

<b><u>No:</u></b>	<b>BH2011/03629</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>21 Dyke Road Avenue, Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of porch extension of front, single storey side and rear extension and balcony area above existing rear conservatory.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	29/11/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24 January 2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Roberts & Wrigley Associates, 27a Goring Road, Goring By Sea, Worthing		
<b><u>Applicant:</u></b>	Mr L Cadell-Smith, 21 Dyke Road Avenue, Hove		

This application was deferred at the last meeting on 22/02/12 for a Planning Committee site visit.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing no. 2 received on 28<sup>th</sup> November 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the extension 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 QD1 and QD14 of the Brighton & Hove Local Plan.

### Pre-Commencement Conditions:

4. BH14.02 Archaeology (Watching brief)
5. No development shall take place until full details of the proposed balcony balustrade and screening have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the balcony shall not be brought into use until the approved screening has been installed in its entirety.  
**Reason:** To ensure a satisfactory appearance to the development, to protect adjoining properties from overlooking, and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. There is a Beech tree within the garden of no. 23 Dyke Road Avenue

adjacent the shared boundary with the application property which would be approximately 3m from the proposed extension. Any roots of this tree within the rear garden of the application property shall be protected to BS 5837 (2005) Trees in Relation to Construction as far as is practicable. No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The approved method of tree protection shall be implemented prior to commencement of works on site and retained until the completion of the development hereby permitted.

**Reason:** To afford adequate protection to a tree in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. Further, no significantly detrimental impact on neighbouring residential amenity is foreseen.

**2 THE SITE**

The application relates to a two storey detached house with a chalet bungalow style front elevation situated on the west side of Dyke Road Avenue.

**3 RELEVANT HISTORY**

None.

**4 THE APPLICATION**

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory.

**5 CONSULTATIONS**

**External**

**Neighbours:** Letters of representation have been received from **Nos. 23 & 25 Dyke Road Avenue** objecting to the proposed development for the following reasons:

- Increased sense of enclosure by virtue of the positioning of the proposed extension right up to the boundary with no. 23 Dyke Road Avenue.
- Building up to the boundary would have an unwelcome terracing effect. A

- separation of 1m from the shared boundary would be more appropriate.
- Overlooking from the proposed balcony.
- The extension would impact upon the roots and future health of a mature beech tree within the garden of no. 23 Dyke Road Avenue.

**Councillor Vanessa Brown** objects to the proposed development. The two letters are attached as an appendix report.

**Brighton & Hove Archaeological Society** comment as follows:

- The society are unaware of any archaeological implications with regards this planning application.

**East Sussex County Council Archaeologist** comments as follows:

- The development is situated within an Archaeological Notification Area.
- It is recommended that a watching brief takes place on the site and that a planning condition to this effect is attached to any planning permission that is granted.

**Internal:**

**Arboricultural Section** comment as follows:

'In the neighbouring garden at number 23 Dyke Road Avenue is a Beech tree that will be approximately 3 metres away from the proposed development.

This Beech has been poorly pruned in the past and has limited public amenity value, therefore it is unworthy of Preservation Order.

The area of the proposed extension in the vicinity of the Beech is currently laid to concrete. This is a hostile environment for tree roots and there are unlikely to be any present.

The area between the proposed extension and the tree is paved. This will offer the tree's roots a degree of protection, however, the Arboricultural Section would like a condition attached to any consent granted regarding the full protection of any roots in this vicinity.

The applicant may also like to consider protection of the garden area, however, this is advisory only.

Overall the Arboricultural Section has no objection to the proposals in this planning application'.

## **6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 RELEVANT POLICIES & GUIDANCE**

### Brighton & Hove Local Plan:

- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HE12 Scheduled ancient monuments and other important archaeological sites

### Supplementary Planning documents

- SPD 06 Trees and Development Sites

## **8 CONSIDERATIONS**

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties. Further consideration will be given with regards the location of the site within an Archaeological Notification Area.

