

<u>No:</u>	BH2023/02446	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Rothbury Road Hove BN3 5LH		
<u>Proposal:</u>	Raising of roof by 2m to enable construction of first floor with dormer windows and rooflights. Erection of single storey rear extension and front porch.		
<u>Officer:</u>	Charlotte Tovey, tel: 202138	<u>Valid Date:</u>	05.09.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	31.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Claire Haigh Associates Ltd 9 Kenton Road Hove BN3 4PG		
<u>Applicant:</u>	Mr and Mrs Paul and Helen Taylor 8 Rothbury Road Hove BN3 5LH		

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:

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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	CH1194/001	A	2 November 2023
Proposed Drawing	CH1194/005	A	30 October 2023
Proposed Drawing	CH1194/006	A	30 October 2023
Proposed Drawing	CH1194/007	B	2 November 2023
Proposed Drawing	CH1194/008	B	2 November 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. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

4. Any necessary excavation works are to be hand-dug only and any concrete used in foundation works shall be poured within a protective sleeve to prevent leaching into the ground.

Reason: To avoid any irreversible damage to retained trees on adjacent land during the construction of works, in accordance with SPD 06, and policy DM22 of Brighton & Hove City Plan Part 2.

5. At least one bee brick 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 DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

6. The development hereby permitted shall incorporate at least three swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September

so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act

5. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

2. SITE LOCATION

- 2.1. The application site comprises a detached bungalow accessed via a private road between no. 6 and no. 10 Rothbury Road. The bungalow was constructed on a sizeable plot of land at the rear of these sites in the 1960s, and abuts the long rear gardens of large dwellings on Portland Villas to the west, Rothbury Road to the east and north, as well as Beverley Court, a three storey block of flats, to the south.
- 2.2. The front (south) of the site is hard surfaced, with a detached garage in the south western corner and a lawn/garden to the rear (north). The existing bungalow is constructed with a brick base and painted render, with a pitched roof of concrete tiles and white uPVC windows. A boundary wall and fencing run around the perimeter of the site.
- 2.3. The site is not within a conservation area nor is it readily visible from the public realm.

3. RELEVANT HISTORY

- 3.1. **M/6770/59** Planning permission granted for the erection of a detached 2 bed bungalow and 2 garages 20.11.1959
- 3.2. No evidence has been found that suggests that restrictive planning conditions were applied at the time of construction.

4. RELEVANT HISTORY AT OTHER SITES

None found.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the raising of the roof by 2m to enable the construction of a new first floor with two dormer windows to each of the front and rear in a chalet bungalow style as well as rooflights. The roof is proposed as grey tiled with grey aluminium windows and doors. The application also includes the erection of a single storey rear extension on the eastern side and a front porch.
- 5.2. The description has been amended following receipt of updated plans reducing the height of the ridge extension by 0.5m, increasing the separation of the two dormers on the western side of the roof so that they are further away from the gardens on Portland Villas, and removing alterations to the existing garage. Neighbours were not reconsulted as the amendments are less impactful than the original.

6. REPRESENTATIONS

- 6.1. Six (6) representations have been received, from three (3) households objecting to the proposal on the following grounds:
 - Overlooking
 - Loss of privacy
 - Detrimental impact on the access road
 - Detrimental impact on third party trees
 - Detrimental impact on local wildlife
 - Poor design
 - Noise disturbance
 - Overdevelopment
 - Inappropriate height
 - Too close to the boundary
 - Plans are not accurate and do not include the outbuilding currently under construction

7. CONSULTATIONS

Arboriculture

Verbal consultation received 08.11.2023

- 7.1. From reviewing the submitted Arboricultural Impact Assessment no concerns relating to impact on neighbouring trees that would warrant refusal. The assessment demonstrates that the development would not be within the root protection zone. However I would recommend that any development taking place close to the root protection area near the Birch Tree is hand dug.

Transport

- 7.2. Whilst the plans no longer seek to alter the garage, verbal consultation with our Transport team raised no objection to the development.

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 Two (adopted October 2022);
 - Brighton & Hove City Plan Part One (adopted 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 (JAAP) 2019.

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

Brighton and Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact on neighbouring amenity and the impact on third party trees.
- 10.2. A site visit has been undertaken in this instance. The impacts of the proposal can be clearly assessed from the plans, site visit and from recently taken aerial/streetview imagery of the site and its surroundings.

Design and Appearance

- 10.3. Planning permission is sought to alter the building from a bungalow to a two storey chalet bungalow style dwellinghouse.
- 10.4. The overall height of the proposed building would be approximately 6.4m, an increase of 2m over the existing, with an eaves height of 4.4m. The increase in ridge height is not considered to result in a detrimentally tall or wide building or one that would be an inappropriate height when viewed within the context of its surrounding neighbours.
- 10.5. The building would maintain an adequate separation distance of 1.3m from the rear boundary of its closest neighbour on Portland Villas to the west, unchanged from the existing.
- 10.6. The number and scale of the dormers windows and rooflights is considered to be appropriate for the size of the host building as is their position within the roof slope with their siting meaning that the roof features would not appear visually cluttered. The pitched roof design of the dormer windows would relate well to the design of the front porch extension and pitch of the rear extension's roof. The scale and position of the new fenestration on the host building and extension are considered to be appropriate for the elevations that they are placed within on the ground floor.
- 10.7. The porch extension would be suitably scaled at 2m deep and 3.4m in height, with an eaves height of 2.3m. It would be constructed in render and with matching materials to the redesign of the building. Its design is considered to result in a subordinate and appropriate addition.
- 10.8. The single storey rear extension would be situated to the east side of the rear elevation extending 6.5m into the rear garden to the north. It would be constructed in render and fitted with a pitched roof 3.9m in height that would sit below the eaves of the principal roof. Its design includes new rooflights and fitment of a flue pipe and new fenestration. The position of the new rooflights and glazing are considered to be appropriate for the elevations that they are placed within. The height of the flue would not extend detrimentally above the height of the extension and sits below the eaves of the new roof. The scale and design of the rear extension is considered to be a subordinate addition to the host building that would not detrimentally alter its appearance.
- 10.9. A site visit was conducted to assess the design of the building as concerns were raised from residents that the development would be of poor design and an inappropriate height. However, this demonstrated that the building is for the most part concealed from view from the public realm. Some oblique views are available between no. 13 and 11B Portland Villas but the site is not a prominent feature, and would not be once extended.
- 10.10. Concerns also noted that the plan did not clearly reflect an outbuilding which is currently under construction in the north east corner of the site.

- 10.11. Searches have demonstrated that permitted development rights have not been removed and an outbuilding could be constructed under Class E up to 2.5m in height if situated within 2 metres of the boundary. Information received from the applicant has demonstrated that this appears to be constructed in accordance with the permitted development criteria. The location and block plan have been updated to show the scale of the outbuilding which demonstrates that the plot would retain an adequate external amenity area. The site is therefore not considered to be appear overdeveloped.
- 10.12. There is no objection to the proposed materials by way of the introduction of cedar cladding or grey fenestration, particularly as the dwelling is to the rear so does not form part of the streetscene.
- 10.13. Overall, the proposed alterations would achieve an extended dwellinghouse of good quality design, that is sympathetic to the surrounding buildings and enhances the character of the wider area, in accordance with Brighton & Hove City Plan Part Two policies DM18 and DM21 and City Plan Part One policy CP11 and CP12.

