

<b>No:</b>	<b>BH2017/00284</b>	<b>Ward:</b>	<b>Withdean Ward</b>
<b>App Type:</b>	<b>Householder Planning Consent</b>		
<b>Address:</b>	<b>Wayland Paddock 41 Wayland Avenue Brighton</b>		
<b>Proposal:</b>	<b>Remodelling and extensions to dwelling including associated works.</b>		
<b>Officer:</b>	Colm McKee, tel: 292549	<b>Valid Date:</b>	26.01.2017
<b>Con Area:</b>	Adjoining Tongdean	<b>Expiry Date:</b>	23.03.2017
<b>Listed Building Grade:</b>	N/A	<b>EOT:</b>	
<b>Agent:</b>	Mr Andy Parsons Olivier House 18 Marine Parade Brighton BN2 1TL		
<b>Applicant:</b>	Mr Christian Pursur Wayland Paddock 41 Wayland Avenue Brighton BN1 5JL		

## 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
Location and block plan	YO-214/0001	-	26 January 2017
Elevations Proposed	YO-214/2001 (EAST AND WEST)	-	26 January 2017
Elevations Proposed	YO-214/2002 (NORTH AND SOUTH)	-	26 January 2017
Sections Proposed	YO-214/2000 (AA AND BB)	-	26 January 2017
Roof Plan Proposed	YO-214/1201	B - AMENDED	24 August 2017
Floor Plans Proposed	YO-214/1200	B - AMENDED	24 August 2017

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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) Samples of all hard surfacing materials
  - d) Samples of the proposed window, door and balcony treatments
  - e) Samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

4. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, a scheme for landscaping and compensatory planting shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
  - a) Details of all hard and soft surfacing;
  - b) Details of all boundary treatments;
  - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

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 & APPLICATION DESCRIPTION**

- 2.1 The application site is 'Wayland Paddock', 41 Wayland Avenue. The site is accessed off Wayland Avenue, via a laneway between nos 39 and 43, to the east. There is an existing bungalow on the site.
- 2.2 The site is surrounded to all sides by residential units. To the south is 1 Dyke Road Place, to the south west is Cross Dykes. To the west is 38 and 38a Dyke Road Avenue. To the north east is 45 Wayland Avenue, and to the northwest is 40 Dyke Road Avenue.
- 2.3 The site is on the periphery off, but not within the Tongdean Conservation Area. The conservation area boundary is directly along the west of the application site.
- 2.4 The application is for the remodelling and extensions to the existing dwelling including associated works. The dwelling is proposed to be remodelled to include a flat roof, alterations to the fenestration and detached double garage. The property would also be extended to the rear (north west corner) and the side (south) face.
- 2.5 It is noted there is an extant permission for external alterations including the installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works.
- 2.6 The extant approved design is largely similar to the current proposal with the main difference being that the approved scheme does not contain the side and rear extensions, which are proposed in the current scheme.
- 2.7 The proposed extensions are detailed as follows:
- 2.8 **Single storey side extension**  
The proposed additional single-storey side extension would set to the south elevation and would create extra habitable space. The submitted floor plan details that the area would be used as two bedrooms (the master bedroom includes an ensuite and dressing room) and an office space.

### 2.9 **Single storey rear extension**

This extension essentially seeks to extend the living/dining room area of the existing dwellinghouse. The submitted plans indicate the single-storey rear extension would be finished with rotating doors, which would provide access to a pool/decking area.

2.10 Initially, the application proposed to remove all of the trees from the site, and additional landscaping / planting was proposed.

2.11 During the processing of the application and following an objection from Arboriculture, the agent submitted an amended plan proposing to retain some of the existing trees on the site.

## 3. **RELEVANT HISTORY**

**BH2016/02765:** External alterations including removal of existing roof and installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works. Approved (23.09.2016).

**BH2014/04068:** Application to vary condition 2 of application **BH2012/00935** (Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with detached garages) to substitute new drawings for those previously approved in order to provide details of the proposed heights and ground levels of the development in relation to the neighbouring properties, and to remove condition 14 (approval of existing and proposed levels). Approved (07.04.2015).

**BH2014/03036:** Application for Approval of Details Reserved by Condition 14 of application **BH2012/00935**. Refused (26.11.2014).

**BH2012/00935:** Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with detached garages. Approved (03.07.2012).

**BH2011/01738:** Demolition of existing bungalow and erection of 2no 5 bed detached dwelling houses with detached garages. Refused (17.08.2011) Appeal Dismissed (18.01.2012).

**BH2010/03115:** Demolition of existing bungalow and erection of 2no 5 bed detached dwelling houses with detached garages. Refused (24.02.2011).

**BH2008/02908:** Outline application for demolition of existing house and proposed development for 3 no. three bedroom houses. Refused (26.01.2009).

**BH2006/01047:** Outline application for 4 No. new houses on site of existing bungalow. Refused (16.06.2006).

## 4. **REPRESENTATIONS**

- 4.1 A total of 5 letters have been received objecting to the proposed development on the following grounds:
- Loss of light.
  - Amenity impact
  - Design grounds
  - The lack of retention of landscaping in the current proposal would result in a more visually prominent development and related privacy impacts
- 4.2 One (1) letter has been received supporting the proposed development. The reason stated for supporting the application is summarised as follows:
- 4.3 The proposal is less intrusive as compared to applications previously approved on the site.
- 4.4 Councillors Nick Taylor, Ken Norman and Ann Norman object to the application, copies of the letters are attached.

