LIST OF MINOR APPLICATIONS

No:	**BH2011/03950**	**Ward:**	**HOVE PARK**
App Type:	**Householder Planning Consent**		
Address:	**3 Kelly Road, Hove**		
Proposal:	**Re-modelling of existing property including roof extensions, raising ridge height, front & side single storey extension, two storey side & rear extension and associated alterations.**		
Officer:	Christopher Wright	**Valid Date:**	16/01/2012
Con Area:	N/A	**Expiry Date:**	12 March 2012
Listed Building Grade:	N/A		
Agent:	Darren Moore, 21 Sutton Drove, Seaford		
Applicant:	Mrs Coroline King, 3 Kelly Road, Hove		

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) 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.
2) The development hereby permitted shall be carried out in accordance with the approved location plan revision C; block plan revision C; and drawing nos. 09C, 10C, 11C, 12C, 13C, 14C, 15C, 16C, 17C, 18C and 19C received on 7 March 2012.
   Reason: For the avoidance of doubt and in the interests of proper planning.
3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
   Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) The windows on the southern flank elevation of the development hereby permitted, including the high level windows and the two lower rooflights proposed on the main roof, shall not be glazed otherwise than with obscured glass and shall be non opening unless the parts which can be opened are more than 1.7m 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 QD14 and QD27 of the Brighton & Hove Local Plan.

6) The high level windows on the southern flank elevation of the development hereby permitted shall have a lower sill height of not less than 1.7m above the floor of the room in which the windows are installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

7) No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of the development, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.
Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, QD14, and QD27 of the Brighton & Hove Local Plan.

8) No development shall commence until a method statement setting out a strategy for maintaining fences necessary for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the method statement as approved.
Reason: To protect the trees adjoining the application site and in the interests of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

9) BH03.01 Samples of Materials Non-Cons Area (new buildings)
No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 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 National Planning Policy Framework and the Brighton & Hove Local Plan, 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 scale, design, form and detailing of the proposal is considered appropriate to the site and in relation to the street context and would bear similarities with existing development such that the resulting dwelling would appear neither incongruous nor detrimental to visual amenity. The design has taken steps to ensure satisfactory separation from the adjoining property and the design and position of windows and other openings is such that the development would not have a significant adverse effect on residential amenity.

2 THE SITE

The application relates to a two storey detached family dwellinghouse adjoining the corner of a school playing field and situated on the west side of Kelly Road, a private un-made cul-de-sac off Hove Park Road. The property was built in the late 1930s. The local neighbourhood predominantly comprises residential development in the form of detached houses of varying designs.

The site is not situated in a Conservation Area and the house is not listed.

3 RELEVANT HISTORY

M/13380/68: Entrance to existing first floor flat. Approved 18 June 1968.
M/12580/66: Garage and bedroom extensions to ground floor flat. Approved 10 July 1967.
M/7097/60: Conversion of private dwellinghouse into two self contained flats.

4 THE APPLICATION

Planning permission is sought for the re-modelling and enlargement of the existing house into a Georgian style to include:

- Part single and part two storey side and rear extensions;
- Enlarged pitched and hipped roof with central roof lantern;
- Raising roof height by 700mm;
- Raising eaves height on front elevation and incorporating a gable feature;
- New windows with Georgian style configuration;
- Rooflights;
- Adding a single storey porch to front elevation.

5 CONSULTATIONS

External:

Neighbours: Four (4) letters of representation have been received from **35 and 44 Hove Park Road; and 1 and 2 Kelly Road,** objecting to the application for the following reasons:

- Over development.
- Harmful to character and appearance.
- Out of keeping, design.
- No break between houses.
- More on-street parking.
- Highway safety.
- Loss of daylight/sunlight.
- Loss of outlook.
- Insufficient information.
- Ability to implement permission.
- Amendments do not address neighbour concerns.

Three (3) letters of representation have been received from **'Atelier' The Droveway, 10 The Drive and 46 Hove Park Road,** in support of the application for the following reasons:

- Improve appearance of old house.
- Will blend in with neighbouring homes.

Councillor Brown and Councillor Bennett object to the application and have requested that it be determined by the Planning Committee (copy of letters attached).

Internal:

Council Arboriculturalist: No objection.

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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU4 Surface water run-off and flood risk
SU13 Minimisation and re-use of construction industry waste
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions
SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD08 Sustainable Building Design

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the development and impact on the character of the host property and visual amenity together with the impact on neighbour amenity.

Planning Policy:

Policy QD14 of the Local Plan states that planning permission for extensions 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.

In considering whether to grant planning permission for extensions to residential properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will 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.

Design:
Whilst there is no planning history relevant to the application site, it is important to identify that within the context of the site there is a precedent for the style and scale of development being proposed.

Application BH2004/02895/FP was granted on 3 November 2004 and approved the demolition of 1 Kelly Road, which was a smaller dwelling with part single and part two storey flat roof rear extensions at the time, and replacement with a new, larger dwellinghouse in a modern Georgian style.

The current application is a similar proposal, albeit not involving the complete demolition of 3 Kelly Road as existing. The proposal seeks to square the footprint with a two storey rear extension going no farther into the rear garden than existing single storey extensions (5.67m excluding the conservatory which would be demolished), and replacing the existing garage and car port at the side of the house with a two storey extension which lines up with the façade of the dwelling. The side extension would be set off the joint boundary with 1 Kelly Road by 100mm at ground floor level and by 1m at first floor level. The resultant footprint and plot coverage of the dwelling as extended would be similar to that of 1 Kelly Road.

