

<b><u>No:</u></b>	<b>BH2023/03090</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>22 Osmond Road Hove BN3 1TE</b>		
<b><u>Proposal:</u></b>	<b>Erection of part single storey and part two storey side extension, addition of roof store at second floor level and revision of a side elevation window (part retrospective).</b>		
<b><u>Officer:</u></b>	Alice Johnson, tel: 296568	<b><u>Valid Date:</u></b>	28.11.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	23.01.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	13.03.2024
<b><u>Agent:</u></b>	Mr Ben Harvey 24 Windlesham Road Brighton BN1 3AG United Kingdom		
<b><u>Applicant:</u></b>	Mr Simeon Arthur 22 Osmond Road Hove Brighton & Hove BN3 1TE		

## 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>
Proposed Drawing	2186-PA-011	C	25 January 2024
Location and block plan	2186-PA-001		22 November 2023
Proposed Drawing	2186-PA-002	B	22 February 2023
Proposed Drawing	2186-PA-003	B	22 February 2023
Proposed Drawing	2186-PA-004	B	22 February 2023
Proposed Drawing	2186-PA-005	B	22 February 2023
Proposed Drawing	2186-PA-010	B	25 January 2024
Report/Statement	Tree Protection Plan		12 February 2024
Report/Statement	Tree Survey		22 February 2023

2. Prior to occupation of the side extension hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design,

use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

3. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall be carried out in accordance with the tree protection measures identified in the approved Arboricultural Method Statement received on the 12th of February 2024 which shall be retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

5. The external finishes of the development other than the roof store hereby permitted shall match in material, colour, style, bonding and texture those of 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 DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

6. Notwithstanding any details shown on the approved plans, the external finish of the roof store is to be aluminium.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
7. 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.
8. 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 for visual amenity, to comply with Policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.
9. The ground floor and first floor windows in the northern 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.

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. 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. This application relates to no.22 Osmond Road which is a modern dwellinghouse located on the western side of the road, with a block of flats to the north, and semi-detached dwellings to the south and opposite.
- 2.2. The dwellinghouse is one of two three-bed houses erected on the site, alongside seven flats, in a building which was granted permission in 2015. The area is primarily residential with semi-detached and terraced houses being the common housing type. St Ann's Well Gardens lies beyond Nizells Avenue to the south west. The immediate area has a verdant, green character through the use of street trees.
- 2.3. The site is not within any conservation areas or otherwise subject to any designations or restrictions but during the course of the previous application (ref. BH2023/01637) the County Archaeologist deemed the site to not be within an Archaeological Notification Area.

### **3. RELEVANT HISTORY**

- 3.1. **PRE2023/00159** Erection of a two storey side extension and roof storage. Response suggested amendments required to the proposal's materials and size
- 3.2. **BH2022/01791** Erection of part single storey and part two storey side extension and revision of a side elevation window. Approved 13.01.2023
- 3.3. **BH2017/03047** Application for variation of condition 8 of application BH2017/02296 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works.) to permit alterations to the approved materials. Approved 30.11.2017
- 3.4. **BH2017/02296** Application for variation of condition 2 of application BH2016/01985 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works) to permit material amendments to the approved scheme including a side facing window to the west elevation. Condition Number(s): 2 Conditions(s) Removal: Design amendments. Accept revisions to Y0113 - 114, Y0113 - 121 & Y0113 - 250 Approved 31.08.2017
- 3.5. **BH2016/01985** Application for variation of conditions 2, 13 and 14 of application BH2014/03311 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works) to permit material amendments to the approved scheme including alterations to layout of car parking and cycle stands. Approved 28.07.2016

- 3.6. **BH2014/03311** (1 Nizells Avenue) Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works. Refused 19.02.2015, Appeal Allowed

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought part retrospectively for the erection of a part single storey and part two storey side extension, the addition of a roof store at second floor level and the revision of a side elevation window.
- 4.2. Revisions to the materials have been made during the course of the application so that the materials on the extension, other than that of the roof store, would match the existing.
- 4.3. The application is part retrospective because the most recent permission (ref. BH2022/01791) has been implemented but the development slightly amended from that approved in that a roof store and side window have been added and materials changed.
- 4.4. The retrospective nature of the application is not a material consideration. Seeking planning permission retrospectively is a valid course of action.

#### **5. CONSULTATIONS**

- 5.1. **Arboriculture:** Verbal
- The trees on the site would not fulfil the criteria for a preservation order to be defensible.
  - Considering the changes that have been made to the movement of materials to the site we don't need the protection to the trees to the front. If the Local Authority are notified about damage to the trees on the street an investigation will be carried out.
  - There isn't space to provide significant protection for T2, however, physical protection has been provided. Decline of these trees is expected in the future.
  - If T1 is to be replaced it should be with a replacement birch tree with a minimum stem diameter of 12-14cm nursery standard stock size.

#### **6. REPRESENTATIONS**

- 6.1. **Seven** (7) representations have been received, objecting to the proposal on the following grounds:
- Detrimental impact on property value;
  - Poor design which is out of keeping with the street;
  - Inappropriate height of development;
  - Overdevelopment;
  - Overshadowing;

- Restriction of view;
- Too close to the boundary;
- Concerns about the removal of trees at the site;
- Impact on residential amenity;
- Concerns about the accuracy of what has been built.

## 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

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban design
CP13	Public Streets and Spaces

#### Brighton & 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
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

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; the potential impacts on the amenities of local residents and business-users; and impact on trees.
- 9.2. A site visit has been undertaken for this application, and impacts of the proposal can be clearly assessed from the site visit, as well from plans provided and recently taken aerial imagery of the site.

