

<u>No:</u>	BH2023/02707	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	11 Lyminster Avenue Brighton BN1 8JL		
<u>Proposal:</u>	Erection of a single storey rear extension with Juliet balcony, roof alterations incorporating hip to gable extension to rear and solar panels and rooflight to West elevation, and associated alterations.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	10.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	05.12.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.02.2024
<u>Agent:</u>	J H A Designs 18 Maryland Road Kent TN2 5HE	Hawkenbury	Tunbridge Wells
<u>Applicant:</u>	Mr Marcus Morley 11 Lyminster Avenue	Brighton	BN1 8JL

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			6 October 2023
Block Plan			6 October 2023
Proposed Drawing	1445-11		6 October 2023
Proposed Drawing	1445-12		6 October 2023
Proposed Drawing	1445-13		6 October 2023
Proposed Drawing	1445-14		6 October 2023
Proposed Drawing	1445-15		6 October 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. 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.

4. The development hereby permitted shall incorporate at least three (3) 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 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 at No.11 is a bungalow on the northern side of Lyminster Avenue, sitting lower than the road, with a rear garden that slopes downwards. To the east lies no.13, a two storey dwellinghouse with a rear conservatory and to the west no.9 a bungalow with a rear extension.

3. RELEVANT HISTORY

- 3.1. **BH2023/02233** Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating gable end roof extension with window, solar panels and rooflight to west elevation. Withdrawn 4th of October 2023
- 3.2. **BH2023/00970** Erection of a 2no storey rear extension ground floor rear extension, patio at lower ground floor, addition of solar panels to western elevation roof slope, erection of a rear balcony at ground floor level with steps to the rear garden, a hip to gable roof extension to rear elevation and associated alterations. Withdrawn 4th of August 2023

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a single storey rear extension with a Juliet balcony. Permission is also sought for roof alterations incorporating a hip-to-gable roof extension to the rear elevation, solar panels and a rooflight to the western elevation and associated alterations.

5. REPRESENTATIONS

- 5.1. **Eight (8)** representations have been received, objecting to the proposal on the following grounds:
 - Inappropriate height of development;
 - Overdevelopment;
 - Overshadowing;
 - Detrimental impact on residential amenity;
 - Restriction of view;
 - Too close to the boundary;
 - Previous similar applications have been submitted;
 - Sets a precedent;
 - Design;
 - Additional traffic;
 - Unclear how the proposal would be considered single storey.
 - Overlooking and loss of privacy;
 - Lack of compliance with planning regulations.
 - Detrimental impact on property value;
 - No notification of the works has been provided as required by the Party Wall Act, even though works have taken place.
- 5.2. **One (1)** representation has been received, supporting the proposal on the following grounds:
 - Good design.
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

None 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 Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES & GUIDANCE

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 & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents.
- 9.2. A recent site visit to the site has been carried out. The agent has confirmed that the works that have begun on site are for clearance only.

Principle of Development

- 9.3. Previously a Lawful Development Certificate (application reference BH2023/02233) was submitted for the site to obtain confirmation on whether a planning application is required for the works the subject of this application. However, this was withdrawn and as such no conclusion was reached regarding whether the proposal was 'permitted development' in terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 9.4. The current application seeks planning permission for the proposal, rather than confirmation that the proposal is permitted development. While the permitted development fallback position is a consideration for this application, the proposal has been assessed against the policies above and does not need to be permitted development to be supportable.