In addition the Georgian styling and roof design is similar to the style of 1 Kelly Road. Notwithstanding the roof height would be increased by 700mm over existing, the height of the property as extended would be 8.5m above ground level, which is the same height above ground level of 1 Kelly Road adjacent, which from the approved plans measures up to 8.7m in height. Due to the natural topography the application site is on higher ground level than 1 Kelly Road so the development would appear slightly higher, but the actual heights of each building would be similar.

SPGBH1: Roof alterations and extensions states that altering a roof's basic form or ridge height is not usually appropriate but this primarily applies to uniform terraces and groups of buildings and hence in the location of the application site is considered acceptable because it is a detached house and existing development takes on a variety of forms and designs.

A roof lantern is proposed on the flat roof area on top of the proposed main roof, but this would not be readily visible when viewed from the street.

For these reasons the scale, height and design of the proposal is not considered to be out of keeping or discordant with the character of existing development and is acceptable in this location.

QD14 of the Local Plan requires development to take into account the layout

and spaces between buildings and neighbours have expressed concern over the close proximity of the proposed side extension with the joint boundary with 1 Kelly Road.

There is an existing single storey garage and car port on the side of the property and these are built up to the boundary with 1 Kelly Road. The proposed side addition would extend the full depth of the property but would be set 100mm from the joint boundary at ground level and set back 1m from the joint boundary at first floor level. The neighbouring house 1 Kelly Road is also set back 1m from the joint boundary and as such, at first floor level there would be a gap of 2m between the two properties and this is considered sufficient to preclude a terracing effect and there are examples of existing houses in the immediate locality which are a similar distance apart.

The front elevation of the proposed development is considered to be well composed and would feature a projecting porch enclosure and a gable feature with a tall arch topped window detail. Amendments have been made to the design to improve the front elevation, including sandstone quoins detailing and an arch detail over a narrowed entrance archway.

In respect of the front rooflights, SPGBH1: Roof alterations and extensions, states that rooflights should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below. They should not dominate a roof. Neighbour objections have been received on the basis of the front rooflights and the applicant has deleted both of the front rooflights and substituted two rooflights on the northern side roof slope on either side of, and set back from, the chimney stack to be retained. This amendment is considered to meet the guidance set out in SPGBH1.

The number of rooflights proposed on the southern side roof slope has also been amended and reduced so there would be three small rooflights and this is considered appropriate and would not dominate the roof slope to the detriment of visual amenity.

The proposed external finishes include white painted render walls and grey slate type roof tiles. These finishes are used to varying degrees on existing development in the locality, and though different from the facing brick walls of 1 Kelly Road, the proposal is in keeping with the variety of finishes and details of existing houses.

The northern flank elevation of the property is visible from across the adjacent playing fields and on this elevation an existing chimney stack would be retained and two windows inserted at first floor level to add further visual interest. This is considered appropriate.

In summary, the proposal is considered to have taken into account local characteristics, such as the height, scale and detailing of existing development, and is appropriately designed and detailed in relation to the property to be extended and its surroundings. The proposed development is of a satisfactory standard of design and would not be discordant or

incongruous with the locality and as such would not be detrimental to visual amenity.

Impact on Amenity:
The proposed front extension would advance closer to the front boundary of the site by 1m, but only at ground floor level. As a street facing elevation, this is not considered to compromise the privacy of neighbouring occupiers in properties opposite. The northern side of the application site is adjacent to playing fields and at the rear a back garden measuring 27.5m in length would remain. As such the extensions would not cause overshadowing or overlooking in these directions.

The property most likely to be affected in terms of residential amenity is the neighbouring house, 1 Kelly Road. The neighbour has raised objections based on loss of light, outlook and loss of privacy.

On the ground floor of the flank elevation to 1 Kelly Road there are three openings: to a utility room and side windows to a through kitchen and dining room, which has its primary windows on the rear elevation of the house along with French doors. The three side openings are situated opposite the existing garage and car port of the application site, which are built up to the joint boundary. The ground floor element of the proposed extension would be set 100mm further back from the joint boundary.

The first floor of the proposed side extension would be set back 1m from the joint boundary, and as 1 Kelly Road is also set back 1m, the gap between the properties at first floor level would be 2m. Again there are three windows at first floor level on the flank wall of 1 Kelly Road and these are north facing and all obscure glazed and, in accordance with the approved plans of 2004, serve a bathroom or form secondary bedroom windows. As such these windows are neither to habitable rooms nor form the primary light sources for the bedrooms, the main windows being on the front/rear elevations of the house.

As well as the gap between the properties at first floor level being 2m, the eaves heights would be similar though reflecting the higher ground level of the application site, and above eaves the hip of the roof would pitch away from the neighbouring property and this would minimise the impact of the bulk of the extension and allow light to reach the flank windows of the neighbouring property.

For these reasons it is not considered the proposal would have an overbearing impact or a significant adverse effect on neighbour amenity.

In terms of privacy, the proposal has high level windows to a bedroom and a bathroom window on the south facing flank elevation and these would be 1.7m above floor level and obscure glazed and non opening below a height of 1.7m above floor level respectively. