

<b><u>No:</u></b>	<b>BH2024/00872</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>47 Eastbrook Road Portslade BN41 1LN</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension and roof alterations incorporating rear/side dormer and front rooflights.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	19.04.2024
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14.06.2024
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	CAT Architectural Services 2RQ	76 Hawth Park Road	Seaford BN25
<b><u>Applicant:</u></b>	WSE Property Services Ltd	36 Green Ridge	Brighton BN1 5LL

## 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:

- 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 Plan	01	V1	1 July 2024
Proposed Drawing	02	V2	18 July 2024
Block Plan	03	v1	1 July 2024

- 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.
- The external finishes of the development 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 DM21 of Brighton & Hove City Plan Part Two and CP12 of the Brighton & Hove City Plan Part One.
- 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 Two, 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, hedgerows, scrub and potentially garden shrubs are all likely to contain nesting birds between 01 March and 31 August inclusive. A small section of dense shrubs/hedgerow are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
3. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.  
To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on their website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements). For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)
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. This application relates to a two storey terraced property with rear outrigger, located on the northern side of Eastbrook Road. The site is not a listed building or within a conservation area, and is not subject to any Article 4 Directions relevant to the scheme.

### 3. RELEVANT HISTORY

- 3.1. **BH2024/00555** - Change of use from single dwelling house (C3) to flexible use residential and 6no bedroom small house in multiple occupation (C3/C4) with associated works including single storey rear extension and loft conversion with rear dormers and front rooflights. Withdrawn

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a rear extension and rear dormer, over the main and outrigger roofs, with rooflights to the front elevation.

### 5. REPRESENTATIONS

- 5.1. Representations have been received from **6 (six)** people, objecting to the proposed development for the following reasons:
- Noise, including from within the property.
  - Potential to be a HMO given layout - do not support HMO use
  - Too large for the site, over development, poorly designed
  - Overshadowing/loss of light
  - Overbearing – too tall
  - Loss of privacy
  - Increased traffic and parking demand
  - Problems with sewage
  - Too close to the boundary
  - Impacts on trees and biodiversity
  - Loss of view [not a material planning consideration]
  - Detrimental impact on property values [not a material planning consideration]

### 6. CONSULTATIONS

External:

- 6.1. **Southern Water:** Comment  
It appears that the developer is intending to build-over a public foul sewer which is crossing the site, investigation required as not permitted.

### 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

CP15 Heritage

#### 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:

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 extensions, impacts on neighbouring amenity the impact on the standard of accommodation, and biodiversity matters.

### **Design and Appearance:**

- 9.2. The proposal includes works to extend into the loft space and create an L-shaped dormer. The dormer would be tile-hung to match the main roof, and would not exceed the maximum allowed under 'permitted development rights'

which for a terraced dwelling is 40 cubic metres with the scheme adding 23.7 cubic metres. At the front of the property two rooflights are proposed, which again would be considered to meet the requirements of 'permitted development rights'. Given these works could be undertaken under 'permitted development' rights, and would be to the rear of the dwelling with no impact on the streetscene or character of the area, they are considered acceptable.

- 9.3. A full-width single storey L-shaped extension is proposed to the rear of the dwelling with a depth of 6.1m and a maximum height of 3m to the top of the rooflights. The extension would be subservient to the main dwelling and entirely to the rear so would have no impact on the character of the area.
- 9.4. As noted above, materials would match the existing, which would be secured by condition.
- 9.5. Overall, the minor changes to the design are considered acceptable and in accordance with policies DM21 and DM18 of the City Plan Part Two and CP12 of the City Plan Part One.

**Impact on Amenity:**

- 9.6. The proposed dormers would not provide new views over neighbouring gardens which area not already possible from existing first floor windows so the degree of additional overlooking would not be significant, and as noted above, these works could be undertaken through 'permitted development' rights.
- 9.7. The rear extension has the potential for some increased impact given its 6m depth, but at single storey height the impact would be relatively limited. Further, the roofline has been amended so it would be hipped with a maximum height of 1.92m along the common boundary with no.49, reducing the potential impact on the adjoining neighbour.
- 9.8. There would be some loss of light to the rear window of no. 49 but the window is north-facing, and the same impact could result from a 2m high fence which could be erected under permitted development rights. There are no windows in the rear elevation of no. 45 to the east and it would extend only 3m along this common boundary so there are no concerns in terms of loss of light or increased sense of enclosure.
- 9.9. Accordingly, taking into account the permitted development fallback position of extension the dwelling, the proposals are considered to meet the aims of policy DM20 of the City Plan Part Two.

**Standard of Accommodation:**

- 9.10. Policy DM1 of CPP2 adopts the Nationally Described Space Standards (NDSS). The council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.

- 9.11. The proposal will create a four-bedroom dwelling over three storeys, with six bedspaces (two double and two single rooms), the minimum floor area required for this is 112sqm. The overall floor area would be 117.5sqm.
- 9.12. Accordingly the proposed standard of accommodation, with the extensions would create a layout which complies with policy Dm1 of the City Plan Part Two.

**Biodiversity and Ecology:**

- 9.13. The extension would be over grass/hardstanding so no impacts of concern. A condition is recommended requiring a bee brick to enhance nature conservation of the site.
- 9.14. One of the representations has raised concerns about trees in the garden but no trees would be affected by the scheme.

**Other Considerations:**

- 9.15. A number of the representations are concerned about the potential future use of the property as a House in Multiple Occupancy. However, changing the use of the property would require a full planning application so the acceptability of the use cannot be considered as part of this proposal. Such an application was submitted earlier in the year but withdrawn (BH2024/00555). A further application would need to be sought in the future, this application type does not allow for changes of use to be considered.
- 9.16. Matters such as loss of property value and views, structural safety, and the impact of construction works are not material planning considerations.

**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.