

<b><u>No:</u></b>	<b>BH2011/03705</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>23 Lowther Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side and rear extension.</b>		
<b><u>Officer:</u></b>	Liz Arnold, tel: 291709	<b><u>Valid Date:</u></b>	07/12/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01 February 2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Hove Contractually LLP, 37 Lyndhurst Road, Hove		
<b><u>Applicant:</u></b>	Mr Jeff Hayward, 23 Lowther Road, Brighton		

This application was deferred at the last meeting on 14/03/12 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 drawings no. 100 and 101 received on the 6<sup>th</sup> December 2011 and drawing nos. 200RevA and 201RevA received on the 26<sup>th</sup> January 2012.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. BH03.03 Materials to Match Non-Con Area.

### 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 extension would not have an adverse impact upon the visual amenities of the parent property or the wider area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.

## 2 THE SITE

The application relates to an end of terrace property located on the western

side of Lowther Road almost opposite the junction with Hythe Road. The property comprises two storeys, although due to the south-west to north-east gradient upon which the site is located, the ground floor rooms located at the front of the property are sited higher than the kitchen area. The property has an L-shaped built form, a characteristic of properties within the surrounding area.

The property has been extended in the past by way of rear dormer window; no planning permission has been identified for this extension.

Lowther Road is located on a north to south gradient and as a result the ridge heights of the properties in the street step up in pairs which results in nos. 21 and 23 being the same height but no. 25 being set at a higher level.

### **3 RELEVANT HISTORY**

None identified.

### **4 THE APPLICATION**

Planning permission is sought for the erection of a single storey side and rear extension.

### **5 CONSULTATIONS**

#### **External:**

**Neighbours: Ten (10)** letters of representation have been received from **17, 21, 25 (4 e-mails), 27 (2 e-mails), 29 and 31 Lowther Road**, objecting to the application for the following reasons:

- a rear extension out to the other boundary is inappropriate and not in character or sympathetic to these terraced houses,
- the appearance and size is not appropriate,
- overshadowing of and loss of light to the kitchen and rear living room window by the new wall for the immediate neighbours,
- plan is intrusive and insensitive,
- extension will set a precedent locally and may influence future decisions about similar inappropriate plans,
- the proposal does not include the fence that the applicant intends to erect at the top of the boundary wall, this will increase the height of the structure to almost 2 storeys,
- effectively makes the outside return of the adjoining property into a dark corridor,
- the plans should be adjusted such that they are far more considerate of the impact on the adjoining property at no. 25, rather than a pitched roof with velux windows, perhaps a flat roof with horizontal skylights would achieve this,
- in the event of a fire, escape via a ladder would not be possible, repair of paintwork and rendering and access to downpipes, bathroom waste and down pipes will not be possible since there is no land adjacent to the side of the development,
- the proposed rooflights would mean the neighbouring property would see

into the kitchen area and therefore does not provide privacy for residents of no. 23, and

- the extension brings the living arrangements of the applying household as near to their neighbour as you can get.

**Councillor Mike Jones**, objects, and a copy of his comments are attached.

## **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  
QD27 Protection of Amenity

## **8 CONSIDERATIONS**

The main considerations in the determination of this application relate to the impacts that the design of the proposed extension will have upon the character and appearance of the parent property and the wider area and the impacts upon the amenities of neighbouring properties.

### **Visual Amenities / Design**

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

Account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal would be.

The terraced property currently has an L-shape built form with a recess located on the northern side. Permission is sought for a side in-fill extension and a connected rear extension, which would result in a ground floor wrap-around extension, in order to provide an enlarged kitchen area.

The proposed single storey side extension element would project from the existing north facing elevation of the property by a maximum of approximately 1.5m, which would result in the extension in-filling the existing recessed area. Since submission of the application the upper part of the extension has been reduced in width in order to prevent the related guttering over-hanging the boundary with no. 25 Lowther Road. The upper part of the extension would now be set in from the retained boundary wall, shared with no. 25, by approximately 0.1m. The side element of the extension would project from the existing recessed west facing elevation of the property by approximately 5.1m.

