

<u>No:</u>	BH2023/00136	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	10 County Oak Avenue Brighton BN1 8DJ		
<u>Proposal:</u>	Erection of single storey side extension at first floor level. (Part retrospective).		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	14.02.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.04.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ade Williams 13 Gladstone Terrace Brighton BN2 3LB		
<u>Applicant:</u>	Mr And Mrs Miah Flat2 13 Gladstone Terrace Brighton BN2 3LB		

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 be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising additional material considerations within the re-consultation period ending 03.04.2023 and 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	QS 395		16 January 2023
Proposed Drawing	QS 395		16 January 2023

2. Unless otherwise agreed in writing, prior to first occupation of bedroom five, of the development hereby permitted, the window in bedroom five shall be obscure glazed up to 1.7m in height and and non-opening, unless the parts of the window 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 safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

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 DM37 of Brighton & Hove City Plan Part 2, 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. The applicant is advised that with regards to condition 3 above, the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

2. SITE LOCATION

- 2.1. No.10 is a two-storey semi-detached dwellinghouse located on the southwest side of County Oak Avenue. As pre-existing the property extended at ground floor level to the boundary with 112 Denton Drive. The property is situated opposite the County Oak Medical Centre and Carden Primary School. Red brick or rendered semi-detached properties with front and rear gardens are the predominant housing design in the primarily residential area.

3. RELEVANT HISTORY

- 3.1. **93/0247/FP** Erection of side extension to provide new kitchen, garage and rear conservatory. Approved 18.05.1993

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively to erect a single storey side extension at first floor level. The extension has grey roof tiles, white UPVC fenestrations and has been painted and rendered matching the existing property.
- 4.2. The description has been amended during the course of the application to clarify the location of the extension. This was followed by a re-consultation.
- 4.3. Works to extend the dwellinghouse have already taken place and as such the application is considered to be part retrospective. Recent photos provided as part of the application and a case officer site visit established that all the fenestration for the extension was yet to be fitted.

5. REPRESENTATIONS

- 5.1. **Six (6)** representations have been received objecting to the proposed development on the following grounds:

- It is unclear why the application is considered to be part retrospective.
- The building works cause considerable disturbance to neighbours.
- The building is out of character with the area.
- Not enough parking has been provided at the site.
- There is detrimental impact on the privacy on neighbouring properties.
- Neighbouring properties will be impacted by noise and light disturbance if the property is to become a HMO.
- Overdevelopment.
- Poor Design.
- Inappropriate height of development.
- Noise disturbance
- Additional traffic.
- Overshadowing.
- Too close to the boundary.
- Loss of light for neighbouring properties.

5.2. **Councillor Alistair McNair and Councillor Anne Meadows** have objected to the proposal and a copy of their representation is attached.

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 & Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM37 Green Infrastructure and Nature Conservation

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 considerations in the determination of this application relate to the design and appearance of the proposed development and the impact of the development on neighbouring amenity.

9.2. A recent case officer site visit has been undertaken in this instance. Impacts of the proposal can be clearly assessed from the site visit, plans, photos provided and from recently taken aerial imagery of the site.

Design and Appearance

9.3. Prior to the development commencing, the property comprised of the original dwellinghouse and a ground floor side extension.

9.4. The first-floor extension recently constructed extends over the existing ground floor side extension. The extension is set back at first floor level from the existing front elevation of the pre-existing dwellinghouse. The roof has a staggered ridge following the topography of the area and reflecting the roof and property design in the streetscene. The extensions roof while matching the existing roof form is set down from the existing ridge.

9.5. Being part of a semi-detached property, the extension, due to its width and scale does risk causing a terraced effect. The first-floor level; however, is set back from the ground floor level on the front elevation limiting the opportunity of the extension appearing to merge into the pre-existing house and adjoining dwelling.

9.6. The materials of the extension match the existing house, other than the rear door at ground floor level. The matching materials are sympathetic to the existing dwellinghouse and allow the extension and existing dwelling to have a coherent appearance. The lack of confirmation on the colour and material of the ground floor rear door is not considered an issue given it is not visible from the streetscene and will not therefore be detrimental to the character and appearance of the streetscene.

- 9.7. Within the area, properties have undergone ground floor extensions and roof extensions including dormers which are visible from the streetscene. While the application results in a large extension, it is not considered that given the context of the area, it will be detrimental enough to the character and appearance of the area to warrant refusal.
- 9.8. The extension, being of approximately 7m in width, is a large addition to the property. This width; however, matches that of the pre-existing ground floor extension. The setback of the first-floor level and the staggered set down of the roof ridge help give the extension a more subservient appearance. It is considered on balance that, while the extension is large, the aforementioned set down and setback along with the coherent appearance with the existing dwelling and varied character of the surrounding area lead to an extension which is of acceptable design.

Quality of Accommodation

- 9.9. Under policy DM1 residential extensions are expected to comply with the Nationally Described Space Standards. Three additional bedrooms are provided, these bedrooms are labelled four, five and six on the proposed plans. Bedrooms four and five meet the Nationally Described Space Standards required for a single room and bedroom six for a double room. It is acknowledged that the outlook for bedroom five would be limited by the required obscure glazing condition requirement discussed in the amenity section below; however, there is adequate light and outlook provided to all the other bedrooms proposed and existing.

Impact on Amenities

- 9.10. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.11. With regard to amenity, no significant adverse impacts are expected as a result of the 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 by local residents that the property would become a HMO. The application seeks to extend the property and results in an additional three bedrooms, bringing the total to six bedrooms. The house is to remain as a single dwellinghouse and the application does not include a change to a HMO.
- 9.13. Concerns have also been raised about the noise of the works during building. The potential noise impact caused by the building works themselves, and any damage caused during those works, are not a material planning consideration to be given any weight in the assessment of this proposal.
- 9.14. Due to the location and orientation of the proposal there will be some overshadowing experienced by no. 112 Denton Drive. This will occur in the

mornings but not throughout the whole day. The overshadowing is not therefore considered so significant to warrant refusal. There is also a loss of light for no.112 but this will primarily impact the roof of the house, although it is noted it may reduce the light to the rooflight and dormer window. The loss of light though is not considered to be significant enough to warrant refusal.

- 9.15. Concerns have been raised about the loss of privacy for neighbouring properties. The additional rear first floor window would be in very close proximity with no.112. A condition will secure that this window to be obscurely glazed up to the height of 1.7m. The condition will also require the windows to be non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The condition will that the privacy of neighbouring properties is maintained.

Transport

- 9.16. Concerns have been raised from those objecting about parking in the area. The agent has confirmed the site is to remain a single dwellinghouse. A parking space would be retained on the properties driveway meeting SPD14 Parking Standards which require that in outer areas one space per dwelling is acceptable for a dwellinghouse with four or more beds. One space per two dwellings for visitors is also required but as this property is not a new build it is not considered applicable. Not being within a restricted parking area there is on street parking available for visitors within the vicinity of the application site.

Biodiversity

- 9.17. 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, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 10. EQUALITIES**
None identified.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The extension has allowed continued use of an existing dwellinghouse and provides the opportunity for a more flexible use. The insertion of a bee brick will improve the ecology outcomes on the site in accordance which would accord with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.