

<b><u>No:</u></b>	<b>BH2022/02278</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Meadow Close Hove BN3 6QQ</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey outbuilding to be used as a liveable office space to include gym, kitchen, bathroom facilities and a raised patio terrace.</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	14.07.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	08.09.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12.12.2022
<b>Agent:</b>	RSP Architects Ltd 1 Westbourne Grove Hove BN3 5PJ		
<b>Applicant:</b>	MR Saaid Abdulkhani 7 Meadow Close Hove BN3 6QQ		

## 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>
Proposed Drawing	01	Rev A	14 November 2022

2. 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 policy DM20 of Brighton & Hove City Plan Part 2.

3. No erection, construction, removal, improvement or alteration of a gate, fence, wall or other means of enclosure at the site as provided for within Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out 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

DM20 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One

4. The layout of the new annexe shall be in strict accordance with the approved proposed floor plan 01A received on the 14th November 2022 and retained as such thereafter.

**Reason:** In order to protect the amenities of neighbouring properties and to ensure dependency on the main house, in accordance with policy DM20 of the Brighton and Hove 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. SITE LOCATION

- 2.1. This application relates to the rear (north-eastern) garden of a detached dwelling house located on the northern side of Meadow Close, off Tongdean Road in Hove. Many of the residential detached bungalows and houses in the close have been remodelled and extended giving the close an eclectic appearance with a variety of styles and roof forms. The properties in the close also benefit from spacious rear gardens. No 7, like the neighbouring properties, has been extended with the alterations including a front dormer, rear extension and additional storey at the rear.
- 2.2. The site is not within a conservation area or subject to any relevant Article 4 directions restricting alterations or extensions.

## 3. RELEVANT HISTORY

- 3.1. **BH2022/02886** Formation of front and side boundary walls (part retrospective)- Under Consideration
- 3.2. **BH2017/04084** Application for Approval of Details Reserved by Conditions 3 and 5 of BH2017/00767. Approved 18.07.2018
- 3.3. **BH2017/00767** Erection of additional storey with associated alterations and single storey rear extension. Approved 19.09.2017
- 3.4. **BH2000/00946/FP** Proposed front dormer and single storey rear extension. Approved 31.05.2000

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of single storey annexe/outbuilding located on the rear (north-eastern) site boundary, that the applicant states is to be used as a liveable office space to include a gym, kitchen, and bathroom facilities, as well as a raised patio terrace. The development has been constructed, but is not fully in use so the application is therefore part retrospective. The development has been externally finished with a dark grey cladding and with a white painted render finish to the raised patio and boundary treatments.
- 4.2. The application description was amended on the 26.07.2022 to provide clarity over what is proposed to include the bathroom and kitchen facilities, as well as patio. Updated plans have also been provided to show the existing layout of the outbuilding, which is fully constructed but currently being used as temporary living accommodation while the renovation of the main dwellinghouse is completed.
- 4.3. Whilst it a preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the application remains subject to the material planning considerations listed below.

## **5. REPRESENTATIONS**

- 5.1. Twelve (12) representations have been received from eleven (11) properties objecting to the proposal on the following grounds:
  - Inappropriate height of development
  - Noise
  - Overdevelopment
  - Too close to the boundary
  - Overshadowing
  - Poor design
  - Increased vehicle numbers and parking congestion
  - Concerns the intention is to erect a new dwelling by stealth
  - Not been constructed in accordance with Building Regulations
  - Unnecessary removal of tree from the rear boundary
  - Loss of privacy
  - Encroaches on neighbouring land
  - Outbuilding has been in use as a residential annexe for two years

## **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 City Plan Part Two (adopted October 2022);
  - 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 (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design

#### Brighton and Hove City Plan Part Two

DM18	High quality design and places
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 design and appearance of the proposal, and the impact upon neighbouring amenity.
- 9.2. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the visit, the plans submitted, photos taken and provided as well as recently taken aerial imagery of the site.

#### Principle of Development

- 9.3. For annexe accommodation to be acceptable, it must be ancillary to the main dwelling, and a clear dependency should be retained at all times with the host building. Only on this basis can annexe accommodation be regarded as not forming a separate residential unit. Dependency can be demonstrated through the sharing of facilities/links with the main building, including the sharing of

garden space, site access, and retention of internal links between the host property and annexe accommodation.

- 9.4. In this case, it is noted that the proposed annexe would be separated from the main house by the main rear garden, and includes a small living/kitchen area and bathroom area. The annexe would be accessed via the rear garden of the host property, with the floor plan showing that its habitable space would face the main rear garden area of the site. In practice, therefore, the use of the outbuilding would be dependent on the main dwelling. Given that there would be no separate highway access, the proposed habitable room location and access, and its window/door positioning, all of which can be secured by condition, it is considered on balance to demonstrate a suitable dependency on the main dwelling.
- 9.5. Further, any future use of the annexe as a separate unit of accommodation would require an application for planning permission as this would represent the formation of a new planning unit. A condition to ensure the annexe remains ancillary is recommended, for the avoidance of doubt, to ensure it does not form an inappropriate separate unit of accommodation in the future and to protect residential amenity and the character of the area.

