

<u>No:</u>	BH2022/03130	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	5 Cambridge Mews Cambridge Grove Hove BN3 3EZ		
<u>Proposal:</u>	Erection of single storey outbuilding at rear.		
<u>Officer:</u>	James Ing, tel: 290485	<u>Valid Date:</u>	05.10.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	30.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	20.04.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Gary Broun 5 Cambridge Mews Cambridge Grove Hove BN3 3EZ		

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 Plan	TA-1414-01		5 October 2022
Block Plan	TA-1414-10-C		28 March 2023
Proposed Drawing	TA-1414-11-C		28 March 2023
Proposed Drawing	TA-1414-12-C		28 March 2023
Proposed Drawing	TA-1414-13-C		28 March 2023
Proposed Drawing	TA-1414-14-C		28 March 2023
Proposed Drawing	TA-1414-15-C		28 March 2023

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 be as follows:
- External walls to be finished with timber

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies CP12 of the Brighton & Hove City Plan Part One and DM21 of the Brighton & Hove City Plan Part Two.

4. The east facing window in the front elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

5. The outbuilding hereby approved shall only be used for purposes incidental to the main dwelling.

Reason: To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policy DM20 of Brighton & Hove City Plan Part 2.

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.

2. SITE LOCATION

- 2.1. The application relates to the rear garden of No. 5 Cambridge Mews, which is an end-of-terrace dwellinghouse located in the Goldsmid ward, in the north western corner of Cambridge Mews. The application site's rear garden features a steep downwards slope from west to east, which incorporates raised timber decking. At the top of the garden is a wooden fence marking the rear boundary, beyond which is the 'The Drive' (B2185). To the south of the garden is a neighbouring garden, and to the north is the railway corridor.
- 2.2. Cambridge Mews consists of four rows of terraced houses, all with two storeys plus habitable loft space, and a largely identical form and design, resulting in a cohesive streetscene.
- 2.3. Cambridge Mews is located just outside of the Willett Estate Conservation Area, and is not visible from it so not considered to be within its setting or the setting of any Listed Buildings or Locally Listed Heritage Assets. The rear garden is covered by a Tree Protection Order and, as already noted, abuts, but is not accessible from, a classified B-Road.
- 2.4. It should be noted that 'Permitted Development' rights have been removed from properties on Cambridge Mews relating to extensions, alterations and outbuildings so a planning application is required for such development.

3. RELEVANT HISTORY

No relevant history.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of single storey outbuilding at an upper level in the rear garden. The outbuilding would have a sloping roof and would be finished with a timber exterior.
- 4.2. Due to the topography of the site, it would have a raised position relative to the terraced dwellings, and would be accessed by timber steps with a balustrade. The outbuilding would feature a window on each of the north elevation facing the railway, the west elevation facing the garden and The Drive beyond, and an east-facing window with obscure glazing facing towards the host building. It would have doors to the front and rear, with the latter allowing access to a small area of decking.
- 4.3. The applicant intends to use the outbuilding for a hairdressing business, to be accessed by customers via the front door entrance to the main dwellinghouse. For the proposed outbuilding to still be considered 'incidental' to the main dwellinghouse, the intensity of the proposed use would need to be low enough so that the residential character of the property is not affected, as set out in the Considerations and Assessment section below.
- 4.4. The proposed outbuilding has been amended since the initial submission. The initial submission incorporated a proposed stairway from the outbuilding up to the rearmost fence of the application site, to allow access from The Drive. The proposed outbuilding as originally submitted was also notably larger in height, width and depth, with more fenestration, and no obscure glazing. Following concerns raised by the Local Planning Authority as well as neighbouring residents, the applicant submitted revised proposals upon which neighbours and consultees were reconsulted.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received objecting to the application for the following reasons:
 - Overshadowing/Light loss
 - Loss of Privacy/Overlooking
 - Inappropriate Height/Width of Development
 - Generation of Additional Traffic/Parking Stress
 - Noise
 - Overdevelopment
 - Too Close to the Boundary

6. CONSULTATIONS

- 6.1. **Arboriculture:** No objection
 The Arboriculture Team had initial concerns that the proposed stairway to The Drive may impact a tree subject to a Tree Preservation Order in the rear garden. Upon removal of the stairway from proposals, the Arboriculture Team confirmed that they have no concerns.
- 6.2. **Transport Planning:** No objection
 The Transport Planning Team noted that no significant increase in vehicle/person trip generation or parking stress is anticipated as a result of the proposed outbuilding, which would only serve one customer a time.
- 6.3. **Network Rail:** No objection
 Network Rail commented on the initial submission, but declined to comment on the revised proposals. There is no objection to the initial submission, but it was advised that due to the proximity to Network Rail's land, the applicant/agent is encouraged to engage with Network Rail's 'Asset Protection and Optimisation' (ASPRO) team prior to commencing works.
- 6.4. **Environmental Health:** No comment received

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 City Plan Part Two (adopted October 2022)
 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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

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 host building and the wider area, the impact on nearby heritage assets, the amenities of neighbouring properties, and the impact on the public highway.

