

<u>No:</u>	BH2023/03111	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	22 Eley Crescent Rottingdean Brighton BN2 7FE		
<u>Proposal:</u>	Roof alterations to include hip to gable roof extensions, front rooflight and rear dormer, erection of single storey rear extension with rooflights, conversion of existing garage to habitable space, revised fenestration and associated works. (Part-retrospective)		
<u>Officer:</u>	Vinicius Pinheiro, 292454	tel: <u>Valid Date:</u>	05.12.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	30.01.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	29.03.2024
Agent:			
Applicant:	Coast Construction 17 Grover Avenue Lancing BN15 9RG		

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
Proposed Drawing	PL1	E	5 April 2024
Location and block plan	PL1	E	5 April 2024

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 annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

Reason: In order to protect the amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling and in accordance with policy DM20 of Brighton & Hove City Plan Part 2.

4. The annexe development hereby permitted shall not be first occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
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 CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.
Reason: To ensure the annexe is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, DM20 and DM21 of the Brighton and Hove City Plan Part Two.
7. The annexe hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (PL1 E) received on 05.04.2024. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter, to secure it remains ancillary and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

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 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>

3. 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 relates to a single storey detached dwellinghouse located on the eastern side of Eley Crescent in Rottingdean. The street scene is residential, and a number of rear extensions are present in the area, including at the adjoining property no. 20 Eley Crescent. Some of the properties within the street have had their roofs extended, including no. 19, 27 and 31 Eley Crescent.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. APPLICATION DESCRIPTION

- 3.1. The proposal seeks roof alterations to include hip to gable roof extensions, a front rooflight and a rear dormer, and the erection of a single storey rear extension with rooflights. The proposal also includes the conversion of the existing garage to habitable space, revised fenestration to the garage and associated works.
- 3.2. Amended plans have been received since submission of the application to remove the fence in front of the proposed outbuilding, to change the layout of the proposed annexe to show it being subservient to the main property, to correct the elevational plans of the annexe and main dwellinghouse to include all of the proposed alterations, and to remove the terrace of the proposed rear extension. The application has been re-advertised and the adjacent neighbours re-consulted.
- 3.3. Following the Officer site visit, the description of the proposal has been amended to state that the proposal is part-retrospective as groundworks have started and to remove reference to a rear terrace as it is no longer part of the proposal. No further re-consultation was undertaken as the impact of the scheme was considered to have been reduced as a result of the removal of the rear terrace.
- 3.4. Whilst it is preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the retrospective nature is not a material consideration.

4. RELEVANT HISTORY

- 4.1. **BH2005/02184/CL** - Certificate of Lawfulness for proposed roof conversion with rear dormer and half gable end and detached garage in rear. Approved 02.09.2005

5. REPRESENTATIONS

- 5.1. **Five (5)** comments have been received objecting to the proposal for the following reasons:
- Additional traffic
 - Detrimental effect on property value
 - Overdevelopment
 - Poor design
 - Use of outbuilding for residential/commercial use
 - Noise
- 5.2. **Two (2)** comments have been received neither objecting to or supporting to the proposal for the following reasons:
- Potential overlooking from the proposed rooflights
 - Parking space
 - Inaccurate plans
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Transport & Highway Team:** Verbal comment 08.01.2024 Acceptable
Acceptable, subject to cycle parking condition
- The loss of the garage will result in a potential loss of storage for cycle parking. Parking Standards SPD14 require a minimum of 2 cycle parking spaces for 3 - 4+ bedroom dwellings. A minimum of 2 cycle parking spaces are required. There appears to be space on site for a secure cycle parking storage. We would request a cycle parking scheme condition to be attached
 - The proposed conversion of the garage into a habitable space will result in the loss of one car parking spaces. However, it appears to be space for a vehicle to park on the driveway without overhanging into the public highway. We would therefore wish not object to that.
 - The proposed changes are likely to increase the number of trips to the location however, these are unlikely to be significant enough to object.

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
CP10	Biodiversity
CP12	Urban design

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
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
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 proposal, the principle of the annexe use, the impact on neighbouring amenity, the standard of accommodation and the equalities.

9.2. An officer site visit has been undertaken.

Design and Appearance

9.3. No. 22 Eley Crescent has no restrictive planning conditions and the hip-to-gable loft enlargement and fitment of 1no. front rooflight could be carried out under permitted development rights. Notwithstanding that this is the case, there is already a presence of the proposed gable end roof form within the immediate vicinity of the site, therefore, the proposal would not look out of context in the

wider setting. Therefore, given the legitimate permitted development fallback position and the proliferation of other similar extensions in the locality, it is considered acceptable in this instance.

- 9.4. The rear dormer is adequately set up from the eaves and down from the ridge to be a clear addition to the roof rather than appearing as a second storey. There is no clear visual gap between the dormer and the proposed rear extension, and it would have a flat roof, unlike the main dwelling. However, considering the location to the rear, while it would be visible from the Eley Crescent where it curves around to the north, it would be viewed alongside a similar dormer on the neighbouring property so is considered acceptable.
- 9.5. Further, the rear dormer could be installed under permitted development rights if the hip-to-gable extension was not carried out.
- 9.6. Notwithstanding the permitted development fall back position, it is considered that the development as a whole is acceptable, for the reasons set out above.
- 9.7. The new windows fitted to the dormer are an appropriate size and relate well to the new fenestration of the ground floor rear extension. The site is not within a conservation area therefore there is no objection to the new windows being uPVC, particularly as they match the existing.
- 9.8. The rear extension would be single storey in height and would replace an existing rear extension. It would be contained to the rear of the property and would not be highly visible, if at all from public vantage points. The extension would be approximately 5 metres in depth and 3.6 metres in height, given the drop in land levels to the rear (north) of the property. The extension would have a flat roof with rooflights, the walls would be rendered to match the existing and the doors would be uPVC and would have stairs leading to the garden area.
- 9.9. The flat roof would adjoin the dwelling at a point higher than the existing eaves of the property, which is regrettable. Whilst the external appearance of the extension would be improved by dropping the height below the existing eaves level, it is nevertheless considered acceptable given the location of the extension at the rear of the property. The depth and height taken collectively result in a fairly sizable extension that would be prominent on the rear elevation when viewed from neighbouring properties. However, due to not being highly visible in the wider public realm and given the size of the plot the works are not considered to represent a harmful development or a development which results in the overdevelopment of the site, particularly noting those on neighbouring dwellings.
- 9.10. A window is proposed in the existing north and south elevations of the property in order to provide a window to the proposed lounge and kitchen area. It is acknowledged that a similar addition could be carried out under permitted development rights. The windows would be uPVC and are considered to be acceptable.