The rear section of the proposed extension would project from the western most elevation of the dwelling by approximately 1.4m. The width of this element of the extension would be approximately 4.7m, which results in the extension extending across the entire width of the dwelling and connecting with the side extension in order to form a wrap-around extension.

The proposed side and rear extension would have a pitched roof form with ridges located approximately 3.15m above related ground level and an eaves height of approximately 2.3m.

Four rooflights are proposed within the pitched roof of the extension and four fully glazed sliding/folding doors would be located within the western facing elevation. Materials are to match existing.

At present a close boarded timber fence, of approximately 1.9m in height is located approximately 0.2m from the boundary with no. 25 Lowther Road. This existing fence would be removed nearest to the dwellings as part of the proposal in order to accommodate the proposed extension. The boundary wall located along the actual shared boundary of the site, which measures approximately 1.3m when measured on the side of no. 23, would be retained adjacent to the proposed extension.

An existing soil and vent pipe at the rear of the property would also be repositioned as part of the development so that it is located adjacent to the recessed west facing elevation of the property rather than on the north facing elevation of the projecting section of the dwelling. The new pipe would extend up between the windows within the existing rear dormer window. The top of this relocated pipe would exceed the flat roof of the rear dormer by approximately 0.4m.

The rear of 23 Lowther Road is visible from the rear parts of neighbouring properties and associated gardens. There is no street view.

There is a recent appeal decision relating to no. 95 Loder Road, which is relevant to this scheme. The appeal allowed a development of a similar size and form to that proposed. The Inspector states that the *extension “would be of a relatively modest scale and height in relation to the larger existing projection. It would also appear as a distinct later addition, to that the characteristic form and extent of the original outrigger would remain fairly apparent. The noticeably more prominent roof and upper part of the rear projection would also be unchanged. As a subordinate infill addition the part to the side would reflect the former presence of a light well, with the noticeably larger two storey projection remaining the dominant feature at the area. The proposal would not therefore detract from the repetitive nature of the rear of the terrace”*. It is considered that this analysis relates to the proposed development at 23 Lowther Road.

There are also some recent similar schemes which have been granted approval by the Local Planning Authority, namely nos. 3 (BH2009/01997) and 111 (BH2011/00425) Lowther Road and nos. 33 (BH2010/04041), 26 (BH2010/01616) and 15 (BH2010/01186) Chester Terrace.

Notwithstanding third party objections and given the appeal case it is not considered that the design of the proposal would have an adverse impact upon the character of the parent property or the wider area.

#### **Impact Upon Neighbouring Properties**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Due to the presence of a south-west to north-east gradient, no. 25 Lowther Road is set at slightly higher level than no. 23 Lowther Road although due to the design of the street to reflect the gradient, no. 21 is located at the same height as no. 23.

The existing timber fence located between nos. 23 and 25 would be removed as part of the proposal however the existing boundary wall would be retained. When measured from the ground level associated with no. 23 this all measures approximately 1.3m but 0.4m from the ground level of no. 25. The existing timber fence exceeds the height of the boundary wall by approximately 0.8m.

The proposed extension would have a pitched roof form. The eaves of the extension would be located approximately 1m above the retained boundary wall. It is noted that a window is located in the south facing elevation of the projecting section of no. 25 in addition to a window within the recessed west facing elevation of this neighbouring property, both at ground floor level.

Due to the pitched roof design of the extension, the variation in ground levels between the site and no. 25 and the presence of the existing timber fence (which measures 1.9m in height), it is considered that the proposed extension would not have a significant adverse impact upon the amenities of the occupiers of no. 35 with regards to loss of light/sunlight, overshadowing or loss of outlook. Furthermore due to the nature and positioning of the north facing rooflights and their height above related floor level, it is not considered that the proposal would have a significant adverse impact upon the amenities of the northern neighbouring property with regards to loss of privacy or overlooking. Comments from the occupiers of no. 25, with regards to views into the extension that the proposed rooflights would provide are noted but would not result in an adverse amenity impact.

