

<u>No:</u>	BH2025/00802	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	12 Nevill Way Hove BN3 7QL		
<u>Proposal:</u>	Erection of two storey side extension to create annexe. (Amended description)		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	15.04.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	10.06.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.07.2025
Agent:			
Applicant:	Mr Andrew Forrest 13 Glastonbury Avenue Hale Barns Altrincham Cheshire WA158QB		

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 and block plan	2501-L(00)02		25-Mar-25
Proposed Drawing	2501-L(00)09	B	24-Jul-25
Proposed Drawing	2501-L(00)10	E	14-Aug-25
Proposed Drawing	2501-L(00)11	B	29-Jul-25
Proposed Drawing	2501-L(00)14	A	24-Jul-25
Proposed Drawing	2501-L(00)12	A	25-Mar-25

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. 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.

4. The mezzanine windows serving the ensuite bathroom in the northeast facing side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
5. The annexe hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation, including as holiday lets.
Reason: In order to protect the character of the area and amenities of neighbouring properties and potential future occupants because the annexe is unacceptable as a new dwelling, in accordance with policies DM1, DM18 and DM20 of Brighton & Hove City Plan Part 2.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.
Reason: To ensure the annexe is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, 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. 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 Environment Act 2021.

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.

2. SITE LOCATION

- 2.1. The application site relates to a two-storey semi-detached property of brick and tile construction with a rendered finish on the side elevation at first floor level, located to the south-east of Nevill Way, Hove. Nevill Way slopes upwards from north to south so the application site sits on a higher level than No.14 to the north.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site.

3. RELEVANT HISTORY

- 3.1. **BH2016/06412** Certificate of Lawfulness for proposed loft conversion incorporating hip to barn end roof extension, rear dormer, side window and front rooflights. Approved 07.03.2017
- 3.2. **BH2016/05066** Certificate of lawfulness for proposed loft conversion incorporating hip to barn end roof extension, rear dormer, side window and 2no front rooflights. Approved 01.12.2016

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a two-storey side extension to create an annexe.
- 4.2. The original proposal sought permission for a significantly larger two storey side extension which would have included a Pilates/gym/yoga studio with changing facilities and a shower. This was considered a commercial use which would have taken the building outside of its existing C3 use class and thus would have required a change of use (full planning) application. During the course of determining the application, the proposal was amended to remove the studio and reduce the scale of the extension. The ground besides the house would be excavated to allow for a lower ground floor level. The proposed extension would be over two stories but would be of a more similar height to a single storey extension.
- 4.3. The extension, which would incorporate a lounge and kitchen/dining area at ground floor level and a bedroom with en-suite at first floor level, would form an annexe to the main house with its own separate front door. The description of

the proposal was amended to reflect this. The proposal was readvertised to neighbours.

5. REPRESENTATIONS

5.1. During the original neighbourhood consultation, fourteen (14) objections were received. These representations objected to the proposed development on the following grounds:

- Additional traffic/parking concerns
- Detrimental effect on property value
- Noise
- Overdevelopment
- Poor design
- Not in keeping
- Inappropriate height of development
- Overshadowing/loss of light
- Too close to the boundary
- Residential amenity
- Loss of privacy
- Commercial business unsuited to residential area
- Restriction of view
- Impact on road safety

5.2. During the reconsultation period, eight (8) objections were received. Seven of these were from previous objectors and one of these was from a new objector. The only additional consideration raised in the representations is the use of the annexe.

6. CONSULTATIONS

6.1. **Southern Water:** 02.05.2025 Comment

Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water.

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
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
DM26	Conservation Areas
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD11	Nature Conservation & Development
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 proposed extension and whether it would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity and the public highway also requires consideration.

Impact on Character and Appearance:

- 9.2. The ground adjacent to the north side of the house would be excavated to allow for a lower ground floor level. The proposed side extension would be over two stories but would be of a more similar height to a single storey extension as it would be sunk into the excavated ground. The extension would measure approximately 3.8m in width and would span the full depth of the house. It would be finished in masonry and would feature a mono pitched roof with clay slate tiles, both of which would match the existing external materials of the host dwelling.
- 9.3. The proposed two storey side extension would be subservient to the host property in terms of scale and sympathetic in terms of materiality. When viewed from the street, the amended design of the extension would appear as a large single storey extension. A number of single storey side extensions and garages

exist within the locality, so the proposed extension is not considered to be incongruous when viewed within its local context.

