

<b><u>No:</u></b>	<b>BH2020/03127</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>74 Dean Court Road, Rottingdean, Brighton BN2 7DJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of playhouse in rear garden (part retrospective).[Amended Plans]</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	30.10.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.12.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	17.03.2021
<b>Agent:</b>			
<b>Applicant:</b>	Simon Beddoe	74 Dean Court Road	Rottingdean Brighton BN2 7DJ

## 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 Plan	LP-001	A	30 October 2020
Proposed Drawing	PSP-004	B	22 January 2021
Proposed Drawing	PP-006	B	13 December 2020

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 playhouse hereby approved shall only be used for purposes incidental to the main dwelling.  
**Reason:** To ensure the use of the development hereby permitted it appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies 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**

- 2.1. The application site relates to a two-storey, detached property located on the eastern side of Dean Court Road. The area of the application is at the far end of the rear garden, near to the shared boundary with No.72 Dean Court Road and open land comprising part of the South Downs National Park.

## **3. RELEVANT HISTORY**

- 3.1. **BH2020/02118** - Erection of two storey pitched roof side extension with rooflights, single storey flat roof rear extension, installation of glass balustrade balcony to rear and revised fenestration. Approved
- 3.2. **BH2020/02117** - Certificate of lawfulness for proposed loft conversion incorporating rear rooflights. Approved

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a playhouse in the rear garden of a dwelling. The application is part retrospective as the majority of the structure has been erected. The proposed roof and other elements to the elevations remain to be constructed.
- 4.2. The playhouse is located at the end of the rear garden next to the shared southern boundary with No.72. It has stairs providing access on the southern elevation and a slide which faces west towards the host property. It is 4.6 metres wide, has a depth of 2.8 metres and a platform height of 1.75 metres.
- 4.3. The proposed works show it would have a roof that would be single pitch and rise from a height of just over 3 metres on the southern elevation near the shared boundary, to a height of 3.45 metres on the northern elevation. The head heights internally would be restricted due to the low roof and would range from approximately 1.3m on the southern side to 1.7m.
- 4.4. The playhouse is constructed of natural timber and would remain so, with the proposed roof finished with felt.
- 4.5. Due to Officer concerns, the proposal has been amended during the course of the application to accurately reflect the existing and proposed works, and to reduce the amenity impacts. The revised plans reduce the overall bulk and massing, with a substantial reduction in roof height and new side panelling to reduce potential overlooking and noise, while restricting the ability for most adults to stand within the structure.

- 4.6. The amended plans were received and a re-consultation took place on the 2nd February 2021 and responses are required by the 23rd February 2021. Any representations received after production of this report, will be reported on the late list or verbally at the committee meeting.

## 5. REPRESENTATIONS

- 5.1. Five (5) total letters have been received two (2) of which are repeats .

### **Original scheme:**

- 5.2. One (1) letter has been received objecting to the proposed development on the following grounds:
- Reduction of amenity
  - Setting a precedent
  - Noise
  - Overlooking
  - Potential use for commercial operations
  - Impact on the National Park
  - Plans incorrect

- 5.3. One (1) letter has been received supporting the proposed development on the following grounds:
- Good design

### **Amended Scheme:**

- 5.4. One (1) unique letter and two (2) repeat letters have been received objecting to the amended proposed development on the following grounds:
- Setting a precedent
  - Noise
  - Overlooking
  - Potential use for commercial operations
  - Impact on the National Park
  - Reduction of amenity
  - Setting a precedent
  - Landscaping
  - Scale and massing
- 5.5. **Councillor Mears** has objected to the application, and a copy of this correspondence is attached to this report.

## 6. CONSULTATIONS

- 6.1. Rottingdean Parish Council - Objection to original scheme. 19/11/2020
- 6.2. Rottingdean Parish Council objects to this retrospective application. The structure appears to be more intrusive than the plans suggested because the height of the boundary fence seems to be higher on the plans. The structure is

therefore adversely affecting the light and the privacy of the neighbouring property

## **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 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);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. 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.

## **8. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - Significant weight
DM21	Extensions and alterations - Significant weight

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
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#### 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
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## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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 area, and the amenities of adjacent occupiers.
- 9.2. The application has been amended during the course of the application to accurately reflect the existing and proposed works, and to reduce the amenity impacts. The revised plans reduced the overall bulk and massing, with a reduction in roof height and new side panelling which would reduce potential overlooking and noise, while restricting the ability for most adults to stand up straight in the structure.

### Design and Appearance

- 9.3. The existing works have been constructed in natural wood and would be completed in the same. The new roof would be single pitch and finished with felt, although the applicant has confirmed they would consider a "living" elements too. No windows or doors are proposed, and the sides would be open balustrade apart from the solid screened areas to protect amenity. The structure has stairs to the southern side and a slide facing west towards the host property. The stated intended use is as a playhouse/area for children.
- 9.4. Concerns have been raised regarding the use and impact on amenity. The playhouse is located at the end of the rear garden next to the shared boundary with No.72 (southern boundary). It is 4.6 metres wide, has a depth of 2.8 metres and a platform height of 1.75 Metres.
- 9.5. The scheme as amended has lowered the proposed roof with a height of just over 3 metres on the southern elevation near the shared boundary, to a height of 3.45 metres on the northern elevation. The internal head height would be approximately 1.3 metres at the staircase entry rising to 1.7metres, to ensure that the use of the structure is for children and the limit opportunities for adult use which have raised concerns. The lowering of the roof is considered to overcome those issues.
- 9.6. The scheme as amended has introduced solid panels to the front and side elevations, that face towards the rear amenity of No.72, to overcome concerns raised regarding noise and overlooking of neighbouring properties. These panels are considered to be acceptable in terms of design and appearance, as are the open stairs.
- 9.7. The structure sits within the built-up residential area of Dean Court Road, which has seen other forms of residential rear extensions and outbuildings which are visible from the South Downs National Park (SDNP). The scheme has been designed with sympathetic natural materials. In context within the surrounding landscape, it is small scale and although visible from the South Downs National

Park is not considered to cause any harm given the residential context and the use of soft materials.

- 9.8. The overall scale and massing of the structure in the context of the rear garden size and that of neighbouring properties is considered appropriate and not out of keeping. It would occupy a small portion of the rear garden and the open structure and natural wood material would limit the visual impact. Similar sized and more visually prominent structures could be built through the exercise of permitted development rights.
- 9.9. Therefore, the completed and proposed works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

#### Impact on Amenity

- 9.10. 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.
- 9.11. As detailed in the design section above the scheme has been amended to mitigate valid concerns raised in respect of amenity. The lowered roof restricting use, and the solid panels further restricting noise and potential overlooking - are considered to reduce any harm to amenity of neighbouring properties to such an extent that no significant harm is caused.
- 9.12. The stated intended use is as a playhouse for children and this would not be incongruous for the general use of rear amenity areas in a residential area. Some degree of noise and disturbance through normal use of these amenity areas is expected. If at some future point the use structure should be altered or its use change, then express planning permission would be required.
- 9.13. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 9.14. In view of the ongoing COVID-19 travel restrictions and in lieu of a site visit, photos of the site have been obtained from the applicant.

#### **Conclusion:**

- 9.15. The existing and proposed structure is considered an appropriate form of development. No significant harm to neighbouring amenity or South Downs National Park is identified. The structure would not harm the character of the host property or the wider area. Approval is therefore recommended.

## **10. COMMUNITY INFRASTRUCTURE LEVY:**

- 10.1. 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. It is estimated that the amount of CIL liability for this application is £0. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**11. EQUALITIES**  
None identified

