

<u>No:</u>	BH2022/01277	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	48 Sandgate Road Brighton BN1 6JQ		
<u>Proposal:</u>	Erection of part single part 2 storey rear extension with raised decking area.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	13.04.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	08.06.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
Applicant:	Ms D Al-Khafaji 48 Sandgate Road Brighton BN1 6JQ		

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	ADC 1436/LP		13 April 2022
Proposed Drawing	ADC 1436/05	A	1 June 2022
Proposed Drawing	ADC 1436/06	A	1 June 2022

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. At least one 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.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat 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 and DM20 and DM21 of the emerging City Plan Part Two.

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

- 2.1. The application site is a two storey, end-of-terrace property with an existing rear extension and conservatory. The house is finished in render with a tiled roof and upvc fenestration. The application site is not a listed building, nor does it lie within a conservation area. There are no relevant Article 4 Directions covering the site removing 'permitted development' rights.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the erection of a part-single storey and part-two storey rear extension with a small raised decking area.
- 4.2. The application has been amended since submission to address concerns raised during consultation. The amendments resulted in:
 - A reduction in depth of the rear extension by 1.2m.
 - Addition within the property of steps lowering the latter portion of the rear extension and lowering the overall height by approximately 0.6m.

5. REPRESENTATIONS

- 5.1. **Two (2) letters** have been received objecting to the proposed development for the following reasons:
 - Poor Design
 - Overlooking from proposed terrace to neighbouring properties.
 - The development would be dominating.
 - Noise
 - The steps should be within the extension rather than outside it.
 - Too close to drainage
 - Single storey element should not exceed the depth of the neighbour at no. 46.
 - No design and access statement.

- Does not relate well to the original building.
- Extension is beyond anything in situ on Sandgate Road.
- Overbearing to neighbours.
- Does not relate well to the topography.
- Too large for the plot.
- Proposal has not been designed with SPD12 in mind.
- Proposal would lead to overshadowing of neighbours.

5.2. **Councillor High-Jones** has objected to the application for the following reasons:

- Loss of privacy/overlooking
- Loss of light or overshadowing
- Loss of amenity
- The proposed development would box in part of the neighbouring garden at no. 50.

5.3. A copy of Councillor Hugh-Jones's objection is attached to this report.

6. **CONSULTATIONS**

None undertaken

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. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP10	Biodiversity
CP12	Urban Design

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

QD14	Extensions and alterations
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.

DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

SPD11	Nature Conservation and Development
SPD12	Design guidance for extensions and alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the development and the impact on neighbouring amenity.

Design and Appearance:

- 9.2. The proposed extension would have an overall depth of some 6m, with 3.1m at two-storey height. However, it would increase the built footprint to the rear of the dwelling by only 1.3m as it would replace an existing single storey outrigger and conservatory, albeit with some of it increasing to two storey height. It would align with the rear extension of 46 Sandgate Road to the immediate west.
- 9.3. As with the existing built form, the extension would step down in height towards the rear from 4m to 3.8m, at a lower height than the adjacent property at 46 Sandgate Road. It would extend across the full width of the dwelling, but would be stepped away from the boundary with 50 Sandgate Road by some 0.7m to accommodate a repositioned side access.
- 9.4. It is noted that both the two storey and single storey elements are proposed to be flat roofed, which is considered acceptable in design terms, considering the flat roofed nature of the existing smaller rear extension, and the proliferation of flat roof extensions along this side of Sandgate Road, including at nos. 50 & 52.
- 9.5. A number of properties along Sandgate Road have been extended in a similar way with part ground and part first floor extensions so it is considered that this development follows an accepted design approach which respects the

appearance and character of the building and area. It is noted that there would be no visibility from the public realm.

- 9.6. The proposal would be finished in painted render with aluminium powder coated windows and flat GRP covered roofs. The detailing and materials are considered acceptable.
- 9.7. The proposed extension and alterations are considered suitable additions to the property that would not harm the character and appearance of the property or wider surrounding area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP21 of the City Plan Part One.

Impact on Amenity:

- 9.8. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) 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.
- 9.9. No side windows are proposed, so there would be no increased overlooking of no. 50 adjacent.
- 9.10. The amended proposals at ground floor level are not considered to have a significant impact on neighbouring amenity in terms of overshadowing, light and outlook. At first floor level, it is noted that the proposed extension would be very close to the small window at first floor level at no. 46 Sandgate Road, but this relates to a staircase/hallway in the neighbouring property. There is not considered to be a significant detrimental impact from the proposed first floor extension on windows of neighbouring properties on either side at first floor or ground floor levels.
- 9.11. In terms of properties to the rear in Hythe Road, the properties are generally a minimum of 23m from the existing rear extension so the impact would be minimal. Though this would leave a lesser gap than exists currently, it is not considered that this would amount to being harmfully overbearing to the neighbours at the rear. As noted in the comments received during consultation the land between Sandgate Road and Hythe Road is sloping down towards Hythe Road. The proposed extension and terrace, at a height of approximately 0.45m from ground level and a depth of 1m, subject to implementation of the proposed screening is not considered to allow for harmful overlooking of either neighbours to the side or to the rear when considered against the existing topography.
- 9.12. Overall, it is not considered that the proposed works would cause any significant harm to the amenity, in accordance with Policy QD27 of the Brighton & Hove

Local Plan and policy DM20 of CPP2 which now attracts more weight than QD27 of the Local Plan.

Biodiversity:

- 9.13. The Council has been seeking to improve ecological outcomes within the city by securing minor amendments to approved schemes to increase biodiversity contributions. Therefore, it is recommended that a condition be added requiring a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

Conclusion:

- 9.14. This application is considered acceptable on matters of design and impact on neighbouring amenity. As such, this application is recommended for approval.

- 10. EQUALITIES**
None identified

- 11. CLIMATE CHANGE & BIODIVERSITY:**
- The development would secure a bee brick in the rear extension.