

<b><u>No:</u></b>	<b>BH2021/00921</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>72 - 74 Walsingham Road Hove BN3 4FF</b>		
<b><u>Proposal:</u></b>	<b>Change of use of garden from nursing home (C2) to form part of residential dwelling (C3). Erection of a single storey ground floor side extension, revised fenestration, extension to rear pitched roof and associated works.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	15.03.2021
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	10.05.2021
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	11.06.2021
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Hove BN1 1UT		
<b><u>Applicant:</u></b>	Mr and Mrs G Rose C/o CMK Planning 11 Jew Street Brighton BN1 1UT		

## 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	SK1	E	19 May 2021

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. Notwithstanding the requirements of condition 7, the relevant external finishes of the development hereby permitted shall be as follows:

- External walls in painted render to match the appearance of that found on the existing building.
- Except where otherwise cleared stated on the approved drawings, window frames made from timber and painted white.
- Roof tiles to match those found on 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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The window in the south elevation of the development at first floor level hereby permitted shall be obscure glazed and non-opening, unless the parts of the window 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.
5. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. 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 and Hove Local Plan.
7. One or more bee bricks 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 CP10 of the Brighton and 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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## 2. SITE LOCATION

- 2.1. The application site is a pair of two-storey semi-detached properties on the west side of Walsingham Road within the Sackville Gardens conservation area. Its current lawful use is a (C2) care home. The original building has been enlarged with several unsympathetic additions including a two-storey rear extension, a single-storey conservatory, and a rear double-bay window.
- 2.2. There is an extant permission for a change of use class from (C2) care home to a (C3) dwellinghouse that included removal of some of the abovementioned additions, and reinstatement of some historical features. Erroneously, the rear half of the plot (which is garden space) was not included in the permission and technically does not benefit from the permission to change use class.

### **3. STATEMENT OF SIGNIFICANCE**

- 3.1. These properties are unlisted but characterful historic properties within the Sackville Gardens Conservation Area. This conservation area is principally formed from three parallel streets and was developed over a 30 year period up to the First World War, as a result the styles and materials of the various buildings vary immensely, but this contributes to the area's special architectural character by creating an interesting mix of house types along the three residential streets united by their very wide roads and their views down to the sea.
- 3.2. Walsingham Road contains a good collection of 2 and 3-storey houses built generally in groups of either redbrick, stucco or gault brick facades. Formerly separate flats, latterly combined, Nos.72 & 74 retain the appearance of two separate buildings from the street and thereby maintain the general rhythm of the frontages in this part of the road. Despite differences in details such as the porch roofs and tile hanging at first floor level on the front bays, these properties retain a strong coherence with nos.76 & 78 (attached as a banded pair to the north) with which they form an attractive group.
- 3.3. The properties are red brick with full height square bays They have been re-roofed in highly profiled concrete tiles however they retain their plain tiled porch roofs and historic front doors and sliding sash windows and make a positive contribution to the character of the conservation area. The rear wing does not reflect the traditional architectural detailing of the road, however the part of the south elevation that is closest to and most visible from the public realm (the stair access to the first floor) is intact and disfigured only by pipework.

### **4. RELEVANT HISTORY**

- 4.1. **BH2020/01404** Change of Use of Nursing Home (C2) to a single dwelling house (C3) including removal of conservatory, store, rear two-storey bay window and fire escape stair; installation of replacement windows; and erection of bicycle/refuse store in rear garden, with associated alterations. Approved 20 July 2020.

## 5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to regularise the above error and formally change the use class of the garden to C3 to match the rest of the plot. Other aspects of the development include a single-storey side extension and minor alterations to the fenestration.

## 6. CONSULTATIONS

- 6.1. Environmental Health:  
No Objection
- 6.2. Heritage  
The Heritage team has no objection to the change of use of the land associated with this property.
- 6.3. Alterations to the rear part of the property beyond the first floor stair access and small section of taller gable end wall will not be clearly visible from the public realm, and the heritage team does not wish to comment on these.
- 6.4. Objections were raised with regards to several aspects of the development at the front and side of the property; these have all been removed from the scheme in amended plans.

## 7. REPRESENTATIONS

- 7.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- The proposed side extension is not in keeping with the character of the conservation area.
  - The proposed side extension would be overbearing
  - The proposed side and roof extensions would cause loss of light/overshadowing to neighbouring gardens
  - The proposed ground floor side fenestration would cause a loss of privacy
  - The proposed changes to the internal layout would cause noise disturbance
  - Potential damage to the existing boundary wall

## 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 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 JAAP (adopted October 2019);

8.3. 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.