### **Design**

Planning permission is sought for the construction of a single storey side and rear extension, and the creation of a balcony over an existing rear conservatory. The proposed porch would be a relatively modest addition, and is considered to be of sympathetic design. The proposed side/rear extension would replace an existing flat roofed attached garage. The extension would feature a flat roof, with a dummy pitch roof to the front. Whilst properties within the vicinity retain a degree of separation from side boundaries, given the positioning of the existing attached garage, it is not considered that the views towards the property from the street would be significantly altered. The extension would extend the full depth of the recipient property and protrude a further 1m beyond the rear of the main house. The southern wall of the extension would extend out from the rear wall of the house, meaning the extension would span a width of 0.3m across the rear elevation. The extension would be constructed in materials to match the main house. Overall the extension is not considered to represent an overextension of the recipient property, and given that the impact of the proposed extension on the street scene would be minimal, the proposed extension is not considered significantly harmful to the character and appearance of the recipient property or the wider street scene.

The proposal for the balcony involves the installation of a 1.0m high balustrade around the flat roof over an existing rear extension, and the installation of screening to the northern and southern ends to a height of 1.95m. Details of the materials for the balustrade and screens has not been

specified although further details could be secure through the imposition of a condition on any grant of planning permission. The proposed balcony would not be visible from the street. It would only be visible from within the neighbouring gardens. As such, the proposed balcony and associated screens are not considered to be significantly detrimental to the character and appearance of the existing property or the wider street scene.

#### **Impact on neighbouring amenity**

The proposed extension would be in close proximity to the shared boundary with no. 23 Dyke Road Avenue. This neighbouring property features a south facing window to a rear sunroom which would sit opposite the proposed extension. Whilst it is considered that this window would be impacted on to some extent by the proposed extension in terms of overshadowing, it is noted that this sunroom is served by a large set of glazed patio door and sidelights on the rear elevation. These rear doors would be situated sufficiently far from the proposed extension as to avoid any significant degree of overshadowing, loss of outlook or increased sense of enclosure, and as such the impact on the aforementioned side window is not considered of such harm to warrant refusal of the current planning application. The proposed balcony would provide for views towards neighbouring properties. It is noted, however, that privacy screening is proposed to the northern and southern sides, and that potential views would be restricted to towards lower garden areas at nos. 19 and 23 Dyke Road Avenue. This is considered to be acceptable. A visit to the site in December revealed that a large number of trees adjacent the side boundaries retained foliage, indicative of a reasonable level of boundary screening throughout the year. Overall the proposed development is not considered to represent significant harm to the residential amenity of neighbouring properties.

#### **Tree protection**

There is an existing beech tree within the rear garden of the neighbouring property no. 21 Dyke Road Avenue in close proximity to the shared boundary. This tree would be approximately 3m from the proposed extension. The council's Arboriculturalist does not consider it likely that this tree would have roots running under the proposed extension, although there could potentially be roots beneath the paving between the extension and the tree. Any approval shall condition the protection of such roots in the vicinity in accordance with BS 5837 (2005): Trees in Relation to Construction. An arboricultural method statement regarding the protection of this tree during construction shall be required for written approval prior to the commencement of works.

