

<u>No:</u>	BH2016/00015	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	51 Westbourne Villas Hove		
<u>Proposal:</u>	Alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.		
<u>Officer:</u>	Joanne Doyle Tel 292198	<u>Valid Date:</u>	13/01/2016
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	09 March 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Chalk Architecture Ltd, Wilbury Stratton 3rd Floor Nile House Nile Street Brighton BN1 4HW		
<u>Applicant:</u>	Mr John Fairall, 51 Westbourne Villas Hove BN3 4GG		

The application was deferred at Committee on the 13 July 2016 to allow Members to carry out a site visit.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two storey plus basement detached property, located on the east side of Westbourne Villas. The property backs directly onto Westbourne Place. The property has recently been converted back into a single dwelling following the part implementation of planning permission BH2010/04001. A row of garages that formerly fronted Westbourne Place have been demolished. A rear extension has been recently completed at basement level.

3 RELEVANT HISTORY

BH2016/00037- Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. Approved 02/03/2016.

BH2015/03844- Application for Approval of Details Reserved by Condition 7 of application BH2015/02110. Refused 17/12/15.

BH2015/02110- Erection of a single storey rear extension. Erection of a single storey detached annex with garage fronting Westbourne Place. Approved 20/10/15.

BH2011/01517- Application for Approval of Details Reserved by Conditions 9, 10, 11 and 12 of application BH2010/04001. Approved 02/08/2011.

BH2010/04001- Conversion of flats and 5 no. garages to the rear into one 5 bedroom family home, rear annex and parking for 2 cars. Approved 28/02/2011.

BH2010/03023- Reconversion of 3no flats back into 1no 5 bedroom dwelling and conversion of garages to rear into 1no one bedroom dwelling. Refused 24/11/2010.

BH2010/01059- Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house. Refused 03/09/2010.

4 THE APPLICATION

- 4.1 Planning permission is sought for alterations to rear elevation incorporating erection of timber conservatory and new balcony at ground floor level.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Twenty Three (23) letters of representation have been received from **Flat 1, 2 & 3 49 & 50 Westbourne Villas (solicitor) (x4) 75 Westbourne Street (x2) 16, 19, 20, 36 & 46 Westbourne Place 2 Willow Close 4 Princes Crescent 60 Glebe Crescent 41 Stanley Road** objecting to the proposal for the following reasons:

- The extension will result in loss of daylight/sunlight and loss of outlook toward windows which serve habitable rooms on the south side elevation of no. 50.
- The proposal will result in loss of amenity, an overbearing impact, sense of enclosure, increased overlooking, loss of privacy, oppressive effect, the blocking in of habitable rooms, negative effect on the health of occupants, increased need for heating and artificial lighting negating efforts to improve energy efficiency and sustainability.
- The design of the extension would be out of keeping with the street scene and conservation area.
- The extension would unbalance the proportions of the main house.
- The plans are inaccurate.
- The application is sketchy/lack of information.
- There were four apartments in no.51, not three.
- Whether BH2010/04001 has been lawfully implemented and is therefore extant.

- 5.2 **Councillor Denise Cobb** has objected to the scheme. Copies of the letters are attached.

5.3 Internal:

Heritage: No objection

The rear elevation of the property can be seen from the road to the rear; however the entire conservatory would not be seen above the annex structure proposed to the rear.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

QD14 Extensions and alterations
QD27 Protection of Amenity
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extensions and alterations on the appearance of the property, the street scene and wider Sackville Gardens Conservation Area, and the amenities of adjacent occupiers.
- 8.2 Planning permission BH2010/04001 has been part-implemented by virtue of the works having been largely completed to convert the main building into a single dwelling. A recent application BH2015/02110 has been approved for a basement

rear extension and an annexe to replace the rear garages. At the time of the site visit the rear basement extension was complete.

Design and Appearance:

- 8.3 The single storey rear extension at basement level approved under BH2015/02110 is the same depth as that approved under BH2010/04001, but does not extend to the full approved width. This application seeks permission to construct a conservatory at ground floor level on top of the extension at basement level. The proposed conservatory would have the same depth as the extension approved under BH2010/04001, but would not extend the full approved width and would differ in design.
- 8.4 The lightweight appearance of the conservatory featuring timber frames with large areas of glazing, coupled with its modest depth and width would allow for the main features of the recipient property to be read. The conservatory would represent a contemporary addition to the rear of the property, yet the design and finishing of the conservatory would respect rather than compete with the traditional character of the recipient property. A condition will be added to ensure that the conservatory is painted white to match the recipient property. The ground floor balcony with cast iron railings would complement the appearance of the property and is an acceptable addition to the rear. It is also noted that there is a varied assortment of rear additions and development to the rear of the properties which directly face Westbourne Place to the rear. In this setting it is considered that the proposed conservatory would not cause any substantive harm to the building, the prevailing character or appearance of the streetscene or the Sackville Gardens Conservation Area.
- 8.5 **Impact on Amenity:**
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.
- 8.6 The rear conservatory is of the same depth as the extension previously approved, yet does not extend the full approved width and no appreciable harm is identified
- 8.7 Since planning permission BH2010/04001 was granted the adjacent property at 50 Westbourne Villas has been re-occupied as a single dwelling and includes principle rooms with south side windows facing towards the application site.
- 8.8 This property features an original two storey rear addition and a large single storey rear extension which extends considerably further to the rear than the application property. It is considered that given the modest depth of 2.4m and the distance of 3.5m between the two properties that it would not cause overshadowing, loss of light or loss of outlook toward no. 50. The submitted plans indicate that the windows to the north side elevation will be obscure glazed and therefore no opportunity for loss of privacy would result; a condition will be added to ensure this. It is considered that the views attainable from the rear facing windows would be similar to the existing rear facing windows on the property and would not result in the opportunity for loss of privacy.

8.9 The neighbouring occupier, no. 50 Westbourne Villas has submitted a BRE light assessment. This advises that the proposed extension would breach the vertical sky component. No clarification or further details have been submitted with the light assessment. Notwithstanding the lack of details, it remains that the limited scale and glazed finish would not significantly harm the light and outlook to the side windows on no. 50 Westbourne Villas.

8.10 To the south, the relationship with no.52 is broadly as previous and as previously approved and no appreciable harm is identified. The location of the conservatory to the northern side of the rear elevation, with a 12m gap, would ensure that no. 52 to the south would not be impacted in terms of overshadowing, loss of light or loss of outlook. The views from the windows on the south side elevation could potentially overlook no. 52 to the south and therefore a condition will be added to obscure these windows.

8.11 The proposed balcony to the rear at ground floor level would create an external space to sit out upon. Whilst it is noted that views could be possible toward windows on the north side elevation of no. 52 to the south, these views would already be achievable from the rear garden space at a similar level and therefore it is not considered that these views would be different to existing.

8.12 Other Matters:

Objectors have questioned whether BH2010/04001 has been lawfully implemented and is therefore extant. For the avoidance of doubt, even were BH2010/04001 to be considered unimplemented and therefore expired as a consent, the proposal is considered acceptable on its own merit having regard to its impact on the appearance of the site, conservation area and adjacent occupiers.

8.13 It has been identified that there are inaccuracies on the submitted plans; however this has not prevented a full assessment of the application, notably the relationship between the proposed extension and the existing features on the property.

9 CONCLUSION

9.1 The proposed extension and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

PLANNING COMMITTEE LIST- 03 August 2016

- 1) 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.
- 2) 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
Site Location & Block Plan	A.01		04 Jan 2016
Existing Floor Plans	A.02		04 Jan 2016
Existing East Elevation	A.03		04 Jan 2016
Existing South Elevation	A.04		04 Jan 2016
Existing North Elevation	A.05		04 Jan 2016
Proposed Floor Plans	D.70		04 Jan 2016
Proposed East Elevation	D.71		04 Jan 2016
Proposed South Elevation	D.72		04 Jan 2016
Proposed North Elevation	D.73		04 Jan 2016

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any annex elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the details submitted with the application, no expansion joints, metal beads or stops, and no bell moulds shall be used in the external construction of the development hereby permitted.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of City Plan Part One.
- 5) The windows in the north and south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The timber frame of the conservatory hereby approved shall be painted white and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of City Plan Part One.

Informatives:

PLANNING COMMITTEE LIST- 03 August 2016

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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed extension and alterations would not harm the appearance of the site, street scene or Sackville Gardens Conservation Area, and would not significantly impact on the amenities of adjacent occupiers, in accordance with development plan policies.

