

<b><u>No:</u></b>	<b>BH2024/00213</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>7 Meadow Close Hove BN3 6QQ</b>		
<b><u>Proposal:</u></b>	<b>Revised boundary treatment (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	<b><u>Valid Date:</u></b>	07.03.2024
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02.05.2024
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.06.2024
<b><u>Agent:</u></b>	RSP Architects Ltd. RSP Architects Ltd 1 Westbourne Grove Hove BN3 5PJ		
<b><u>Applicant:</u></b>	Mr Saaid Abdulkhani 7 Meadow Close Hove BN3 6QQ		

## 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>
Location and block plan	01	A	7 May 2024
Proposed Drawing	01	A	7 May 2024

2. No erection, construction, removal, improvement or alteration of a gate, fence, wall or other means of enclosure at the front of the site as provided for within Schedule 2, Part 2, Class A 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:** To safeguard the amenities of the occupiers of nearby properties, to ensure appropriate visual subdivision of the site and to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One.

### 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 advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'

## 2. SITE LOCATION

- 2.1. This application relates to a detached dwelling house located on the northern side of Meadow Close, off Tongdean Road in Hove. No. 7, like many of the residential detached bungalows and houses in the close has been remodelled and extended. The property was converted from a bungalow with accommodation in the roofspace to a two storey dwelling in 2017 and now features a contemporary appearance with a mix of render, tile cladding and glazing. The properties in the close also benefit from spacious front and rear gardens. Many of the front boundaries within the close are low level with open frontages, grassed lawns and driveways.
- 2.2. The site is not within a conservation area.

## 3. RELEVANT HISTORY

- 3.1. **ENF2022/00103** Boundary wall built without planning permission - Enforcement notice served 22.11.2023. The enforcement notice served required a height reduction of the boundary wall as set out below within 3 months of the date of the notice which took effect 22.12.2023. There is a current and ongoing appeal against the enforcement notice at the time of writing.
- 3.2. The formal requirements of the enforcement notice are
  1. Reduce the height of the wall, including piers, fronting and parallel to the highway, to no more than 0.6 metres.
  2. Reduce the height of the wall, between the Property and the property at number 8 Meadow Close, perpendicular to the highway to no more than 0.6 metres for a length of 2 metres from the highway (for clarity the highway being the pavement).
  3. Reduce the height of the wall, between the Property and the property at number 6 Meadow Close, perpendicular to the highway to no more than 0.6 metres for a length of 2 metres from the highway (for clarity the highway being the pavement)
- 3.3. **APP/Q1445/D/23/3325461** Appeal of refused BH2022/02886 Dismissed 14.09.2023
- 3.4. **BH2022/02886** Formation of front and side boundary walls (Part retrospective) Refused 20.04.2023. The application sought permission for the front boundary walls (part retrospectively), increasing the overall height of the front boundary to 1m in white render with railings fitted above at approximately 2.3m and pillars 2.4m in height. The application also included an increase in height on the side

boundary walls with no. 6 and no. 8 Meadow Close. This scheme was refused for the reasons below: The application was refused for 3 reasons:

1. The proposed front and side boundary walls and pillars at the front of the site, by reason of their excessive height and incongruous materials, would appear overly dominant and out of keeping with the character and appearance of the streetscene.  
This is contrary to Policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One, and SPD12.
2. The development of the front garden into a forecourt for car parking, would have an adverse impact on visual amenity and the character of the streetscene, contrary to Policy DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One, and SPD12.
3. The proposed boundary and pillars at the front of the site have been built to a height considered to be unsafe to pedestrians and road users by virtue of inadequate visibility for pedestrians and drivers, and are therefore contrary to Policy DM33 of City Plan Part Two and SPD12

- 3.5. **BH2017/00767** - Erection of additional storey with associated alterations and single storey rear extension. Approved 13.09.2017