Design and Appearance

- 9.5. A single storey rear extension, hip to gable roof extension, side solar panel and side rooflight are proposed. There would be very little visible change to the property when viewed from the street.
- 9.6. The rear extension would be single storey in height and not visible from the streetscene so would have no impact on the character or appearance of the area. It would have a depth of 4m and flat roof to a height of 3.9m. If it was 3m in height it would benefit from 'permitted development' rights so the impact of the additional height is considered acceptable in this context. It would have materials to match and would be
- 9.7. In response to concerns raised in objections, while the extension is on a slope it has only one floor level, with the base of the extension becoming deeper further from the former rear elevation, and has therefore been classified as a single storey extension.
- 9.8. A hip to gable roof extension is proposed at the rear of the property. Again, this would not be visible from the streetscene so would have no impact on the character of appearance of the area. Further, this is a common addition to properties in the vicinity and could be undertaken under 'permitted development' rights.
- 9.9. Windows are proposed to be removed and blocked up on the side elevations to the east and west. The chimney is also proposed to be removed. These are minor changes and would not be detrimental to the appearance of the dwelling. A condition has been recommended to secure the proposed external appearance of the brick work matches the existing.
- 9.10. Turning to the western elevation, solar panels and a rooflight are proposed within the existing roof of the property. Both are common additions to roofslopes within the surrounding area and while visible from the public realm would not look out of keeping with the area. The sustainability benefits of the solar panels are welcomed in accordance with policies CP10, DM37 and SPD11.

- 9.11. During the course of the application it was confirmed that the property was to be rendered rather than have exposed brick. This is a minor change and was not considered to prejudice neighbours in a manner which requires re-consultation
- 9.12. The proposals benefit as single elements from some form of permitted development fallback. The fallback position, subordinate design, sustainability benefits of solar panels and the suitable appearance of the scheme within the streetscene results in a proposal in compliance with policies CP12 of City Plan Part One and DM21 of City Plan Part Two.

Impact on Amenities

- 9.13. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.14. No significant increase in overlooking or loss of privacy is anticipated, particularly noting the considerable degree of mutual overlooking at ground and first floor level between properties and garden areas. The proposed western elevation rooflight would overlook a tiled roof at no.9 and would provide an oblique view. The proposed windows to the rear (northern) and side (western) elevation would not provide significant opportunity for overlooking above and beyond the existing. The proposed Juliet balcony would not project beyond the built form of the existing ground floor and as such would not provide a raised area for standing and sitting so the impact would be similar to that of a window which is considered acceptable.
- 9.15. The location and orientation of the property and proposed extensions would result in some overshadowing and loss of light for no.13, which is located to the east of the application site. This would be limited to the late afternoon and evening. The proposals would not impact the conservatory or garden of no.13 considerably beyond the impact of the existing roof at no.9.
- 9.16. Concerns have been raised in the objections received about the potential for overdevelopment. However, the proposed scheme fits well within the site and would be set back from the boundaries and a large undeveloped garden area would be retained. Furthermore, the works do not considerably exceed those befitting from permitted development, therefore not requiring a planning application.
- 9.17. Concerns have also been raised in objections about the restriction of view caused by the proposal. While a loss of view is not a material planning consideration, loss of outlook can be considered. The extensions are set in from the boundaries and are not of a height or location where they would significantly reduce the outlook of neighbouring properties.

Standard of Accommodation

- 9.18. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards

have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.

- 9.19. Two bedrooms are proposed in the roofspace. Bedroom three would have suitable natural lighting provided by the window proposed in the gable end of the proposed roof extension, and would benefit from considerable floor space and a suitable floor to ceiling height throughout most of the room. The standard of accommodation for bedroom two would be limited in comparison. While this rooms has limited floor to ceiling height, due to being created within the existing hipped roof, the rest of the property benefits from a spacious dining and living area in addition to ground floor bedrooms being retained which have adequate head height. Furthermore, while NDSS standards would be preferred, works to a single dwelling such as that proposed would not have a condition securing the layout of the property attached to a permission.

Other Matters

- 9.20. Objections have highlighted concerns about additional traffic. The proposal would provide extra bedrooms, however, the use of the property as a single dwelling is to continue. The continuation of the existing use is not considered to exacerbate the current situation with regards to trips to and from the site as well as parking.
- 9.21. Matters such as loss of property value, structural safety, and the impact of construction works, as raised in objections, are not material planning considerations.
- 9.22. 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 and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.

10. EQUALITIES

- 10.1. 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 result in the loss of stepped rear access to the garden area but would retain the existing side steps for access and would provide an upper storey for 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.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.