Impact on neighbouring amenity

- 10.14. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.15. A site visit was conducted to assess the impact of the proposal on neighbours as concerns were raised that it would result in overlooking, a loss of privacy and detrimental levels of noise from the hobby room created in the extended garage positioned close to the boundary.
- 10.16. Taking into account the legitimate concerns raised, amendments were sought to the proposal that reduced the number of dormers to the front and rear roof slopes and re-positioned the western dormers further away from the gardens on Portland Villas. The plans no longer include any amendments to the garage.
- 10.17. Due to the orientation of the site, and the increased height of the ridge, the development would likely result in some loss of morning light to the end sections of the gardens of numbers 11A, 11B and 13 Portland Villas which is considered a minor impact. It is also likely that there would be a small loss of light to the end of the neighbours' gardens at numbers 10 and 12 Rothbury Road at the end of the day which is again considered a minor impact, and the scheme is acceptable in this regard.
- 10.18. Initial concerns were raised regarding the increased enclosure of 11B and 13 Portland Villas given the close proximity of the bungalow to the rear boundary fence. However, this impact is mitigated by the distance of some 20m from the rear facades, and the fact that the building extends across only a relatively small part of each boundary. These factors and the height of the ridge having been reduced by 0.5m, sloping down to the eaves, would mitigate the impact so the scheme is not considered to result in any unacceptable degree of enclosure.

- 10.19. Concerns have been raised that the fenestration proposed to the building will result in increased overlooking and a loss of privacy. The site visit demonstrated that the perimeter fencing of the site would prevent any views from the new ground floor fenestration to its neighbours.
- 10.20. The position and scale of the new dormer windows are adequately set in from the western boundary by 3m so that they will not be positioned close to the side elevation to directly overlook the neighbours' gardens on Portland Villas or Rothbury Road and instead would provide oblique views. The tall hedge on the southern boundary will prevent any detrimental views to the occupiers of the flats to the south.
- 10.21. For the reasons above the development is not considered to result in overlooking or loss of privacy which is sufficiently harmful to warrant refusal of the application.
- 10.22. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 10.23. Overall the proposal would not result in any significant harm to neighbouring amenity in accordance with Brighton & Hove City Plan Part Two policy DM20 and SPD12 guidance.

Impact on Trees and Biodiversity

- 10.24. Concerns were raised that the development would have a detrimental impact on neighbouring trees and local wildlife.
- 10.25. An Arboriculture Assessment has been undertaken to consider the effects of the development on neighbouring trees that are in close proximity to the boundary of the site. The assessment has considered two trees that could be affected, a Cypress tree (T1) in the rear garden of no. 12 Rothbury Road and a Himalayan Birch (T2) at no. 10. Both were valued as category 'C' features listed as 'trees of low quality with an estimated remaining life expectancy of at least 10 years'. The report concluded that works are not proposed within the root protection area of these trees. Specialist methods of design and construction are to be employed to minimise the impact on these important trees which would be secured by condition. Hard surfacing will be designed and constructed using a no dig, porous system, also to have a minimal impact to the tree.
- 10.26. Verbal consultation with our Arboriculture officer raised no objection to the impacts of the development to the neighbouring trees that would warrant further tree protection measures. A condition is recommended that any excavation is hand dug to further protect the roots of the neighbouring trees.
- 10.27. The Wildlife Assessment submitted with the application did not consider the development to have a detrimental impact on the local wildlife and biodiversity of the site nor would it require consultation with an ecologist. An informative has been attached advising the applicant that under Part 1 of the Wildlife and

Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence.

- 10.28. Therefore subject to the compliance with the attached conditions, the development would accord with policies DM22, DM37 of City Plan Part Two and CP10 of City Plan Part One.

Other Matters

- 10.29. The proposal would result in a two storey, three bedroom detached house. The property would meet the overall minimum floorspace standard of 102msq. All three bedrooms on the first floor would meet the minimum floorspace standards of 11.5msq to provide a double bedroom and fully meets the minimum width and internal head height requirements, with sufficient room for circulation, and appropriate light, outlook and ventilation.
- 10.30. The impact of the construction works on the highway, raised in representations, is not a material consideration given the scale of the development.

11. EQUALITIES

- 11.1. During the determination of this application, due regard has been given to the impact of the scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The works would provide an upper storey on the existing dwelling which would not be accessible to those reliant on a wheelchair, but there is no indication that it would otherwise affect those with protected characteristics.