## **5. CONSULTATIONS**

- 5.1 **Arboriculture:** Initial Comment - Refuse:  
Due to the substantial increase in the building footprint and the loss of trees and shrubs to the plot the Arboriculture Team recommend that consent is refused to this application.
- 5.2 Further Comment - Support:  
Following the submission of the amended plans, Arboriculture have confirmed they are content with conditions in relation to additional planting and tree protection.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 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
- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 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.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP10 Biodiversity  
CP12 Urban Design  
CP15 Heritage

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

QD14 Extensions and alterations  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD06 Trees & Development Sites  
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 development on the appearance and character of the building, the wider streetscene (including conservation area) and the amenities of adjacent occupiers. In addition the impact on the trees must be given due consideration.
- 8.2 It is noted this current application follows on from a previous approval for: 'External alterations including removal of existing roof and installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works' (BH2016/02765), granted in September 2016.
- 8.3 **Amenity**  
The difference in the extant permission and the current proposal must be given due consideration. As noted previously the current proposal has two distinct additions as compared to the extant permission. These are:
- **Single storey side extension**
  - **Single storey rear extension**
- 8.4 As the current application would result in a building with a larger footprint, closer to the neighbouring properties, due consideration must be given to any potential resultant detrimental amenity impacts on the neighbouring properties, as compared with the existing permission.

- 8.5 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 two additional extensions are considered individually as follows:
- 8.7 **Single-Storey Side Extension:**  
The most notable difference between the extant permission and the current proposal is the addition of the side extension and as such due consideration must be given to any resultant impacts on the amenity of adjoining properties.
- 8.8 The proposed extension would extend approximately 6.2m towards the southern boundary, shared with 1 Dyke Road Place. Whilst this would see the footprint of the building move closer towards the shared boundary, it is noted a 2.40m distance would still be maintained between the proposed side extension and the shared boundary, with a total building to building distance being 3.68m.
- 8.9 The letters of objection highlight the concern regarding this extension in relation to the boundary and the potential resultant impacts on daylighting and privacy - specifically the windows facing the site on no.1 Dyke Road Place.
- 8.10 The windows that would be in proximity to the proposed extended end of the dwelling are 2no ground floor kitchen windows, a landing window and bathroom window.
- 8.11 There are no concerns regarding the landing and bathroom window as these are not habitable rooms. Further, the bathroom window has obscure glazing and is screened by the boundary treatment.
- 8.12 Turning to the kitchen windows, at present the kitchen windows on this side of the dwelling face onto a boundary wall. The wall has a split height – one section is 1.9m and the other 1.65m (approximate). The 1.65m section has some trellising of height approximately 0.35m. There is also some planting on the 1.9m section of the wall.
- 8.13 When viewed internally from the kitchen of (no.1 Dyke Road Place), the outlook is largely restricted by the boundary screening of the wall, trellising and planting. It is acknowledged that undoubtedly the proposal would be visible from the kitchen, and to that extent could be considered to have negative impact on the outlook, however, the impact would not be significant enough to warrant a refusal of the application. It is also noted there is an additional southern aspect kitchen window that would not be impacted by the development.
- 8.14 In order to demonstrate there would not be a significant impact on the neighbouring property, the agent has provided a survey drawing applying the '25 degree rule'. This is a standard test applied where there is a window

opposite the development or extension. The centre of the lowest habitable room window should be used as the reference point for the test. If the whole of the proposed development falls beneath a line drawn at 25 degree from the horizontal, then there is unlikely to be a substantial effect on daylight and sunlight. If the proposed development goes above the 25 degree line, it does not automatically follow that daylight and sunlight levels will be below standard. However, it does mean that further checks on daylight and sunlight will normally be required.

- 8.15 In this instance, the proposed development falls beneath the 25 degree line and as such it is unlikely that there will be an effect on daylight or sunlight to the kitchen.
- 8.16 It is noted that the roofline on the section adjacent to the neighbouring windows has been indented, which would limit the potential impact on the neighbouring property and as such this design feature is welcomed.
- 8.17 Due to the screening and ground levels, there are not any privacy concerns. There would not be any direct window to window views between the properties and the garden of the application site would be well screened by the boundary treatments.
- 8.18 Regarding overshadowing and direct sunlight, due to the orientation of the sun, there would not be any impacts caused by the proposed remodelling. Furthermore, the proposed single-storey side extension would have a maximum height of approximately 3.7m, which is therefore considered acceptable in scale and relationship to the shared boundary.
- 8.19 **Single-Storey Rear Extension :**  
Due to its location within the plot, this extension would not result in any amenity impacts on the neighbouring dwellings.
- 8.20 On balance, and accepting there may be a modest impact on the outlook from the kitchen of the adjacent property to the south, this is not significant enough to warrant a refusal. Considering the existing situation (boundary treatments) and the additional 25 degree assessment, there are no objections to these elements of the proposal.
- 8.21 **Design and Appearance:**  
The style of the current scheme matches that of the extant permission. The contemporary style has previously been accepted and continues to be supported.
- 8.22 In terms of design, the overall scheme is considered suitable and it would not harm the building or that of the wider area, in accordance with policy QD14 and SPD12 Guidance.
- 8.23 **Impact on the setting of the Conservation Area:**  
As noted previously, the site is adjacent the Tongdean Conservation Area. The site is screened from the public domain and the proposal would not have



a negative impact on the setting of the Conservation Area. Further, although contemporary, the design is considered appropriate and is considered an improvement to the existing dwelling which is lacking in architectural merit.

**8.24 Arboriculture:**

Initially, Arboriculture objected to the proposal due to the substantial increase in the building footprint and the loss of trees and shrubs on the plot. Following the submission of an amended landscaping scheme, the objection has been removed subject to conditions in relation to additional planting and protection of trees within and adjacent the site.

**9. EQUALITIES**

9.1 None identified.

