

<u>No:</u>	BH2022/02324	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Hailsham Avenue Saltdean Brighton BN2 8QH		
<u>Proposal:</u>	Roof alterations incorporating double hip to gable extension, front rooflights and rear dormers with Juliet balconies and new roof tiles. Alterations to fenestration and associated alterations.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	01.08.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.11.2022
<u>Agent:</u>	Plans Prepared 8 Greenbank Avenue Saltdean Brighton BN2 8QS		
<u>Applicant:</u>	Mr Charlie Sharp 13 Hailsham Avenue Saltdean Brighton BN2 8QH		

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
Block Plan	TQRQM2219314124 3144		19 July 2022
Proposed Drawing	HA-004		19 July 2022
Proposed Drawing	HA-005	A	20 September 2022
Proposed Drawing	HA-006		19 July 2022
Location Plan	TQRQM2219314065 2250		19 July 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. The glazed balustrades on the rear dormer of the development hereby permitted shall be obscure glazed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

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.
3. The applicant is advised that the application of translucent film to clear glazed panels does not satisfy the requirements of condition 3.

2. SITE LOCATION

- 2.1. The application relates to a detached bungalow located on the southern side of Hailsham Avenue. The property has a hipped roof and small front gable, with a small flat roof front extension creating an extended porch. Off street parking is provided with a concrete front driveway. It is finished in white render, timber beam detailing, brown/red plain roof tiles and white uPVC fenestration.
- 2.2. The road, Hailsham Avenue, is characterised by uniformity in the design, style, scale of properties and plot sizes, with predominantly hipped roof and gable fronted residential bungalows which have had limited variations and extensions that are visible in the public realm. The occasional side extension is present and some hip to gable roof alterations.
- 2.3. Land levels fall from east to west, with a reflective stepping down in the ground floor slabs and roof heights of the residential dwellings in the road. An attractive wide grassed common area runs between the parallel roads that form Hailsham Avenue, giving a very open aspect to the street.

3. RELEVANT HISTORY

- 3.1. **BH2009/01571** Single storey side/rear extension and additional single storey rear extension with infill raised decking. Refused for the following reasons:
 - 1) The proposed side extension, by reason of its size, height, siting and design is considered to be unduly visually prominent and detrimental to the appearance and character of the host building and wider streetscene. In particular, the roof over the extension would extend beyond the eaves line creating an awkward junction with the roof of the existing dwelling and

adding to its prominence, and the false pitch to the front of this flat-roofed element would be readily visible within the street scene. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.

- 2) The size, height and siting of the proposal would, by reason of an overbearing and overly dominant impact, adversely affect the residential amenities currently enjoyed by the occupiers of No.15 Hailsham Avenue, which would be exacerbated by the fact that No.15 is set at a lower ground level than the applicant property. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to extensively remodel the existing house incorporating double hip to gable extensions, three front rooflights and a rear dormer with two Juliet balconies. Further alterations to fenestration are proposed and other minor works.
- 4.2. The plans have been amended during the course of the application to obscure glaze the balustrading on the proposed Juliette balconies.

5. REPRESENTATIONS

- 5.1. **Twelve** (12) letters have been received objecting to the proposed development on the following grounds:
 - Height
 - Amenity harm
 - Overshadowing
 - Overdevelopment
 - Would affect views
 - Poor design
 - Bulk and Massing
 - Overlooking
 - Proximity to boundary
 - Noise
 - Detrimental to the character of area
 - Materials
- 5.2. **Councillor Fishleigh** has commented on the application requesting the application to be determined by members at Planning Committee should officers be minded to approve. A copy of this correspondence is attached to this report.

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 Joint Area Action Plan (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

QD27 Protection of Amenity

CP10 Biodiversity

Brighton & Hove City Plan Part Two

The Inspector published her Final Report into the Examination of the City Plan Part Two 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) that the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM20 Protection of Amenity

DM21 Extensions and alterations

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and the wider area; and the impact on the amenities of adjacent occupiers.

Design and Appearance

- 9.2. The remodelling of the existing bungalow would see a change in form, creating a larger property with dual gables to the sides and a large dormer to the rear elevation. It is recognised, and has been pointed out in various objections, that the bulk and massing would increase over the existing dwelling, with a roof design that varies from the hipped roofs on the majority of properties in the area.
- 9.3. Supplementary Planning Document 12: Extensions and Alterations states that: *"A relationship with the streetscene needs to be carefully considered. Building line, pattern, roof lines, pitch and shapes of roofs, views and orientation are all important considerations. The front elevation and other parts of the property visible from the street are normally more sensitive to change than other parts of the property that are not visible."*
- 9.4. Furthermore: *"The rhythm and continuity of the rooflines to buildings are often a key visible element within a streetscene therefore any poorly designed or excessively bulky additions can have a significantly harmful impact on both the appearance of the property and the continuity of a streetscape."*
- 9.5. The property currently comprises a slight L shaped hipped form of roof with a small gable to the front roofslope. The proposed works would remove the hipped roof completely and then create a new side gable ended design which would extend over the existing footprint of the building. This would have a roof pitch that is slightly shallower than the existing to allow for the increased width to cover the existing front flat roofed extension. The existing small front gable would remain. The ridge height of the new roof would not be any higher than the existing roof ridge height. The new front roofslope would have three rooflights inserted. Changes are also proposed to the front door and surrounding fenestration.
- 9.6. The dormer would be set back from the proposed ridge, gables and eaves. At rear ground floor level the existing fenestration would be removed and replaced with an almost full width set of folding doors to allow access to the existing decking and garden area.
- 9.7. To the side at ground floor level on the western elevation a new window would be created to serve the revised ground floor bedroom. To the eastern ground floor elevation a door would be removed.
- 9.8. In respect of materials the proposed roof works would see the existing brown tiles removed and slate grey tiles replacing all of these. The proposed side gables would be rendered and painted white to match existing. The proposed

windows and doors would be white aluminium, similar to the existing white uPVC where applicable.