#### Design and Appearance

- 9.6. The single storey outbuilding is of modern design and construction with an asphalt flat roof, painted render walls and double glazing including bi-folding doors. The outbuilding sits upon a raised platform of approximately 0.9m in height which spans the width of the rear garden boundary of 12.4m. The outbuilding is in part constructed upon the boundary wall with no. 6 Meadow Close and is some 3.6m in height with the flat roof parapet visual above the boundary wall by 0.4m. A rendered brick room labelled "plant room" has been constructed on the north eastern boundary adjacent to no 8 Meadow Close.
- 9.7. Whilst utilising a modern material palette and form the outbuilding is not visible from the public realm and is considered to be in keeping with the modern appearance of the dwelling. No harm to the character and appearance of the area is considered to result from its erection.
- 9.8. Supplementary Planning Document SPD12 (extensions and alterations) states that for outbuildings that the following should be considered:  
*"The siting, location, scale, materials and design of the outbuilding should have a minimal visual impact on, and be comfortably accommodated within the host garden. The maximum size of the outbuilding (or number of outbuildings) will usually be determined by the location and the size of the garden area."*
- 9.9. A site visit was conducted on 12.10.2022 to assess design and appearance of the outbuilding in situ and to assess the impact on neighbouring amenity as concerns were raised during neighbour consultation that the outbuilding was too high and too close to the boundary. The site visit demonstrated that the proposal is largely concealed by the boundary and hedges in visibility from the adjacent rear garden areas. Whilst the scale of the proposal is sizable this is considered to be acceptable in this instance due to the size of the garden within which it

comfortably sits. Given the muted dark blue painted colour of the outbuilding and where it is situated at the end of the garden under the tree line the design and scale is found to be acceptable in this instance.

- 9.10. Overall, the proposed outbuilding would represent a sympathetic and subordinate addition to the host property and no harm to the character and appearance of the area is likely to result. The development, in terms of design and appearance is considered to be in accordance with Brighton & Hove City Plan Part Two policy DM18 & DM21, City Plan Part One policy CP12 and SPD12 guidance.

Impact on amenity

- 9.11. Policy DM20 of Brighton and Hove City Plan Part 2 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. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.12. Concerns have been raised that the outbuilding will impact detrimentally on neighbouring amenity. The outbuilding shares a boundary with no. 6 Meadow Close to the west and no. 8 to the east, as well as no 42 Tongdean Avenue directly to the rear. The latter has a wooden fence which conceals the majority of the outbuilding leaving only the flat roof visible so has limited impact on the garden. The main house at 42 Tongdean Avenue is positioned a considerable distance from the application site that the proposal would not have a detrimental impact on their amenity.
- 9.13. Views from the outbuilding into the neighbouring properties either side are limited and constrained due to the fairly substantial boundary treatments on each side of the rear garden and are not considered to be harmful. The site visit confirmed that this visual relationship is acceptable. Given the properties' sizeable gardens, the distance of the outbuilding from the neighbouring dwellings, and the positioning of the trees and hedges surrounding it, the visibility of the outbuilding would be minimal from within the neighbouring properties and would not be considered to be overbearing.
- 9.14. Concerns have been raised during neighbouring consultation that the outbuilding will have an effect on noise and light pollution. It has been confirmed in writing that the outbuilding will not be used for sleeping accommodation once the internal renovation works to the main dwellinghouse are complete. The outbuilding has sufficient facilities contained within for the owner to use in order to limit the need to move to and from the main building, reducing disturbance, and it is separated from the main house by over 20 metres. This distance, together with the boundary treatments is sufficient to mitigate and minimise noise and light pollution impacts to an acceptable level.

- 9.15. Additional concerns have been raised that the site is overdeveloped and will be sold, rented separately from the main dwellinghouse. There is also a concern raised that an approval will create a precedent for development of two residential dwellings on the land. As noted above, the building cannot be used as a separate dwelling without planning permission being granted. Further, a condition is recommended removing 'permitted development' rights for further outbuildings, gates, walls and fences at the rear of the property to ensure that the outbuilding is for annex use only. This would ensure that the use of the outbuilding remains appropriate and retains a dependency on the principle house.
- 9.16. It is not considered that the proposal will have any significant detrimental impact on the amenities of local residents in accordance with Brighton & Hove City Plan Part Two policy DM20 and SPD12 guidance.

## **10. OTHER MATTERS**

- 10.1. Concerns have been raised that the outbuilding is too close to the boundary with regards to ownership, however, Party wall agreements are a private matter between the homeowners and unfortunately not a material planning consideration in this context.
- 10.2. Concerns have been raised by residents that the outbuilding would create more traffic and parking pressure on the close. The application site has a garage and long drive way and as the outbuilding will only be used by the current residents it will unlikely have any impact on the traffic and highway amenity of the residents of Meadow Close.

## **11. BIODIVERSITY/CLIMATE CHANGE**

- 11.1. Concerns were raised during neighbour consultation that trees and hedges had been removed by the applicant to build the outbuilding. Searches have confirmed that none of the trees had protection orders and the applicant was able to lawfully undertake these works. Site photos show that trees and hedges have been retained on the boundary behind the outbuilding.

## **12. EQUALITIES**

None identified