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

- 4.1. Planning permission is sought part retrospectively for a front boundary wall of 1m in height with pillar detailing and a vehicle hardstanding, front steps and side return walls. The 1m wall would be white render with short dividing pillars which would reduce to 0.6m in height within 2m of the vehicle access. The side return walls would be stepped and to a height of 1m on the western side and similarly on the eastern side but dropping to 0.6m within two metres of the access to ensure suitably visibility for vehicle and pavement users.
- 4.2. The application is part retrospective and the revised front boundary treatment is to overcome the previously refused application BH2022/02886 and subsequently dismissed appeal.
- 4.3. During the course of this application satisfactory amendments have been made to further reduce the height of the front boundary wall from approximately 1.2m overall as originally submitted to 1m with a step down to 0.6m at the crossover, whilst the side boundary walls have been reduced by a further 0.6m from the original proposal to ensure acceptable highway visibility.. The material finish of the walls would be white painted render.
- 4.4. Neighbours have not been reconsulted on the amendments as the reduced height of the boundary walls now proposed are less harmful than the initial plans submitted with the application.

#### **5. CONSULTATIONS**

- 5.1. **Transport Verbal** comment

The updated plans submitted on the 7th May 2024 are now considered acceptable and provide a safe crossover to the site.

## **6. REPRESENTATIONS**

- 6.1. In response to publicity, responses were received from **five (5)** individuals, objecting to the initial application and raising the following issues:
- Inappropriate height of development
  - Unsafe crossover
  - Restriction of view
  - Not in keeping with the close

## **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:

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM33 Safe, Sustainable and Active Travel

DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD11 Nature Conservation & Development

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact to the street scene, the impact on the highway and the impact on the neighbouring amenity.
- 9.2. The comments of the inspector within the previously dismissed appeal against BH2022/02886 have been weighed in the decision-making process. The inspectorate upheld the Council's previous reasons for refusal and concluded that the front and side boundary walls (as previously proposed at approximately 2.3m in height) were "unduly strident and harsh being of too great a scale and jarring on the eye". The previous scheme was considered to be of an excessive length and height in such a bright non-traditional finish and overly enclosed the frontage to the extent that it impacted negatively upon the streetscene. The dominant development was considered to detract from the character of Meadow Close.
- 9.3. The third reason for refusal on the grounds that the original scheme provided an unsafe crossover was also upheld by the inspector.
- 9.4. This scheme is shown on the plans submitted within this application as "existing".
- 9.5. As noted above an Enforcement Notice has also been served against the existing on-site development. This application includes alterations to the boundary walls that differ from the requirements of the enforcement notice served in that the front boundary wall as proposed (Elevation A) would have a height of 1m dropping to 0.6m at the crossover whereas the enforcement notice required a reduction of 0.6m for the entire length of the wall and also 0.6m for the side returns where within 2m of the footway. (The current application includes 0.6m on the eastern side but also stepping up in height away from the footway).
- 9.6. The LPA are able to determine the application and the enforcement notice will remain extant and require compliance until such a time as any approval granted for an alternative scheme is implemented.
- 9.7. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, site visit, photos provided and from recently taken aerial imagery of the site.

### Design, Character and Appearance:

- 9.8. Updated plans received on the 7th May 2024 reduced the proposed boundary walls further from those submitted to the scheme now proposed:

