

<b><u>No:</u></b>	<b>BH2021/02310</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>83 Mile Oak Road Portslade BN41 2PJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of part single part two storey extension to create additional floor with revised fenestration and associated works.</b>		
<b><u>Officer:</u></b>	Jonathan Pennick, tel: 292138	<b><u>Valid Date:</u></b>	23.06.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	18.08.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	24.09.2021
<b><u>Agent:</u></b>	Arki-Tec Plans 87A Mile Ook Road Portslade Brighton BN41 2PJ		
<b><u>Applicant:</u></b>	Sharon Drewett Paget Henfield Road Small Dole BN5 9XH		

This application was deferred from Committee on the 6<sup>th</sup> October & 3<sup>rd</sup> November to allow further consultation of the application.

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2021/0022-01	A	23 June 2021
Proposed Drawing	2021/0021-04	A	23 June 2021
Proposed Drawing	2021/0021-05	A	23 June 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 external finishes of the development hereby permitted shall match those stated on the submitted application form and approved plans.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

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.

5. The windows at first floor level on the northern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

**Reason:** To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the of the Brighton & Hove Local Plan.

6. 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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the first floor of the southern or western elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

**Reason:** To reduce the potential for overlooking and to accord with policies QD14 and QD27 of the 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. APPLICATION SITE**

- 2.1. The proposal relates to an existing single-storey dwelling that is accessed from Hillcourt Mews, a small, private road extending from the western side of Mile Oak Road in Portslade. The dwelling is large, extending across much of the site between the east and western boundaries. It has a gable-ended pitched roof, and while it contains only two bedrooms has two large reception areas and a garage, with a large front garden area.
- 2.2. There is a range of dwelling types in the immediately locality with a varied palate of modern and more traditional materials. To the north of the site is the rear of large dwellings on Brasslands Drive. To the west of the site, two three-bed semi-detached dwellings are under construction, replacing a large detached dwelling. To the east are flat-roofed dwellings fronting Hillcourt Mews, with further modern, flat-roofed dwellings to the south, including Rowan House.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/00211** - Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3) Refused on the following ground, and dismissed on appeal: *"The proposal, by reason of its inappropriate density and the height of the dwellings, represents an overdevelopment of the site, is out of character and causes neighbouring amenity issues in respect of overlooking, overshadowing and loss of sunlight. The proposal also results in the further intensification of the narrow access leading to insufficient turning around space, introducing highways safety concerns. As such, it is contrary to Policies CP9, CP12 and CP14 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Local Plan."*
- 3.2. **BH2020/02316** - Outline application with all matters reserved for demolition of existing dwelling and erection of 2no two storey, three bedroom dwellinghouses (C3). Approved
- 3.3. **BH2013/00380** - Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking. Approved 04.04.2013
- 3.4. **BH2012/04084**: Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013

### 4. APPLICATION DETAILS

- 4.1. The applicant seeks planning permission for the erection of part single-, part two-storey extension to create an additional floor, with revised fenestration and associated works. The resulting dwelling would have four bedrooms, with a footprint largely as existing but extended forwards (south) of the existing on the western elevation. The dwelling would be two storeys in height, but with a flat roof so largely the same height as the existing.

### 5. CONSULTATIONS

None Received

### 6. REPRESENTATIONS

- 6.1. **Six (6)** letters of objection have been received expressing concerns in relation to the following material points:
  - Highway Safety
  - Overbearing
  - Loss of light/overshadowing
  - Disruption during construction
  - Out of character

- Over development of the plot

6.2. **One (1)** letter of support has also been received which states that the current bungalow is out of character with the new developments surrounding the property. This proposal would be better in traffic terms than the two dwellings already approved at outline.

## 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 Joint Area Action Plan (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
CP12	Urban design
CP10	Biodiversity

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

TR7	Safe Development
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.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main issues to consider in assessing this application are the impacts on residential amenity; and impact on the character and appearance of the area.

Background

- 9.2. Of particular relevance to consideration of this application is planning permission BH2020/02316 which was approved by Planning Committee, allowing two dwellings on the site. Whilst the application was outline with all matters reserved, the applicant provided illustrative plans, including elevations. The officer's assessment and recommendation to committee stated the following of this amount of built form:

*"The illustrative drawings demonstrate that it is possible to accommodate two storey dwellings, and that if they were to adopt the flat roof style of other recent additions to the area they would be significantly lower than the previously proposed three storey dwellings, as well as the existing townhouses on the Hillcourt Mews site. At two storeys in height they would now fit in more comfortably with the character of the immediate vicinity, which comprises buildings of either a single storey or two storeys in height. The illustrative drawings also demonstrate that it would be possible to ensure that both dwellings would be lower than the existing building on site. Accordingly, the issues previously raised in respect of the impact on neighbouring amenity resulting from the proposed height, most notably overshadowing and loss of sunlight, are considered to be ameliorated by the lower height."*

- 9.3. This forms the 'fallback' which must be given weight when considering the present application as there is a real prospect that it could come forward.

Impact on Amenity

- 9.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state that planning permission for any development or change of use 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.
- 9.5. The proposal site is directly south of 12a and 14 Brasslands Drive, with the expanded dwelling located close to the common boundary so there is potential for an increase in overshadowing and enclosure upon the rear amenity of these

dwellings. However, the neighbouring dwellings are set higher than the application site, and the scheme would have a flat roof so that the increase in scale over the existing would be minimal. The application site abuts the relatively long rear gardens of these properties, further reducing the impact, particularly for no. 12A which has outbuildings along the common boundary. Further, the existing, approved scheme was on a larger scale, so would have more impact than that currently proposed. The proposal is not, therefore, considered to result in an unacceptable increase in overshadowing or enclosure for neighbouring properties to the north.

- 9.6. The proposed extensions would also be relatively close to the western boundary with dwellings under construction at the former 20 Rowan Close. However, the existing dwelling is close to this boundary, at single storey in height with a high, pitched roof. The present proposal would extend forward of this, along the common boundary, but the dwellings are oriented away from the boundary, so views of the extension would be oblique, and are not considered to be overwhelming or give an unacceptable sense of enclosure. There would be some loss of light from the east during morning hours, but the affected windows on the western elevation serve stairs.
- 9.7. The townhouses on Hillcourt Mews are also at a sufficient separation distance that impacts resulting from increased overshadowing or enclosure would be limited.
- 9.8. Windows on the first floor elevation facing north, towards Brasslands Drive, would be opaque and set at 1.7m above floor level to minimise the risk of overlooking. The western elevation, facing the redevelopment at 20 Rowan Close, would have no first floor windows or doors. Conditions would be imposed to ensure this remains the case.
- 9.9. All other openings are in a location that would give rise to limited impacts by way of visual intrusion.
- 9.10. The scheme seeks an increase in the size of the dwelling, but no increase in noise or other disturbance is anticipated, and certainly not when compared with the approved scheme allowing two dwellings on the site.
- 9.11. The impact on the adjacent neighbouring properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm subject to the aforementioned mitigation has been identified, so the scheme is considered acceptable in terms of its impact on residential amenity.

#### Design & Appearance

- 9.12. Policy QD14 of the Brighton & Hove Local Plan, and emerging Policy DM21 of City Plan Part 2 (which can be given significant weight) state that:  
*"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."*

9.13. The proposal to create a modern, flat-roofed dwelling that would maximise the use of the site. The aesthetic would be contemporary with a stark white render and slate tile cladding in areas, with all openings being dark aluminium. Given the broad housing mix in the area, it is considered to be in keeping with its context, with limited impact upon the wider area, given it would be on a rear plot, obscured from view from the main highway.

9.14. The extensions and alterations are considered suitable additions to the building, of a contemporary design that would not harm the appearance of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, emerging policy DM21 of City Plan Part 2 (which can be given significant weight) and SPD12 guidance.

Biodiversity

9.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Conclusion

9.16. The proposal represents a similar built form on the site to that approved in the previous outline permission for two dwellings on the site. The proposal whilst having impacts upon neighbouring amenity to the north by way of overshadowing would not do so to a level that would warrant refusal. Furthermore conditions are proposed to protect against overlooking.

**10. COMMUNITY INFRASTRUCTURE LEVY**

10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The proposal site is located within zone 3 of the charging schedule and will carry a fee of £75 per m<sup>2</sup>. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**11. EQUALITIES**  
None identified

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The works would modernise and refurbish the existing building. A bee brick would be secured by condition.