### **9 CONCLUSION**

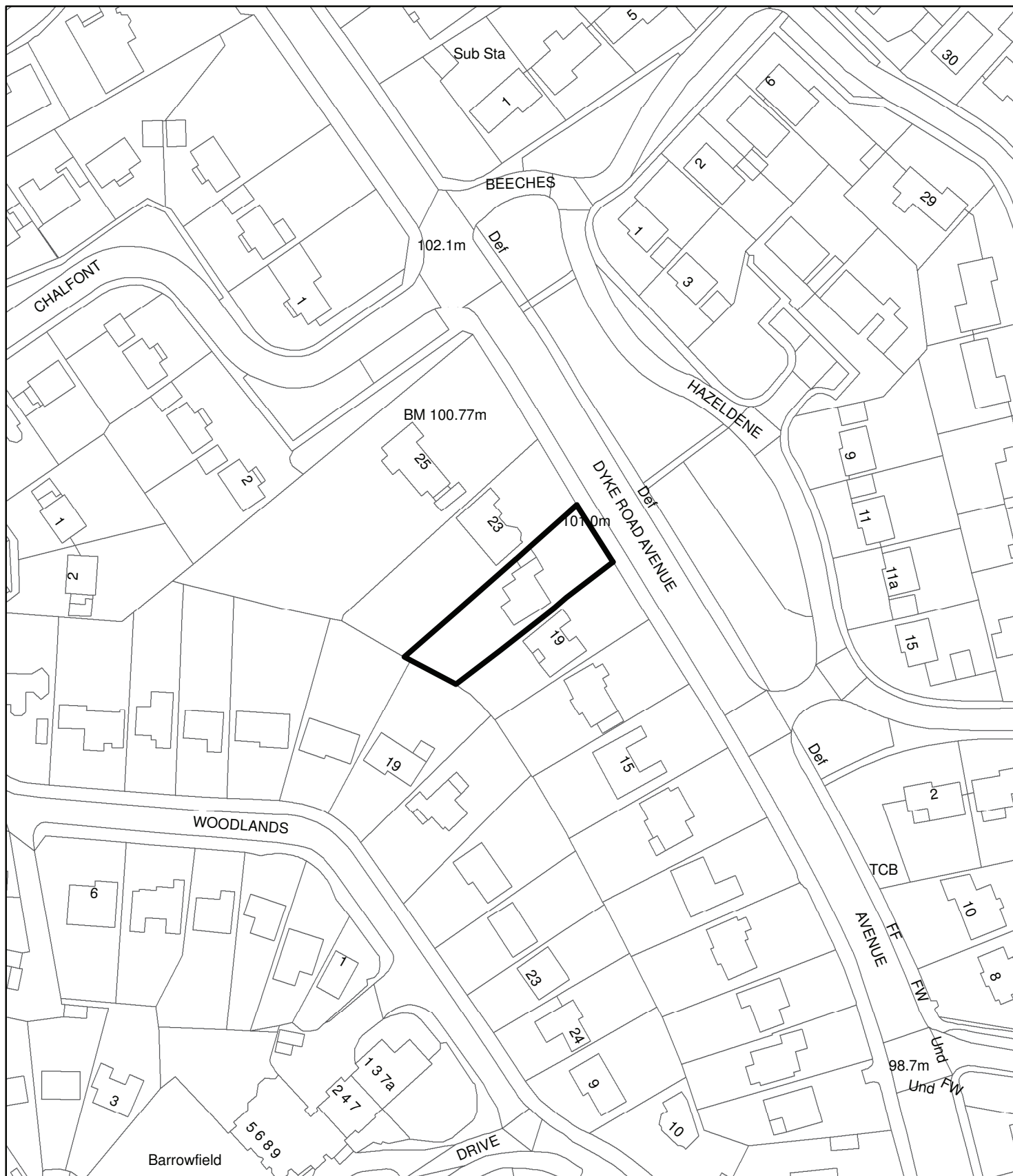
The proposed development would not have a significant harmful impact on the character and appearance of the recipient property or the wider street scene. No significantly detrimental impact on neighbour amenity is foreseen. Subject to compliance with conditions the Beech tree within the garden of no. 23 Dyke Road Avenue should not be harmed during construction works. For

these reasons the application is recommended for approval.

**10 EQUALITIES IMPLICATIONS**

None identified.

# BH2011/03629 21 Dyke Road Avenue, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



**Brighton & Hove  
City Council**

PLANS LIST – 14 MARCH 2012

COUNCILLOR REPRESENTATION

**From:** Vanessa Brown  
**Sent:** 17 February 2012 11:16  
**To:** Ross Keatley  
**Subject:**

Dear Mr Keatley

Re BH2011/03629 21 Dyke Road Ave

I would like to request a site visit for this application as the plans are to build right up to the boundary of No. 23 Dyke Road Avenue which is going to have a serious impact on the residents of No.23. and is unneighbourly.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown  
Conservative Member for Hove Park Ward

**From:** Vanessa Brown  
**Sent:** 10 January 2012 19:22  
**To:** Mark Thomas  
**Subject:**

Dear Mr Thomas

Re BH2011/03629 21 Dyke Road Avenue

As a Councillor for Hove Park Ward I wish to object to the above planning application. The houses in Dyke Road Avenue are characterised by being large detached houses in spacious gardens.

This application is to build right up to the boundary with 23 Dyke Road Avenue yet all the houses are set back into their boundaries by approximately two metres to give the general feeling of spaciousness.

The close proximity of this proposed extension to the sunroom of No. 23 would mean a loss of light and the morning sun. It would also give a feeling of being very enclosed.

I am also concerned about the extension being built in close proximity to a very mature copper beech tree in the garden of No. 23. I am afraid that the roots could easily be damaged leading to the possible loss of the tree.

I believe there are also plans for a balcony on the roof of the existing sunroom which would cause a loss of privacy to the neighbours on either side.

If the recommendation should be to grant this application I would like it to go before the full planning committee.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown  
Member for Hove Park Ward