- 9.4. The side extension would also incorporate a widening of the existing front porch to create a new entrance at lower ground floor level. The proposed materials would match the existing porch. The roof form would also be replicated. This alteration is not considered to harm the appearance of the property or that of the streetscene.
- 9.5. It is therefore considered that the proposal would not conflict with Brighton & Hove City Plan Part Two policy DM21.

Impact on Residential Amenity:

- 9.6. With regard to amenity, no significant adverse impacts are expected as a result of the proposed development. The only property which is likely to be potentially impacted by the proposed development is the adjacent neighbour to the northeast, No.14 Nevill Way, as all other neighbouring properties are set away a substantial distance from the proposed location of the extension. By reason of its significant depth and the difference in land levels between the two properties (the application property is on a higher ground level), the proposal has the potential to have an overbearing impact on No.14. However, the extension would be sited adjacent to No.14's car port and no primary windows are on the adjacent side wall of the neighbouring house. In addition, the extension would have a mono-pitched roof sloping down towards the neighbour, which would help to lessen the impact of its bulk.
- 9.7. No.14 is located directly to the northeast of the proposed location of the extension and is already overshadowed by the application property. The proposed extension is unlikely to significantly increase the amount of overshadowing by reason of its height in comparison to the host property. No loss of privacy is expected to occur to this neighbour as the only side windows proposed at first floor level will serve the ensuite, so a condition is added to ensure these windows will be obscurely glazed. The rear terrace created as part of the proposed extension would be inset within the roof of the extension so will only provide views towards the rear. No additional views are expected to be provided by this terrace which are not already provided by the existing first floor rear terrace. The separation distance from the terrace to the adjoining property to the northeast would ensure that there is not considered to be any issue in respect of noise and disturbance.
- 9.8. 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.

Standard of Accommodation:

- 9.9. The proposal facilitates the provision of an additional bedroom to this property. It would be at first floor (mezzanine) level and would benefit from sufficient outlook and natural light via the proposed rear terrace door. The bedroom would meet the minimum width and internal floor area for a single bedroom under the Nationally Described Space Standard (NDSS). The proposal would involve the

repurposing of the existing bedroom 3 as a study. For the purposes of this assessment, the proposed study would be counted as a single bedroom as it could be potentially used as one. Given this, the new layout of the house as a whole would still exceed the gross internal floor area of 134sqm required for a house of this size.

- 9.10. The extension would form an annexe which would be connected to the host property internally and would have access to an amenity areas shared with the main dwelling. Due to its overall size and lack of private garden space, the annexe would not provide a suitable standard of accommodation for use as a separate dwelling and so conditions have been added ensuring the ancillary use of the annexe and to remove permitted development rights in relation to fence alterations to prevent the subdivision of the garden. The proposed annexe would not impact the space standards of the existing house which would continue to provide a suitable standard of accommodation in relation to the NDSS.

Biodiversity:

- 9.11. The excavation for the extension would be to an area of hardstanding so there are no impacts of concern in relation to biodiversity on the site. The Council has adopted the practice of securing minor design alterations to schemes with the aim of enhancing the biodiversity of a site, particularly with regards to species such as bees. A condition requiring a bee brick has been attached to generally improve ecology outcomes on the site in accordance with 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.
- 9.12. 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.

Transport:

- 9.13. The Local Highway Authority (LHA) was consulted on the original scheme and requested further information in regard to the proposed commercial facilities. As the commercial facilities were completely removed from the proposal, it was not considered necessary to reconsult the LHA. No transport issues were identified as a result of the proposed annexe extension. The driveway will still be long enough to be able to accommodate one vehicle and the addition of an annexe at the property is not considered to result in any notable increase in vehicle movements at the site.

Conclusion:

- 9.14. The proposed side extension/annexe is considered to have an acceptable design and is not considered to result in any significant harm to neighbouring amenity. Approval is therefore recommended subject to conditions preventing the use of the annexe as a separate unit of accommodation.

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.