

<b><u>No:</u></b>	<b>BH2024/01717</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>8 Stanford Close Hove BN3 6PU</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension replacing existing conservatory and side extension with terrace above, increase height of existing side dormer and width of existing rear dormer and revised rear fenestration.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, 292193	tel: <b><u>Valid Date:</u></b>	18.07.2024
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	12.09.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	08.11.2024
<b><u>Agent:</u></b>	Vesta Architects Ltd Delta House 16 Bridge Road Haywards Heath RH16 1UA		
<b><u>Applicant:</u></b>	Mr And Mrs Murray 8 Stanford Close Hove BN3 6PU		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons or the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising any new additional material considerations not already considered within the re-consultation period ending 06.12.2024 and 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 Plan			11 July 2024
Block Plan			11 July 2024
Proposed Drawing	24-4970-P-04		11 July 2024
Proposed Drawing	24-4970-P-05		11 July 2024
Proposed Drawing	24-4970-P-06	A	16 October 2024
Proposed Drawing	24-4970-P-07	A	16 October 2024
Proposed Drawing	24-4970-P-08	A	16 October 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. Access to the flat roof over the extension hereby approved, except for the terrace as shown on the drawings hereby approved, shall be for maintenance or emergency purposes only and the main section of 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 to comply with policy DM20 of Brighton & Hove City Plan Part 2.
4. A 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, DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.
5. The roof terrace hereby permitted shall not be first brought into use until the glazed privacy screen of 1.8 metres in height shown on the proposed drawings has been fully installed on the eastern boundary of the terrace. The glazed privacy screen shall be obscured or opaque and shall thereafter be retained.  
**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 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 and preferably adjacent to pollinator friendly plants.

**Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

## **2. SITE LOCATION**

- 2.1. The application site relates to a two-storey detached dwellinghouse of brick and tile construction on the south side of Stanford Close in Hove. The property has been previously extended and altered in a number of ways. The property features a full width single storey rear conservatory, front side and rear dormers and a first-floor rear terrace.

## **3. RELEVANT HISTORY**

None

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a single storey rear extension replacing the existing conservatory and a side extension with a roof terrace above. The extension would have an approximate depth of 5.0m and would measure 3.35m in height from the main ground level of the house and 4.5m in height from the lower garden level.
- 4.2. Permission is also sought for the increase in the height of the existing side dormer by approximately 0.3m and the width of the existing rear dormer by 1.8m and revised rear fenestration.
- 4.3. During the course of determining the application, the drawings were amended to change the brick wall to the east side elevation of the proposed roof terrace to an obscurely glazed privacy screen.

## **5. REPRESENTATIONS**

- 5.1. **Nine (9) objections** have been received. The following concerns have been raised in objections:
  - Privacy issues caused by terrace
  - Inappropriate height of development
  - Overdevelopment
  - Loss of light
  - Poor design
  - Restriction of view
  - Overbearing effect
  - Excessive height of side wall

- Unsightly development
- Noise

5.2. It should be noted that the above objections were all received prior to the proposed scheme being amended to change the brick wall to the east side elevation of the proposed roof terrace to an obscurely glazed privacy screen.

## 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 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; revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Shoreham Harbour Joint Area Action Plan (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
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

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 alterations and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity also requires consideration.

### Impact on Character and Appearance:

- 9.2. The proposed roof works would involve the enlargement of the width of the rear dormer and an increase in the height of the side dormer. Both of these alterations would not have a significant impact on the appearance of the host property. The rear dormer is not visible from the public domain and even with the proposed enlargement it would not dominate the rear roof slope. Although the side dormer would be visible on the streetscene, it would only be marginally increased in scale, so this change would have a negligible impact on the streetscene. The enlarged dormers would be clad in lead so would not be finished in tiles to match the materials of the main roof, however the existing finish material for the dormers differs from the main roof finish material, so no additional harm is expected in this regard.
- 9.3. The proposed single storey rear extension would replace the existing conservatory. The extension would occupy a similar footprint to the conservatory but would have an added depth of approximately 1.0m. The extension would feature a flat roof which would be approximately 0.5m higher than the existing ridge of the conservatory. Although not a significant increase in height, due to the increased depth and flat roof design of the extension, this would represent a noticeably bulkier addition to the rear of the property. Despite this, the extension would still retain a suitable level of subservience to the host property. The walls of the extension would be in facing brickwork to match the existing external materials of the house. The roof of the extension would consist predominantly of a green roof with a roof terrace to replace the existing terrace. The roof terrace would be of a slightly greater depth than the existing terrace but would have less width. The first-floor doors would be relocated to the new position of the terrace and the existing doors would be replaced with windows.
- 9.4. Overall, the design of the proposed extension and alterations would be acceptable and would be in accordance with Brighton & Hove City Plan Part Two policy DM21.

### Impact on Residential Amenity:

- 9.5. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. When assessing this application, the existing situation must be taken into account and the proposed extension and alterations must be compared to it to assess if any additional harm would be created.
- 9.6. The proposed enlargement of the rear and side dormers would not provide any additional views into neighbouring properties. The proposed rear roof terrace at first floor level would replace the existing rear terrace and would not provide any additional compromising views into neighbouring properties on Hove Park Way,

Stanford Close or The Droveaway. The roof terrace would be relocated towards the eastern side boundary, so would be further away from neighbouring properties to the west on Hove Park Way, so is considered to be less harmful to these properties than the existing terrace.

- 9.7. The original design of the roof terrace featured a 1.8m high solid brick wall to the east side to act as a privacy screen preventing views towards the adjacent neighbour No.7 Stanford Close. This was subsequently amended to a 1.8m high obscurely glazed privacy screen. This amendment to the material of the privacy screen helps to break up this elevation to prevent there being a solid brick wall from ground floor to eaves level. This reduces the overbearing impact to an acceptable level and also allows for afternoon sunlight to pass through. The roof terrace would not result in any significant additional harm to neighbouring amenity. The proposed rear extension would be single storey in height and would not feature any side windows. It would not be significantly larger than the existing conservatory and would not result in any substantial overbearing impact to the adjacent neighbours.
- 9.8. Objections have been raised with regard to the potential for the proposal to result in an increase in noise. It is unlikely that the proposal would result in additional noise given the fact that one bedroom would be lost to create a dressing room and ensuite bathroom. The terrace would be relocated towards the eastern side of the property but is not considered to result in any additional noise. Objections have been raised in regard to restriction of view. Views are not considered to be impacted by the proposal and this is not a material planning consideration. The outlook of the rear doors to the side extension of No.7 Stanford Close may be slightly reduced as a result of the proposed extension but this impact would not be overly significant as the extension would be set away from the boundary and would not warrant a refusal of the application on this basis.
- 9.9. It is considered that for the reasons set out above, the proposed development would not cause significant harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

Impact on Biodiversity:

- 9.10. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring a bee brick has been attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

**Biodiversity Gain Plan**

- 9.11. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

**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.

