 New Church Road Hove BN3 4DA		
<u>Proposal:</u>	Replacement of existing garage doors with bay windows.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	23.03.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.05.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mark Hills Architectural Services 4 Shellbourne House Marina Bexhill East Sussex TN4 1BL		
<u>Applicant:</u>	Bayside Property Investments Ground Floor Front Office 46 Lansdowne Place Hove BN3 1HH		

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 Plan			23 March 2021
Proposed Drawing	52	A	23 March 2021
Proposed Drawing	53	A	23 March 2021
Proposed Drawing	55	A	23 March 2021
Proposed Drawing	61		23 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 annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

Reason: In order to protect the amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling and in accordance with policies QD27 of the Brighton & Hove Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties, to ensure appropriate visual subdivision of the site and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

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

- 2.1. The application relates to two of three conjoined single storey garage/outbuilding structures sited at the rear of 173 New Church Road. The site is the southern pair of three similar single storey garage structures facing onto Mornington Crescent which runs north to south on the eastern side of the site. The building has windows and an entrance door installed on its southern elevation facing the main house. Photographic evidence shows that the site appears to have been in use as an annex building in connection with 173 New Church Road for over ten years. The garage outbuildings are white rendered with white UPVC windows to the south and two white garage doors with a mixed render and brick parapet to the east. The property is not situated within a Conservation Area and there are no listed buildings in close proximity of the site.

3. RELEVANT HISTORY

- 3.1. **PRE2021/00003** - Alteration to existing out-building to provide 2 no bay windows to replace garage doors.
Advice issued 02.03.2021
- 3.2. **BH2018/02919** - Alterations to existing annexe including 2no bay windows to replace garage doors, installation of porch and associated works.
Refused 13.11.2018
- 3.3. **BH2015/03066** - Demolition of existing garage and granny annexe and erection of two storey three bedroom chalet bungalow.
Approved 07.04.2016

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the removal of the two garage doors facing onto Mornington Crescent and their replacement with two projecting bay windows. The materials proposed are white UPVC windows with white rendered bays to match the existing structure. The proposed floor plans indicate that an existing storage and day room would be proposed as a home gym and recreation room. The application also proposes an increase of a section of the rear wall to 2m on the western boundary.

5. REPRESENTATIONS

- 5.1. **Seven (7) objections** from properties in close vicinity to the site were received raising the following concerns:

- Loss of privacy
- Development not in character with streetscene or area
- Increased noise and disturbance
- Additional traffic and parking demand
- Detrimental effect on property value
- Overdevelopment of the site
- Poor design
- Overshadowing
- Inappropriate height
- Too close to the boundary of the property
- Constant building operations at the site for many years
- Noise and dust from construction
- Restriction of view
- Additional occupants

6. CONSULTATIONS

None

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 AND GUIDANCE

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

QD27 Protection of Amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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.

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

9.1. The building is a former double garage now used as an outbuilding in connection with the main dwelling at 173 New Church Road. Photographic imagery confirms that it appears to have been in use as an annex for over ten years. While planning permission was granted in 2015 for the demolition of the garages and the creation of a new 3no. bedroom chalet bungalow, the applicant has confirmed that the intention of the proposal is to solely improve the standard of the existing outbuilding and is not seeking a subdivision of the site or the creation of a new dwelling.

9.2. The two existing white panelled garage doors would be removed and replaced with two projecting bay windows which would project approximately 0.5m from the existing garage door and be constructed in white UPVC with white render to

match the existing building. Part of the rear boundary wall forming part of the structure is also proposed to be increased to 2m and would be rendered to match the existing structure. The building would retain a domestic appearance and would be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton and Hove City Plan Part One, DM18 and DM21 of the Brighton and Hove City Plan Part Two and SPD12 guidance.

- 9.3. The two bay windows would face onto the streetscene of Mornington Crescent and the garages and boundary walls of the property opposite the site. There would be no direct overlooking as a result of the proposal. The site is also separated from the closest property to the north by a single storey garage attached to the application site. The increase in the rear western wall to 2m would be an alteration commensurate with that which could be achieved utilising permitted development rights. As such the alterations are considered to have no impact upon and cause no harm to residential amenity in accordance with policies QD27 of the Brighton & Hove Local Plan and DM20 of the Brighton and Hove City Plan Part Two.

Other matters:

- 9.4. It is noted that a proposal for the insertion of two bay windows, in place of the existing garage doors, was refused in 2018. Whilst the detailing of the two bay windows remains identical in this application, this previous application also included a number of factors including an external porch creating a formal entrance lobby and the overall proposal represented a development with all the characteristics of a separate independent dwelling. Whilst similar, this application only proposes the additional windows and a small increase to the rear boundary wall. It is not considered that the current application has sufficient characteristics to be considered as an independent dwelling and therefore conditions to secure the non-severance of the site as a separate unit of accommodation as well as a condition to restrict any further alterations to the boundary walls and fences in order to prevent any physical subdivision are considered sufficient to overcome such concerns.
- 9.5. It is noted that representations have been received siting a number of different concerns relating to the impact of the development upon the area and neighbouring amenity. The application site appears to have been used as annex accommodation for many years. Photographic evidence shows the doors and windows to the southern elevation, a satellite dish, TV aerial and an extract flue in place in 2009. The applicant has stated that the building has been used for this purpose since approximately 1995. Neither the existing or proposed plans show bedroom accommodation but do show a small kitchen, bathroom and home gym as well as additional space indicated as a "day room". Photographs submitted by the applicant show that the small kitchen has been in situ for some time and it is considered that the application does not propose any additional accommodation floorspace over that which already exists. It is not therefore considered that the proposal would create any additional use of the structure than that which appears to already be in place.

- 9.6. Concerns have been raised in regard to an increase in the impact on the highways and local parking. Given that the site has been used in this manner for some time it is not considered that an increase on the highway network or an increase in parking demand would result from the proposal given the existing use of the building.
- 9.7. Matters have also been raised in regards to ongoing building works at the site and the noise and dust created by the proposal. These are considered to be minor impacts of a temporary nature and would not warrant refusal of the application.
- 9.8. Concerns have additionally been raised in regards to the effect of the development on property value and the restriction of a view. Neither of these concerns are material planning considerations and are given no weight in the assessment of this proposal.

10. EQUALITIES
None identified