

<u>No:</u>	BH2024/01297	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	120 Holland Road Hove BN3 1JR		
<u>Proposal:</u>	Erection of a single storey ground floor rear infill extension and revised ground floor fenestration (retrospective).		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	24.05.2024
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.07.2024
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Absolute Town Planning Ltd C/o Parkers At Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Professor Louiza Odysseos 120 Holland Road Hove BN3 1JR		

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	HR/2002/001		24 May 2024
Block Plan	HR/2002/002		24 May 2024
Proposed Drawing	HR/2002/007	A	23 July 2024
Proposed Drawing	HR/2002/008	A	23 July 2024
Proposed Drawing	HR/2002/009	A	23 July 2024
Proposed Drawing	HR/2002/010	A	23 July 2024
Proposed Drawing	HR/2002/011	A	23 July 2024
Report/Statement		Design & Access	24 May 2024

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. SITE LOCATION

- 2.1. The application relates to a two storey semi-detached dwellinghouse sited on the western side of Holland Road within the Goldsmid Ward of the City. The property is finished with white render over a brick base with a brown tiled roof. The site is not within a Conservation Area and the streetscene is residential with a mix of semi detached dwellinghouses and flat developments. The application relates to the rear of the property.
- 2.2. The site is not subject to any Article 4 directions which would relate to or restrict the development proposed.

3. RELEVANT HISTORY

- 3.1. **BH2023/02625** - Application to vary condition 1 (part-retrospectively) of planning permission BH2021/01150 to allow amendments to approved drawings to bring the 6no rear doors together in a combined assembly and replace the glazed mono-pitch roof with a flat roof. Approved 24.11.2023
- 3.2. **BH2021/01150** - Erection of a single storey ground floor rear infill extension and revised ground floor fenestration. Approved 08.06.2021

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for a single storey ground floor extension at the rear of the host property. The development has been completed. The extension is sited as an infill between the existing original rear two storey projection and the boundary on the northern side. The development proposed is 1.86m in depth a maximum height of 2.9m (measured from floor level) with a height of 3.2m overall.
- 4.2. A visit to the site has noted the installation of a rear raised deck measuring a maximum of 0.35m at the property. This is not represented on the plans submitted and does not form part of the application submission.

5. REPRESENTATIONS

- 5.1. Representations have been received from 29 individuals, objecting to the proposed development for the following reasons:
 - Inappropriate height
 - Overshadowing/loss of Light
 - Should only be approved if light restored to neighbouring property
 - Inaccurate plans - no rooflights, not constructed in accordance with submitted
 - Development impacts on creativity
 - Would set precedent for non-compliance with planning decisions
 - Increase in energy bills for neighbouring property
 - Increase in mould and damp contributing to poor health
 - Inaccuracies in light report submitted

- Psychological distress and impact of extension

5.2. Councillor O'Quinn has objected to the proposal. A copy of their comments are attached to this report.

6. CONSULTATIONS

None

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 Two (adopted October 2022);
- Brighton & Hove City Plan Part One (adopted March 2016);
- 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
CP18 Healthy city

Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix
DM20 Protection of Amenity
DM21 Extensions and alterations

Supplementary Planning Documents

SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact on neighbouring amenity.

- 9.2. A site visit has been undertaken and the impacts of the proposal can also be assessed from the plans and photos taken and provided and from recently taken aerial imagery of the site.

Design and Appearance

- 9.3. The extension is considered to relate suitably to the existing property, infilling a space between an existing and original rear projection and the northern boundary at the rear of the site.
- 9.4. The extension is single storey in height with a flat roof which, in this case, would relate acceptably to the host property and does not project further into the garden than the existing two storey rear projection, and is suitably subservient in size. A set of folding doors are proposed across the rear elevation in anthracite grey which would not match the fenestration on the existing property, however due to the limited visibility this variation is considered acceptable. The materials proposed would otherwise match the existing dwelling and would have an overall acceptable appearance.
- 9.5. The development is not visible from any public vantage points and would not have a detrimental impact on the character and appearance of the wider area.
- 9.6. Overall, the proposed extension would represent a sympathetic and subordinate addition to the host property, in accordance with Brighton & Hove City Plan Part Two policy DM21 and SPD 12 Guidance.

