

<b><u>No:</u></b>	<b>BH2023/01539</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>6 West Hill Street Brighton BN1 3RR</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension, revised fenestration and insertion of two new sky lights to rear outrigger.</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	30.05.2023
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	25.07.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Michael Friel Architects 67 Church Road Hove BN3 2BD		
<b><u>Applicant:</u></b>	Leila Boubetra 6 West Hill Street Brighton BN1 3RR		

## 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	PL-001		30 May 2023
Proposed Drawing	PL-008	B	10 July 2023

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, other than the glazing type, shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. 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. 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 should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

**2. SITE LOCATION**

- 2.1. The application relates to no.6 West Hill Street which is a terraced two storey dwellinghouse with an existing two storey outrigger. No.6 is situated on the northwest side of West Hill Street.
- 2.2. The site is located within the West Hill Conservation Area and is within the area covered by the West Hill Article 4 Direction, which restricts the works that can be carried out under householder permitted development. It is noted that the Article 4 Direction does allow windows and doors to the rear to be changed without the need for planning permission.
- 2.3. To the rear of West Hill Street rooflights and rear dormers and side infill extensions are commonplace.

**3. RELEVANT HISTORY**

- 3.1. BH2005/01714/FP Roof conversion to include 1 front conservation style rooflight and rear dormer. New doors and windows at rear ground floor. Approved 24.08.2005
- 3.2. **BH2017/01387** Alterations to front elevation including replacement of existing UPVC windows with UPVC sash windows including new mouldings and cills and reinstatement of rendered parapet and pilaster. Approved 09.08.2017

**4. RELEVANT HISTORY AT OTHER SITES**

- 4.1. **BH2016/05877** (no.13) Erection of single storey rear infill extension. Approved 03.03.2017

- 4.2. **BH2015/01641** (no.33) Erection of single storey rear infill extension 06.08.2015
- 4.3. **BH2012/03712** (no.44) Erection of single storey rear extension and installation of rooflights to front and rear roof slopes. Approved 25.02.2013
- 4.4. **BH2010/01442** (no.7) Erection of single storey extension to rear. Approved 12.07.2010
- 4.5. **BH2010/00171** (no.5) Erection of single storey extension to rear and railings to front elevation. Approved 31.03.2010

## 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the erection of a single storey, mono-pitched rear infill extension, with white render painted walls and timber doors painted white with three side rooflights. Permission is also sought to revise the fenestration on the ground floor and first floor elevations, these windows are proposed to be timber framed and painted white, matching the existing windows. Lastly permission is sought for the insertion of two new sky lights to the roof of the existing rear outrigger.
- 5.2. Previously the works extended across the boundary with no.7, however amendments have been made to the plans removing the previously proposed changes to the boundary wall and as a result the works are now solely in the curtilage of no. 6.

## 6. REPRESENTATIONS

- 6.1. **Six (6)** representations have been received, objecting to the proposal on the following grounds:
- Overshadowing
  - The rear window will have a detrimental impact on neighbours' amenity.
  - Poor design
  - Adversely affects a Conservation Area.
  - Detrimental affect on property value.
  - The frosted glass could be altered at a later date.
  - Too close to the boundary.
  - Consultation not carried out correctly.
- 6.2. **One (1)** representation has been received, supporting the proposal on the following grounds:
- There are lots of similar extensions in the area.
  - Good design.

## 7. CONSULTATIONS

None

## **8. MATERIAL CONSIDERATIONS**

- 8.1. 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.
- 8.2. 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 JAAP (adopted October 2019).

## **9. RELEVANT POLICIES & GUIDANCE**

### 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  
CP15 Heritage

#### Brighton & Hove City Plan Part Two

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM26 Conservation Areas  
DM31 Archaeological Interest  
DM37 Green Infrastructure and Nature Conservation

#### Supplementary Planning Documents

SPD09 Architectural Features  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations

## **10. CONSIDERATIONS & ASSESSMENT**

- 10.1. 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, the surrounding area, the impact on the conservation area and on the amenities of adjacent occupiers.

