

<u>No:</u>	BH2024/02094	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	44 Saxon Road Hove BN3 4LF		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2023/02990 to add smooth white render to sections of front and side elevations.		
<u>Officer:</u>	Vinicius Pinheiro, 292454	tel:	<u>Valid Date:</u> 13.09.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	08.11.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	06.12.2024
Agent:			
Applicant:	Andrew Garrihy 44 Saxon Road Hove BN3 4LF		

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	008 (03)_221	P1	24 November 2023
Proposed Drawing	008 (03)_222	P1	24 November 2023
Location Plan	008(00)_101	P2	18 January 2024
Block Plan	008(00)_102	P2	18 January 2024
Proposed Drawing	SIDE ELEVATION		31 October 2024
Proposed Drawing	FRONT ELEVATION		27 August 2024
Proposed Drawing	008 (03)_201	P1	24 November 2023
Proposed Drawing	008 (03)_202	P1	24 November 2023
Proposed Drawing	008 (03)_203	P1	24 November 2023
Proposed Drawing	008 (03)_212	P1	24 November 2023

2. The development hereby permitted shall be commenced on or before 19.01.2027.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The proposed render and all 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 DM18/DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
4. 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 2, 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 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 semi-detached dwellinghouse located on the west side of Saxon Road at no. 44. The building appears almost identical to its neighbour at no. 46 constructed in red brick to the ground floor and white painted render to the first with a semi-circular bay with red tile cladding to the centre and a pitched roof porch and integral garage. The street scene is residential in character.
- 2.2. The site is not listed and is not within a conservation area. There are no Article 4 Directions covering the site which are relevant to the proposed development.

3. RELEVANT HISTORY

- 3.1. **BH2023/02990** Demolition of existing pitched roof entrance porch and erection of a single-storey flat-roof front extension. Demolition of existing pitched roof rear conservatory extension and erection of a single-storey flat-roof rear extension. Replacement of existing PVC windows with aluminium windows, and alterations to fenestration. Replacement of existing solar panels to rear roofslope. Approved 19.01.2024
- 3.2. **BH2021/03651** Erection of single storey front and rear extension and revised fenestration. Roof alterations including hip to gable extension, rear dormer, front rooflights and replacement roof tiles. Approved 11.03.2022

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking planning permission to vary condition 1 of planning permission BH2023/02990 to vary the plans approved to add smooth white render to sections of the front and side elevations.
- 4.2. The scheme originally approved under BH2023/02990 permitted a single storey front extension to be finished in white render whilst retaining the red brickwork base to the northern part of the property. This application seeks to vary the approved drawings to include the provision of render to the sections of red brick to the front and side elevations of the property.
- 4.3. An amended elevation drawing has been submitted during the course of the application to show the render over the brick detailing to the side elevation.

5. REPRESENTATIONS

- 5.1. **Five (5)** representations have been received, objecting to the proposed development for the following reasons:
 - Poor design

- Detrimental affect on property value
- Overdevelopment

5.2. Full details of representations received can be found online on the planning register.

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 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces

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
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

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 acceptability of amending the previously approved plans to apply render over the brickwork to the front and side elevations of the dwellinghouse.
- 9.2. This application seeks permission to apply render to the front and side elevations only. The principle of erecting a single storey front and rear extensions and remaining alterations have already been assessed under the application reference no. BH2023/02990 and are not part of the current application.
- 9.3. An Officer site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, Officer site visit and from recently taken aerial imagery of the site.

Design and Appearance:

- 9.4. The application seeks permission to apply smooth white render to parts of the front and side elevations of the semi-detached property. It is acknowledged that the proposal to apply render over the brickwork to the front and side elevations of the property would cause some visual imbalance to the pair of semi-detached properties given that both properties have the original brickwork detail in situ.
- 9.5. While it is noted that the proposed render could create a visual imbalance, this impact is not considered substantial enough to warrant refusal. The choice of smooth white render would provide a finish that matches the existing rendered areas of the property and would not appear wholly out of keeping. Render to match that of the existing property would be ensued via a condition.
- 9.6. It is noted that some of the properties within the street and wider area, such as the property at no. 12 Saxon Road, have render applied entirely to their front elevation. The majority of other properties within the street, whilst retaining a brick base to the front elevations also feature large expanses of white render and it is therefore a material which is a part of the existing character of the road.
- 9.7. Whilst the host property would consequently be of a differing appearance to the majority in the streetscene, the proposal would not look incongruous or out of context. It is also noted that the approval of BH2023/02990 gives consent for a fully rendered front projection (extension) to the property which would already set the application site apart from it's immediate neighbours and much of the streetscene.
- 9.8. The property is not located within an area covered by an Article 4 Direction relating to alterations and extensions of dwellinghouses and its permitted development rights for alterations to the external appearance of the building

have not been removed. The change from brick to render would not require a planning application once the development approved under BH2023/02990 is completed and therefore this is a material consideration in determining this application.

- 9.9. In this particular case, in consideration of all the above, whilst the property would have a differing appearance to the other half of the semi-detached pair and others in the streetscene, this would not be sufficiently harmful to the character of the streetscene to refuse the application. In addition, there is considered to be a legitimate permitted development fallback position, and it is not considered that the proposal would be harmful enough to warrant a refusal and the overall minor changes to the design are considered acceptable and in accordance with Brighton & Hove City Plan Part Policy CP12 and Brighton & Hove City Plan Part Two Policy DM21 and SPD12 guidance.

Impact on Amenities

- 9.10. 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.
- 9.11. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.

Other considerations:

- 9.12. Matters such as loss of property value is not material planning considerations.

Biodiversity Gain Plan

- 9.13. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

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.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