Design and Appearance:

- 9.2. The proposed outbuilding would be 3.5m in depth, 4m in width, and 2.9m in height.
- 9.3. The proposed outbuilding is considered to have an acceptable design and appearance. It would align with the design guidance of SPD12: Design Guide for Extensions and Alterations by being only single storey and appropriately scaled.
- 9.4. The outbuilding would not occupy the full width of the garden, and would be set an appropriate distance away from the shared boundary with No. 4 Cambridge Mews.
- 9.5. The proposed outbuilding would not harmfully alter the open character of the existing garden. The proposed side elevation drawings illustrate the topography of the garden, with a steep slope upwards behind the proposed outbuilding. The area behind the outbuilding is too steep to be used as amenity space, so there are no significant concerns relating to the proposed outbuilding dividing the garden into two separate spaces.
- 9.6. The proposed use of a timber finish to the outbuilding is considered acceptable, and would blend in well with the verdant setting of the application site's rear garden.
- 9.7. According to the most recent aerial imagery of Cambridge Mews, there is little precedent for outbuildings, though it's noted that two dwellings within Cambridge Mews have a conservatory. However, it is not considered that the principle of an outbuilding within Cambridge Mews is unacceptable subject to appropriate design as set out above.
- 9.8. The proposed outbuilding would not be visible from the public realm within Cambridge Mews, and would therefore have no impact on Cambridge Mews' cohesive streetscene.
- 9.9. The initial letters of objection relating to excessive scale of the proposed development were noted and agreed with by the Local Planning Authority, with a revised scheme sought. It is considered by the Local Planning Authority that the revised proposals have largely addressed these concerns, resulting in a

proposed outbuilding that is notably smaller than the one initially proposed. The scale of the outbuilding that is now being assessed is considered to be acceptable.

- 9.10. The outbuilding is considered to be a suitable addition to the application site that would not harm its appearance or that of the wider area, in accordance with policy DM18 and DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Amenities:

- 9.11. Policy DM20 of City Plan Part 2 states that planning permission “will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.”
- 9.12. The proposed windows would be appropriately placed to minimise the risk of overlooking or the perception of loss of privacy. The greatest risk is from the proposed east facing fenestration which would be obscure glazed, which would be secured by condition. Whilst these windows would still be openable, any views into neighbouring properties would be oblique.
- 9.13. The proposed west facing fenestration would only afford views of the rear of the application site's garden, and the north facing fenestration would afford views of the railway. No south facing fenestration is proposed. The proposed decking to the rear of the outbuilding would afford the same views that the existing raised decking affords.
- 9.14. The adjoining neighbour to the south of the application site (No. 4 Cambridge Mews) would not suffer from any notable loss of light as a result of the proposed outbuilding, by virtue of the fact it would be sited to the north of No. 4, and at the bottom of a steep hill. Consequently, it is not believed that the proposed outbuilding would cast any more shadow onto No. 4, or any other neighbouring property, than the existing terrace and hill already do.
- 9.15. Furthermore, the proposed outbuilding would be set between approximately 1 and 1.2m away from the shared boundary with No. 4, helping to reduce any sense of enclosure or overshadowing.
- 9.16. In reference to objector fears regarding additional noise pollution relating to the proposed use of the outbuilding for hairdressing, the Planning Statement submitted with the planning application confirms that the applicant will be the sole practitioner working within the outbuilding, and that there will be no more than one client visiting the premises at any one time. Given the size of the building, it is considered the potential for a more intensive use than this is very low.
- 9.17. Therefore it is considered that with this level of use, the outbuilding would still be incidental to the main dwelling and it is not considered that it would create any notable levels of noise pollution or disturbance from additional comings and goings. Should the level of use notably intensify in the future, a new planning application would be required to use the property as both a commercial and

residential premises a condition would be attached to any planning consent to ensure that the use of the outbuilding remains incidental to the use of the main dwellinghouse.

- 9.18. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook, privacy, noise and disturbance and no significant harm has been identified.

Impact on the Public Highway:

- 9.19. The Local Highway Authority consider that, owing to the outbuilding only serving one customer a time, there would be no significant increase in vehicle/person trip generation or parking stress as a result of the proposed outbuilding.

- 9.20. Additionally, it's noted that the site is well served by public transport, with numerous bus stops and Hove railway station located close by. Hove railway station also benefits from a 'Cycle Hub' which offers secure and sheltered bicycle storage. This would facilitate the use of sustainable modes of transportation to and from the proposed outbuilding.

- 9.21. Overall, the proposed outbuilding would have a neutral impact on the public highway.

Other Matters:

- 9.22. The presence of a Tree Protection Order protected tree in the application site rear garden is acknowledged. However, the proposed outbuilding would not have any harmful impact on the health of the tree. Consequently, the Arboriculture Team have no objections to the proposal.

Conclusion:

- 9.23. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. Concerns from neighbours have been taken into consideration, and it is considered that the revised proposals address the issues raised so the proposals are now considered acceptable and would not cause any significant harm to neighbouring amenity, subject to a condition to prevent overlooking. For the foregoing reasons the proposal is considered to be in accordance with policies SS1 and CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20 and DM21 of the City Plan Part Two, along with SPD12 guidance.

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. The exact amount of money owed, if any, 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

- 11.1. The Transport Planning Team noted that it would be difficult for customers with reduced mobility to access the outbuilding. Whilst this is acknowledged, it's not believed that this would warrant a reason for refusal given the low level of use proposed.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. No significant issues identified. The Arboriculture Team have no concerns relating to the TPO that covers the application site rear garden.