- 9.9. The complete remodelling of the existing bungalow would see a change in design, creating a larger building that is extended in the roof, with a different appearance, that would not take design cues from the properties in close proximity.
- 9.10. However, the dwelling does not sit within a conservation area and no Article 4 Direction is in force which would affect external alterations to the property. The proposed works would retain the existing front gable, and although the hip to gable design is not common in the area, it does not bring any harm to the host property. The roof ridge would not be raised and the natural stepping down of roof heights in the street scene, would continue. The revised property would be a contemporary design when viewed in the public realm. The impact of the design on the wider streetscene is more significant and it would bring some harm due the contrast between roof forms on the surrounding properties and the proposed, with the general uniformity being disrupted.
- 9.11. The proposed dormer, while not considered an enhancement to the design and considered excessive in size, would be a clear insertion in the roof as it is shown to be set in from the side of the roof and from the ridge and eaves. Guidance contained in SPD12 does require roof extensions to be a clear insertion and whilst considered to be larger than ideal, it would follow the general guidance of SPD12 and on that basis is considered acceptable. Any visual harm is limited as located to the rear and not highly visible in the wider public realm. Obscure glazing is proposed to the respective Juliette balcony balustrades.
- 9.12. The proposed front rooflights are acceptable in positioning and although not a common feature in the street scene do not bring significant harm to the host property or the wider area.
- 9.13. In relation to the harm to the streetscene, it is noted that this dwellinghouse benefits from permitted development rights and the agent has submitted details stating the proposed roof works would be just over the 50m³ volume allowance under Class B, Part 1, Schedule 2 of the GPDO 2015 (as amended) and would meet the majority of criteria, but clearly fail to be permitted development, due the change in colour and materials to the roof and the moving forwards of the front roofslope. It is considered that were this proposal to be refused for the changes to the roof, the applicant could take advantage of the permitted development provided for by Class B and Class C for a very similar form of works to the roof. This is a material consideration in the determination of this application.
- 9.14. The proposed development represents a significant enlargement in the scale of the building in the public realm, but it is considered that it maintains an appropriate appearance within the streetscene and its own plot, and for this reason is not considered to represent an overdevelopment of the site.
- 9.15. The depth of the remodelled property would not increase with no changes to footprint. It would still leave an appropriate rear garden amenity area.

9.16. On this basis and considering the similar form of development that could be constructed under permitted development rights, the level of harm to the surrounding streetscene is not assessed to be so significant that refusal would be justified on design and appearance grounds.

Impact on Amenity

9.17. Policy QD27 of the Brighton & Hove Local Plan states 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.

9.18. It is noted that 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 and photos of the site.

9.19. The form of the roof extension extending to the front, side and rear, with revisions to the roof, is not considered to substantially harm neighbours' amenity. The remodelled property would remain set in from the side boundaries reducing any potential overbearing and overshadowing effects. The immediate neighbour to the east is No.11 Hailsham Avenue which has a large extension to the shared boundary and is set at a higher land level than No.13. To the west, No.15 Hailsham Avenue is set significantly back from the shared boundary with No.13, therefore for both neighbouring properties the proposed works would cause no significant overbearing effects. Any overshadowing would appear to be limited from an assessment of the plans, with potential loss of direct sunlight to No.15 Hailsham Avenue likely occurring only during the early morning. The properties to the south fronting Hilgrove Road are sufficiently distant that no overshadowing or overbearing impacts would occur.

9.20. It is acknowledged by Officers that the revised form and scale of the property would increase its visibility to some neighbours. However, despite objections concerning the loss of views and outlook, it is noted that a right to a view and retention of the same is not a material consideration in the determination of planning applications. It is not considered that the neighbours' outlook would be so impacted as to warrant refusal, especially given the distances or the degree of interruption that is involved.

9.21. The new rear façade would increase the amount of glazing at first floor levels with the provision of a dormer and Juliette Balconies, therefore the potential for overlooking at elevated levels. The proposed first floor windows would be some 15m from the elevations of the closest dwellings to the rear on Hilgrove Road. There would be increased potential for the overlooking of neighbouring gardens, but the proposed Juliette balconies would be set within the new dormer form, limiting the perceived and real overlooking that could occur, and would serve only proposed bedrooms, likely limiting the degree and type of use.

9.22. The balustrade on the Juliette balconies is proposed obscure glazed and would be conditioned to remain in this form. It is also considered that a very similar form of rear dormer (together with other roof alterations) could be undertaken

and facilitated by permitted development rights, which could introduce comparative elevated fenestration. The degree of harm to amenity is not, in this context, assessed as so significant to warrant refusal.

- 9.23. The new front facing rooflights would overlook front gardens and highway, limiting any harm to private amenity, the increase in overlooking is considered acceptable. The new ground floor east side window would serve only a bedroom and be overlooking the front garden and shared driveway of No.15 Hailsham Avenue, on this basis it is not assessed to result in any significant harm to amenity.
- 9.24. Therefore, it is not considered that the proposed extensions and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2.

Other Matters

- 9.25. 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.

10. CONCLUSION:

- 10.1. The proposed development is considered to result in an acceptable impact on the appearance and character of the property and the wider surrounding area. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

11. COMMUNITY INFRASTRUCTURE LEVY:

- 11.1. 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. It is estimated that the amount of CIL liability for this application is £0, due to being below an increase of 100sqm GIA. The exact amount, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

None identified

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. A bee brick would be secured by condition to improve biodiversity.