As set out above nos. 23 and 21 Lowther Road are set at the same ground level. Following amendments to the proposal the existing southern boundary would not be altered. In the vicinity of nos. 23 and 21 the existing boundary fence has a height of approximately 1.9m whilst the existing sloped boundary wall varied in height from between a maximum of approximately 3m to 2.4m. The west facing elevation of the rear section of the proposed extension would; be located in alignment with the western most line of this boundary feature.

Within the western elevation of the projecting section of no. 21 are a window and a partially glazed door. Overall it is considered that the proposal would not have a significant adverse impact upon the amenities of the occupiers of no. 21 with regards to overshadowing, loss of light, overlooking or loss of privacy, given the design and size of the proposed extension, the existing boundary treatment and the orientation of the sun in respect of the extension and this neighbouring property.

Furthermore the plans provided demonstrate that the proposed extension would not intersect a vertical 45° line drawn from the centre of the neighbouring windows, both with regards to nos. 21 and 25 Lowther Road.

It is not considered that the alteration to the soil and vent pipe would have an adverse impact upon the amenities of neighbouring properties.

Third party letters of objection refer to the erection of a fence above the existing boundary wall located between nos. 23 and 25 Lowther Road. However no such feature is shown on the plans submitted and therefore the Local Planning Authority is unable to assess this element. In addition the applicant would be able under householder permitted development rights to erect a 2m high fence without the need for planning permission.

### **Conclusion**

For the reasons set out above it is considered that the proposal accords with policies of the Brighton & Hove Local Plan, approval is therefore recommended.

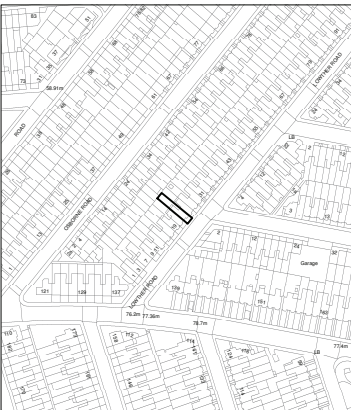
**9 CONCLUSION**

The proposed extension would not have an adverse impact upon the visual amenities of the property or the wider area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties. As such the proposal accords with policies of the Brighton & Hove Local Plan.

**10 EQUALITIES IMPLICATIONS**

None identified.

BH2011/03705 23 Lowther Road, Brighton.





From: Mike Jones  
Sent: 27 January 2012 12:21  
To: Liz Arnold  
Subject: BH01103705

Dear Liz

Re Planning Application for 23 Loewher Rd, Brighton. BH01103705

I met with Mr Angus Goldfinch of 25 Loewher Rd earlier this week re his neighbours planning application for a kitchen extension at number 23 Loewher Rd.

Several concerns about this application were raised with me and on inspecting the site I concur with his objections.

The plans are misleading and do not convey the true impact of daylight reduction to the side return kitchen window of the rear of number 25.

The drawings showing the rear elevation of numbers 25 and 23 suggest that the infill extension built in the return of number 23 will be fairly low level in height and not impact on access to daylight at number 25.

In fact the roof of the extension will turn the side return of number 25 into an alley with restricted daylight. It is necessary to stand in the side return of number 25 to understand this as the drawings do not convey the true visual and spatial impact of the extension.

The applicants at number 23 have told Mr Goldfinch that they will erect a fence on top of the boundary wall of their extension which will of course further reduce daylight access to the kitchen at number 25.

Mr Goldfinch understands that the only access to gutters and for maintenance to the new side extension at number 23 will be via number 25 and this issue has not been addressed by the planner or the residents of number 23.

It is believed that this style of development sets a precedent locally and several neighbours have voiced concerns to Mr Goldfinch about this.

Yours Sincerely

Mike Jones

Cover City Councillor

Preston Park Ward

Brighton & Hove

01273 29149