- 10.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

**Design and Appearance:**

- 10.4. The proposed extension would be located at the rear of the property and would infill the space between the existing two storey outrigger and the boundary with no.7.
- 10.5. The garden levels are stepped with decking. The pitched roof extension when measured from the extensions ground floor level has a maximum height of approximately 3.4m, an eaves height of approximately 2.5m and a depth of approximately 4.2m. The mono pitched roof is pitched away from the boundary with no.7 and would have three rooflights within its slope. The extension would not extend beyond the depth of the extension at no.7. The extension would be in keeping with the other rear extensions in the street, these also often contain rooflights/roof lanterns, similar to the proposed extension.
- 10.6. The extension would be modest in depth and would not extend beyond the existing outrigger and would have a subservient relationship with the existing building. Suitable garden space would still be provided, and the extension would sit well within the plot and not result in over-development of the site.
- 10.7. It would be set to the rear of the dwelling so there would be no views from the public realm and therefore, no resultant impact on the character and appearance of the wider Conservation Area.
- 10.8. The extension materials would match the existing property and therefore would be in keeping with the appearance of no.6 and the rest of the terrace. A condition will secure the materials match the existing but allow for the double glazing of the windows and doors.
- 10.9. An additional first floor window is proposed to the rear elevation of the existing two storey outrigger. This would serve the existing bathroom and is annotated to comprise obscure glazed. It is acknowledged that a window to the rear at first floor of the outrigger is not commonplace within the immediate area, however to the north-east of the site there are eight examples in the terrace of windows and doors in such a location. The addition of the window is considered acceptable from a design perspective, lining up with the windows below and following the design and style of the existing windows. The similarity of the proposed window to the existing is welcomed and is considered to be in keeping.

- 10.10. The alterations from a door to a window at ground floor level to the rear elevation of the existing outrigger, are considered acceptable, given the window is at ground floor level, the materials match the existing windows and they would not be highly visible to the surrounding properties or visible from the public realm.
- 10.11. The addition of rooflights to the outrigger roof would have a neutral impact on the appearance of the property, given its rooftop location.
- 10.12. The side window is to be removed from the outrigger at first floor level. This removal would also have a neutral impact on the appearance of the dwellinghouse due to its lack of visibility from the streetscene and its side elevation location.
- 10.13. On this basis, the proposal would be in accordance with SPD 09, SPD12, CP12 and CP15 of City Plan Part One and DM18, DM21 and DM25 of City Plan Part Two.

**Impact on Residential Amenity:**

- 10.14. Policy DM20 of City Plan Part 2 states that planning permission for development 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.
- 10.15. 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 and no significant harm has been identified.
- 10.16. The outrigger did not previously have a first-floor window to the rear so there is some impact on the closest neighbours. Nevertheless, the rear of these properties in West Hill Street form part of a dense and confined urban grain, where elements of mutual overlooking between properties are commonplace. Furthermore, there are examples along the terrace of windows in the rear outrigger. The overall relationship is considered relatively comfortable and not inherently overbearing or intrusive. For this reason, and whilst acknowledging that the window at first floor level presents a slight increase in overlooking of neighbouring gardens, the impact of the new obscure glazed window would not be so harmful to the neighbours to warrant refusal.
- 10.17. It is also a material consideration that a new window opening in a rear facing elevation of a single dwellinghouse, such as the application site, could be installed without the need for planning permission subject to the materials of the frames matching those of the existing fenestration (it is only upper floor windows in a side elevation that need to be obscurely glazed and non-opening). Given that planning permission would not be required for the rear window a condition requiring the window to be obscure glazed and to be retained as such has not been considered appropriate.

- 10.18. The ground floor window and door would not cause additional impacts on neighbouring amenity given their ground floor nature and would provide views mainly into the garden area of the host property.
- 10.19. The rear extension would not be of a greater depth than the extension at no.7 and is separated from no.5 by the existing two storey outrigger. This matching depth with the extension of no. 7, combined with the low height at the boundary (approximately 2.5m at the boundary from ground floor level) the extension would not cause additional overshadowing for no.7 or other neighbouring properties. The existing two storey outrigger at no.6 already causes some overshadowing for no.7. The addition of the infill extension will not exacerbate the overshadowing beyond the existing situation.
- 10.20. The rooflights in the extension roof and the outrigger roof will be of a high level. The height combined with the angle will mitigate any opportunity for a view which would significantly impact on neighbouring amenity.
- 10.21. Overall it is considered that for the reasons set out above, the development would not cause such significant harm to the amenity of neighbours to warrant refusal and as such complies with Policy DM20 of the Brighton and Hove City Plan Part 2.

#### **Other Considerations**

- 10.22. It is noted that a local resident has raise concerns about the consultation and publicity undertaken in relation to the application. It is confirmed that consultation of neighbours has been carried out correctly, with neighbour letters sent to adjacent properties including those to the rear of the application site.
- 10.23. Representations have also raised concerns that the proposal would be detrimental to property values. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this planning application.
- 10.24. The site is within an Archaeological Notification Area but the proposal does not meet the threshold for a formal consultation. County Archaeology have been contacted by the applicant/agent, and have confirmed that they do not require the Local Planning Authority to consult directly with East Sussex County Archaeology Team, when determining this application.

- 11. EQUALITIES**  
None identified

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

- 12.1. 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 bumblebees. A suitably-worded condition

will be attached to secure a bee brick within the proposal in order to help meet the requirements of Policies CP10 and DM37, and SPD11.

### **13. COMMUNITY INFRASTRUCTRE LEVY**

- 13.1. 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 exact amount of money owed, 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.