

<b><u>No:</u></b>	<b>BH2018/03247</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>40 Graham Avenue Brighton BN1 8HD</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension incorporating lantern roof light and bi-folding doors. Replacement of existing fence to rear garden with new 2 metre fence.</b>		
<b><u>Officer:</u></b>	Ryan O'Sullivan, 290480	tel: <b><u>Valid Date:</u></b>	29.10.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	24.12.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Martin McCurdy Architecture Ltd 5 Chanctonbury Road Hove BN3 6EL		
<b><u>Applicant:</u></b>	Mr & Mrs Max & Allie Woodford 40 Graham Avenue Brighton BN1 8HD		

This proposal is being determined by Planning Committee as it is an officer linked application.

## 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>
Block Plan Proposed	12	-	23 October 2018
Floor Plans Proposed	08	-	23 October 2018
Elevations Proposed	09	-	23 October 2018
Site Layout Plan	14	-	23 October 2018
Elevations Proposed	15	-	29 October 2018

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 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 policy QD14 of the Brighton & Hove Local Plan.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be constructed in the southern elevation of the extension hereby approved without planning permission being first obtained from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of No. 38 Graham Avenue and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 under consideration relates to a 1930's-built two-storey semi-detached dwellinghouse, situated to the eastern side of Graham Avenue. Whilst the principle elevation faces west, this application relates to the rear of the property to which there are public views from the south and east on Old Farm Road. The application site is not within a conservation area, and is not subject to an Article 4 Direction.

- 2.2 Permission is sought to erect a new timber fence and gate to the rear boundary of the site, and to erect a single-storey rear extension.

**3. RELEVANT HISTORY**

BH2018/03220 - Certificate of lawfulness for proposed roof alterations incorporating hip to gable extension, rear dormer and 3no front rooflights.  
UNDER CONSIDERATION

**4. CONSULTATIONS**

None

## 5. REPRESENTATIONS

None received.

## 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

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 upon the character and appearance of the property and surrounding area, and the impact upon neighbouring amenity.

### 8.2 Design and Appearance:

The host property is finished with white-painted render as existing, and features a single-storey lean-to to the rear which extends from a two-storey projecting wing, and this original form is mirrored by the adjoined No.38 Graham Avenue. White UPVC windows and doors prevail to the rear, and a small patio space leads up to a raised garden which extends to the depth of the plot, enclosed by a vertical timber-boarded fence to the southern boundary facing Old Farm Road. A dual-pitched roofed garage sits adjacent to the existing lean-to, with a small

greenhouse and outbuilding situated further east within the garden plot. The boundary treatment between the adjoined semi-detached pair is a 1.5m high masonry wall to the approximate depth of the existing patios (2.95m), which transitions into a higher timber fence for the remaining extent of the raised garden level.

- 8.3 It is considered that the proposed replacement timber fence and gate to the rear of the application site would be in keeping with the existing timber fence to the adjacent boundary of No.38 Graham Avenue.
- 8.4 The proposed rear extension would have a depth of 4m, a height of 3.4m to parapet, and would feature a flat roof, two lantern rooflights, dark grey aluminium doors and windows, and be finished in white-painted render.
- 8.5 The scale, form, and detailing of the proposed extension is considered to be in general keeping with the character and appearance of the host building and wider area, and would not result in notable harm to visual amenity, in accordance with policy QD14 of the Brighton & Hove Local Plan.
- 8.6 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.
- 8.7 The only identified impact would be to the users of the small, relatively recessed patio space serving No.38 Graham Avenue, relative to which the proposed extension would be sited to the north.
- 8.8 The existing boundary treatment between the adjacent patio spaces is a notably low masonry wall; due to the height, depth, and opaque form of the proposed extension sited close to the boundary, users of the neighbouring patio space would resultantly feel more enclosed, whilst concurrently enjoying a relatively greater perception of privacy.
- 8.9 On balance, given the depth and relative openness of the raised garden plot to the east, and the wider built context and orientation, it is considered that the increased sense of enclosure identified for users of the neighbouring patio space would not amount to significant harm, and the proposal is therefore considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.10 However, it is considered necessary to recommend the imposition of a condition partially restricting permitted development rights so as to ensure that no windows or doors be installed to the southern elevation of the proposed extension without planning consent, so as to safeguard privacy for the occupants of No. 38 Graham Avenue.

- 9. EQUALITIES**
- 9.1 None identified