Impact on Amenities

- 9.7. Due to the siting of the proposal on the north western side of the host dwelling there is sufficient separation to the neighbouring property to the south (118 Holland Road) to have no discernible impact.
- 9.8. The proposal would have most impact upon the existing property to the north.
- 9.9. As noted above the extension has a depth matching that of the existing rear two storey projection at the host property and also has a depth similar to an existing rear single storey extension at the neighbouring northern property at 122 Holland Road. The extension is, however, higher than the neighbouring extension and the solid form does result in some loss of light.
- 9.10. It is noted within representations received that the neighbouring extension has not been accurately represented on the application drawings. A site visit has been conducted and measurements of both structures taken. The measurements would indicate that the proposed structure has been constructed within reasonable tolerances and is reasonably reflected with accuracy on the drawings proposed, given there will always be minor differences on site. However, it is clear that the neighbouring extension at 122 Holland Road, whilst measuring correctly on the western elevation, appears on the drawings to be set approximately 0.3m higher against the proposed extension than the reality. Whilst this contravention is noted the impact of the proposed extension can be sufficiently evaluated following the site visit and the difference is considered de minimis – too small to be material.

- 9.11. With regards to its overall form the extension proposed is approximately 0.2m higher than an extension which could be reasonably constructed utilising permitted development rights under Class A of the Town and Country Planning (General Permitted Development Order). This is due to the height of the eaves being over 3m within 2m of the boundary. The GPDO would permit an extension with eaves of 3m whereas the overall eaves height of the proposed development is 3.2m.
- 9.12. The extension's depth would mean that there would be no harmful overshadowing of the neighbouring western elevation itself, however the taller and solid form of the proposed extension would however create a degree of overshadowing of the glazed roof at 122 Holland Road.
- 9.13. It is noted within the representations received that the proposal has been experienced as causing harmful overshadowing by neighbouring occupiers and that the structure proposed causes the glazed roof to be overshadowed. Due to the orientation of the site this impact is most significant in the winter months and from the middle to the later parts of the day. A site visit conducted in June 2024 demonstrated overshadowing not being present in the afternoon and the overshadowing does not occur to a harmful degree in the summer months.
- 9.14. Due to the extensions having a similar depth there would be no direct overshadowing of the western facing windows over and above that which exists from the boundary treatment and existing situation. Consequently there would be no harmful overshadowing of the western facing windows at the neighbouring property.
- 9.15. "Site layout planning for daylight and sunlight" published by the BRE (Building Research Establishment in 2022 advises that where windows on a development are more than 90 degrees from due south, the effect upon the neighbouring development need not be assessed. The guidance states; *"To assess loss of sunlight to an existing building, it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90° of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun."*
- 9.16. It is noted that 120 and 122 Holland Road are both sited so as to face slightly north of east-west line. In this case therefore there need be no formal quantitative assessment of the loss of sunlight to the elevation windows. It is noted also that the BRE guidance is advisory however a sunlight and daylight assessment has been submitted with the application and although no formal calculations have been provided it is considered that the report demonstrates that there would be no harmful impact to the west facing windows. The report demonstrates that the proposed extension would not contravene the 45 degree rule due to their rear most elevations being relatively in line with one another and in addition the orientation of the sites being more than 90 degrees of due south would mean that a formal assessment of received sunlight is not required in accordance with guidance. Whilst this is the case the height difference from the

development proposed would cause the glazed roof to be overshadowed during part of the day for part of the year.

- 9.17. It is acknowledged that there would be a degree of loss of direct sunlight and some degree of overshadowing during the winter months particularly of the neighbouring glazed roof at 120 Holland Road (albeit not to the west facing windows and doors) from the development proposed. The overall levels of light received to this part of the neighbouring dwellings are otherwise considered to be acceptable. In consideration that this effect is limited to a part of the year and day only, the west facing windows and doors would remain reasonably unaffected and the development would otherwise accord with BRE guidance it is not considered that the harm caused by the proposal from overshadowing is sufficient to warrant refusal of the application.
- 9.18. With regard to other amenity impacts, no significant adverse impacts are expected as a result of the proposed development upon outlook, noise nor loss of privacy.

Other matters

- 9.19. Representations received have raised that the proposal has affected the use of the neighbouring space by the occupants with a consequential impact upon their employment and creativity. Whilst this is noted the overall impact upon the amenities of the adjoining property is considered to be acceptable for the reasons above.
- 9.20. Further representations have also raised that the development has caused mould and damp to be experienced as a result of the proposal. This, however is related to various factors and this consequence of the proposal is not considered to be a material planning consideration.
- 9.21. Finally whilst the application is retrospective the material planning considerations remain the same as those to be assessed if the application were prior to development. It is also noted that to erect a structure and submit an application retrospectively is entirely lawful in UK Planning Law.

Conclusion

- 9.22. Overall the proposal would not cause any harm to the character and appearance of the wider area due to the limited visibility of the proposal. Whilst the impact of amenity is such that some overshadowing of a neighbouring glazed roof occurs as a result of the proposal it is not considered that there is sufficient harm to the amenity of neighbouring occupiers to warrant refusal of the application. The development is therefore in accordance with Brighton & Hove City Plan Part Two policies DM20, DM21 and SPD12 guidance.

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.