- 9.11. The existing garage would be converted into an annexe with external alterations proposed, namely the replacement of the garage door with window that would serve the kitchen; the replacement of the a door to the north-west elevation with a window that would serve the toilet and the removal of a window to the south-west elevation. It would remain single storey in height and would have a render finish, with uPVC doors and windows. The materials would match and relate suitably to the main house.
- 9.12. Given its location, it would not be highly visible from the streetscene. Considering the sympathetic materials and the sizeable rear garden of the host property, it is considered ample garden space would remain undeveloped, and the overall appearance would be acceptable.
- 9.13. Overall, taking into account the works that could be undertaken under permitted development rights, the presence of similar extensions in the surrounding area, and the limited visibility of works to the rear of the site, the scheme is considered acceptable in terms of its design and appearance, and to accord with Policies DM18 and DM21 of City Plan Part 2.

Principle of Development - Annexe

- 9.14. The proposal also includes the conversion of the existing garage into habitable space, with associated alterations. The essential expectation for annexe accommodation is that, for it to be acceptable, any accommodation provided on site should be ancillary to the main residential use of the site and a clear dependency is retained at all times with the host building. Only on this basis can it be regarded as not forming a separate residential unit.
- 9.15. Dependency can be demonstrated though the sharing of facilities/links with the main building, including the sharing of garden space, kitchen/bathroom facilities, site access and retention of internal links between the host property and annexe accommodation.
- 9.16. With reference to the above, it is noted that the proposed annexe would be separated from the main house and includes a living/kitchen area, bathroom and sleeping area. Since submission it has been confirmed that the space would be used as residential accommodation for a family member, in connection with the main building. The annexe would share its main site access with the host property. The floor plan submitted details that the door would lead to the property's garden which would remain shared with the occupiers of the main house, and a condition is recommended removing the householders rights to erect any fencing so that the plot does not become sub-divided in the future. Also, the kitchen's window faces the rear of the main dwelling house and the garden. Therefore, it is considered on balance to demonstrate a suitable dependency on the main dwelling and therefore the proposal is considered as an annexe to the dwelling, and not a new separate unit.
- 9.17. The Council considers that the retention of the floor layout as submitted is crucial to its acceptability and therefore a condition will be attached to secure this, and to ensure the annexe does remain ancillary to ensure it does not form an

inappropriate separate unit of accommodation, and to protect residential amenity and the character of the area.

Impact on Amenities

- 9.18. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.19. The extension would be set away approximately 1.3 metres from the common boundary with no. 24 Eley Crescent to the north and 2.5 metres from the dwelling itself, at a diagonal angle, ensuring a substantial distance between both. This significant setback not only maintains spatial separation but also mitigates potential overshadowing impacts. Moreover, the modest height of the proposed extension further mitigates any potential impacts in terms of loss of light and visual outlook for the adjacent property.
- 9.20. The rear extension would be set away approximately 6 metres from the neighbouring dwelling at no. 20 Eley Crescent. Given that it would be well set back from the neighbouring property, being also separated by that dwelling's driveway and garage, no substantial impacts are expected to occur.
- 9.21. The annexe would replace the existing garage and the new apertures created are not considered to impact neighbours.
- 9.22. The new dormer would increase potential overlooking in excess of that already existing from the property. However, due to the high density of residential properties and small rear amenity areas, the location is characterised by a high degree of mutual overlooking and the potential increase from these works is not considered excessive over that already exhibited.
- 9.23. The new rooflights would be angled far away from neighbours and would provide skyward views, therefore, no impacts are expected to occur.
- 9.24. The new side windows would serve a kitchen and the lounge area would not create any harmful views beyond the pre-existing fenestration and are considered to be acceptable.
- 9.25. It is considered that for the reasons set out above, the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

Standard of Accommodation

- 9.26. The proposal to convert the existing garage facilitates the provision of additional residential accommodation. It would benefit from sufficient outlook and natural light via the proposed window and doors. It would have an approximate internal floor space of 23m². The space created would therefore be in general accordance with CPP2 Policy DM1.

- 9.27. The alterations to the loft would provide an additional bedroom that would meet the minimum floorspace standards of 11.5sqm and minimum width. It would also provide an additional shower room.
- 9.28. The proposed rear extension enlarged the existing ground floor habitable space for the dwellinghouse, which would improve the overall floorspace and standard of accommodation.
- 9.29. The alterations would therefore comply with policy DM1 of City Plan Part Two.

Other Matters

- 9.30. A condition to secure cycle parking would be attached to mitigate the loss of storage within the garage.
- 9.31. Matters such as loss of property value and the impact of construction works are not material planning considerations.

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. There is no indication that those with any of these protected characteristic would be disadvantaged by this development.