## 9. RELEVANT POLICIES

### 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 Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
QD14	Extensions and alterations
QD27	Protection of amenity
HO11	Residential care and nursing homes
HE6	Development within or affecting the setting of conservation areas

#### Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd 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 relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas

#### Supplementary Planning Documents

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the change of use; the design and appearance of the external alterations; and the potential impacts on the amenities of local residents; and on the significance of the Sackville Gardens conservation area.

### Principle of Development

- 10.2. As abovementioned, the change of use of the building itself has been justified in a previous application and benefits from extant permission; the rear garden was erroneously not included in the previous application. The change to a residential garden itself will have no discernible impacts on the local environment in comparison to the existing condition and is considered acceptable.

### Design and Appearance

- 10.3. The proposed side extension would adjoin the existing two-storey rear extension and create a dog-legged plan form. This is a somewhat awkward arrangement that would cause some harm to the appearance of the building but, given that the works would not be highly visible from the public realm, the changes are considered acceptable and would preserve the special character and appearance of the conservation area. It has an eaves height of approximately 2.5m and runs along the side boundary for a stretch of approximately 4.7m. It would be finished in painted render to match the rest of the rear of the building.
- 10.4. Amendments to the fenestration include removal of a harmful rear double-bay window and reinstatement of fenestration flush with the façade. The first floor window would be the reinstatement of a traditional sliding sash window, as per the extant permission; as one of the more visible elements of the scheme, this is supported. Ground floor fenestration on the rear and north elevations are less traditional in appearance however they would be screened from long views and the visual impact is much reduced as a result. Other changes to the fenestration on the south elevation are all considered to be acceptable. The proposed rooflights are the same as approved under the extant permission and as such are acceptable.
- 10.5. The proposed roof extension would result in a pitched roof-form being installed atop the existing two-storey extension. The existing extension is not a well-design addition, but the proposal would slightly improve its appearance and make it better resemble the architectural style of the original building and is acceptable.

### Impact on Heritage Assets

- 10.6. 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.
- 10.7. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".

10.8. The initial scheme included works that would be visible from the public highway and, following objection from the Heritage Officer, the scheme has been amended to remove these elements. It is not considered that the current proposal would cause any harm to the appearance of the conservation area, and therefore its historic significance would be preserved.

#### Impact on Amenity

10.9. Concerns have been raised from local residents regarding the impact the works could have on the usability of adjacent gardens, citing potential issues including loss of light/overshadowing, loss of privacy, noise nuisance, and being overbearing.

10.10. As abovementioned, the side extension had a maximum height of approximately 2.5m and runs along the shared boundary for a length of approximately 4.7m. It would be highly visible from the rear gardens, but this does not always equate to causing harm. The adjacent property is in use as several self-contained flats, of which three have access to a portion of the garden area.

10.11. All of these gardens already suffer from some loss of light due to being directly north of the substantial two-storey original outrigger at the application site. It is not considered that the proposed side extension would exacerbate this issue to any great degree, despite it abutting the shared boundary.

10.12. The height of the extension, whilst significantly taller than the existing boundary wall, is not so tall that it is considered likely that it would have an overbearing impact on neighbouring residents when they are in their gardens.

10.13. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would cause a harmful sense of overlooking for neighbours in the adjoining property.

10.14. The proposed side-facing sliding doors would not provide any additional views that are not possible from the existing garden, and it is not considered that they would cause any harmful loss of privacy.

10.15. The proposed south-side facing window at first floor level will be conditioned to be fit with obscure glazing and fixed shut to an internal height of 1.7m in order to prevent harmful overlooking into the neighbouring garden to the south.

10.16. Concerns have been raised that the internal alterations would lead to noisier day-to-day use of the building. However, the existing use was a care home and therefore the proposed use is unlikely to result in additional noise compared to the existing use.

#### Other Considerations

10.17. 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 an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

#### Conclusion

- 10.18. The change of use to a residential dwelling and garden is considered acceptable. The external works are considered acceptable in respect of design and appearance and the impact upon the conservation area and would not result in harm to the amenity of neighbouring residents. Planning conditions will be attached to any permission to secure external materials and protect neighbouring privacy, as well as to secure biodiversity improvements to the site. For these reasons the proposal is considered to be in accordance with policies QD14, QD27, HO11 and HE6 of the Brighton and Hove Local Plan; and CP10, CP12 and CP15 of the City Plan Part One.
- 10.19. It is also considered that the proposal would also be in accordance with policies DM20, DM21 and DM26 of the Proposed Submission City Plan Part Two which is gathering weight. These three policies are considered to have significant weight at this stage.

11. **EQUALITIES**  
None identified