### Principle of proposed works

- 9.3. Planning permission was granted in December 2022 (ref. BH2022/01791) by the Planning Committee for the erection of a part single, part two storey side extension, as well as the revision of a side elevation window.
- 9.4. The differences between that scheme and the present application are that a roof store is proposed to the extension and a roof light is proposed to the roof of the dwelling. The material below the ground floor window has been altered from grey metal to red brick which matches the existing property. The finish to the rear has also been altered to red brick to match the existing property.
- 9.5. No additional material considerations have been identified since the approval and the development plan remains the same. As such this previous approval holds significant weight in the decision-making process.
- 9.6. For the reasons previously stated above, the proposal is part retrospective.

### Design and Appearance

- 9.7. The part one- and part two-storey extension, other than minor changes to the materials, have already been approved through the grant of a previous permission (ref. BH2022/01791). The extensions are set back from the front façade at ground floor level to match the depth of the porch at no. 24. Two side (north) elevation windows are proposed which are to be obscure glazed. While altered from the original permission (ref. BH2022/01791) the materials other than the roof storage match the existing property.
- 9.8. At the extension's roof level (second floor level when compared with the host property) a roof store is now proposed. This would be constructed from aluminium, sited well within the roof, set back from the front elevation of the two-storey element. The roof store would rise in height from approximately 1.0m at the front elevation to 1.3m at the rear. The roof store would be a suitably subservient addition to the roofslope, when compared to the existing property.
- 9.9. The store would follow the pattern of setback set by the previously approved extensions (ref. BH2022/01791).
- 9.10. At street level, the extension would be set back significantly within the plot, so the main impact would be the addition at first floor level. However, even at this level the setback from the front boundary would be considerable, being

approximately 9.3m, with the roof store set back a further 0.5m. The setback would ensure the first-floor element and roof store do not extend any further forward than the neighbouring property's porch, and thus would maintain the established building line of this side of the remainder of the street. The setback ensures the extension and roof store has a more subservient appearance and prevents it from being unduly overbearing or cramped or out of character in the streetscene.

- 9.11. The store would cover part of the existing side (north) elevation window. This relationship would appear awkward, however, it is set back into the site and would only be visible when approaching no.22 from the north. The setback combined with the limited views ensures the design is not detrimental to the appearance of the property or streetscene.
- 9.12. The proposed rooflight to the main dwelling would not be visible from the streetscene. Its addition would not be detrimental to the appearance of the property or streetscene.
- 9.13. The materials for the extension elements still match the existing, a requirement of the previously approved application. The aluminium of the roof store would vary from the existing design; however, it would be a modern material, in keeping with the modern design of the host dwelling. The use of aluminium is not considered to be detrimental to the appearance of the area or streetscene.
- 9.14. On this basis the scheme is considered acceptable in design and in keeping with the appearance of the dwelling and streetscene, in accordance with Policy DM21 of City Plan Part 2.

#### Impact on Amenities

- 9.15. Policy DM20 of Brighton and Hove City Plan Part 2 states that planning permission for any development 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.
- 9.16. As noted above, the development has been previously approved so is considered acceptable in all regards, with minor changes now proposed including the roof store and revisions to the materials. These changes are not considered to result in significant impacts on neighbouring amenity.
- 9.17. The rooflight proposed to the roof of the existing dwelling would be high level and would not provide any additional views, other than skywards.
- 9.18. The works would not encroach closer to the boundaries than the development that has been previously approved.
- 9.19. The location and orientation of the extension is likely to result in some loss of light and overshadowing for no.24 Osmond Road but this has already been accepted in the grant of the previous permission. The additional bulk of the roof store would not be of such a size that it would cause significant further loss of light or overshadowing for no.24.



- 9.20. The side windows are to remain obscure glazed in accordance with the previously granted permission. The changes are not considered to impact neighbouring privacy or outlook over that accepted in the previous approval.
- 9.21. The scheme is therefore considered acceptable in terms of its impact on the amenity of neighbouring residents, in accordance with Policy DM20 of Cit Plan Part 2.

#### Impact on Trees

- 9.22. Following amendments with regards to access to the site, an updated arboricultural method statement has been submitted, adherence to which has been secured by condition. The Arboriculture Officer has confirmed the acceptability of the report and the removal of the need to protect the street trees. If the Local Authority are notified of damage to the street trees an investigation will be carried out.
- 9.23. It is noted that a tree to the rear previously to be retained under BH2022/01791 has been felled. A replacement tree would be secured through a landscaping condition.

#### **Standard of Accommodation**

- 9.24. The roof store would partially cover the side (north) elevation second floor window. This serves a hallway/staircase, a rooflight has been added above this room in the roof area. Restricting the outlook of this room is considered acceptable as it is a transient space.
- 9.25. Bedroom four would not provide the floor space required to comply with a double bedroom. It is noted that there are a number of other bedrooms within the property as well as amenity space. The bedroom is considered acceptable on these grounds.

#### **Other Matters**

- 9.26. Matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations.
- 9.27. Concerns have been raised in objections about the built form not matching the previously approved plans. If there are concerns that elements have not been built not in accordance with the planning permissions granted a planning enforcement investigation can be requested.

#### Conclusion

- 9.28. 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. External materials, biodiversity improvements, tree protection and limiting access to the flat roof for amenity purposes shall be secured by condition.

- 9.29. As such the proposal is considered to be in accordance with policies CP12 of City Plan Part One and DM18, DM20, DM21 and DM22 of City Plan Part Two.

## **10. EQUALITIES**

- 10.1. During the determination of this application due regard has been given to the impact of this 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. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 10.2. The site previously was accessed via steps from the street. This is retained.

## **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 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. 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.