- 9.9. For clarity the front boundary wall (Elevation A on the submitted plans) has been reduced further to a total height of 1m, removing the tall pillars and further reduced the wall height at the frontage to step down to 0.6m in height where within 2m of the crossover.
- 9.10. The side boundary wall that is shared with no. 6 Meadow Close on the western side (Elevation B) has been reduced in height by approximately 0.6m so that the shared boundary with this neighbour is staggered between 0.6m and 1m and consequently less impactful on the visual approach into Meadow Close.
- 9.11. The side boundary wall that is shared with no. 8 Meadow Close on the eastern side (Elevation C) at the point closest to the highway has been reduced in height to 0.6m and will remain at this height for 2m in length to comply with the Councils visibility splay requirements. It would then increase to 1.4m at its maximum and then again by a further 0.3m as the wall steps up in height to the north.
- 9.12. The amendments to the front and side boundary walls of no. 7 Meadow Close are now considered to be of an acceptable height which are more reflective of the front boundaries within the streetscene, would not be visually discordant and less harmful to the character of the close.
- 9.13. It is acknowledged that the application of white render to the front and side boundary walls will be a new material to the boundary treatments prevalent within the close which are otherwise largely brick, fences or hedges and soft landscaping. However the rendered material would relate well to the re-modelled principal property at the site and whilst this would be an overall variation within the street, the material would relate well to the existing dwelling and due to the low height proposed would not appear sufficiently out of keeping to warrant a refusal of the application. In addition many of the dwellings in Meadow Close are constructed with white render (at least in part), including the host building, therefore the application of this material is not considered to cause significant harm to the appearance of the close that would warrant refusal.
- 9.14. The loss of soft landscaping at the front of the site that has taken place by the fitment of hardstanding is regrettable and was also noted by the inspectorate as a concern in the previous appeal, however, it is noted that the applicant since the appeal has added hedges and planting to the perimeter of the boundary walls and potted plants to contribute towards protecting the green and somewhat verdant character of Meadow Close.
- 9.15. The case officer visited Meadow Close in May 2024 which demonstrated that no. 3, no. 4, no. 5, no. 10, no. 11, no. 17 front gardens have all been hard surfaced to a similar extent as no. 7. Given the context of the street scene it is not considered that the application of hard surfacing and planting to the front of the site would cause significant harm to the appearance of the street scene that would warrant refusal.
- 9.16. A condition is also recommended removing the applicants permitted development rights for gates, walls and fences at the front of the site to ensure

that any further development of boundary walls at the site are considered by the local planning authority.

- 9.17. The proposed and amended front boundary walls are considered to be acceptable alterations that would not cause harm to the appearance and character of the street scene and would accord with policies DM18, DM21 of City Plan Part Two and CP12 of City Plan Part One.

Impact on the Highways

- 9.18. As described above, the height of the front boundary wall (elevation A) and the side boundary wall (elevation C) has now been amended to 0.6m within 2 metres of the crossover of the site to allow adequate visibility for road users, pedestrians for no. 7 Meadow Close and also the adjoining neighbour, no. 8 Meadow Close.
- 9.19. The Local Highways Authority were reconsulted and have confirmed that the alterations are now acceptable and considered to be in accordance with policy DM33 of City Plan Part Two and SPD12 and provide a safe and suitable crossover.

Impact on Residential Amenity

- 9.20. The officers report for the previously refused application BH2022/02886 concluded that the previous taller boundary would not result in a loss of light or amenity that would warrant refusal of the application due to the sites orientation and separation from the neighbour dwellings and windows. The development proposed is not considered to significantly impact the adjoining neighbours in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation. The proposal would accord with Policy DM20 of City Plan Part Two.

Biodiversity

- 9.21. The proposed alterations to the front of the site include hard surfacing of the front driveway which has removed all soft landscaping to the front of the site. Prior to the alterations taking place the front garden consisted of a grass lawn with shrubs to the low level brick boundary wall and the boundary between no. 7 and no. 6 Meadow Close was a tall, wide hedge and a further hedge has been removed from in front of the dwellinghouse.
- 9.22. Whilst the loss of the soft landscaping and trees is regrettable, permission is not required for their removal and none of the trees were the subject of a Tree Preservation Order (TPO) and the applicant was able to lawfully undertake these works. Therefore, the amendments to the boundary and front garden, although detrimental to the overall biodiversity of the site, could not be refused on this basis.

Other matters

- 9.23. It is noted that this development is the subject of a current and extant enforcement notice. In consideration of all the above an amended development on the site as proposed is considered to be an acceptable form of development. Whilst the enforcement notice remains extant full compliance with the enforcement notice is still required, however, should the development be

amended in full accordance with this approval it would be a material consideration in considering whether the notice would be withdrawn.

## **10. EQUALITIES**

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.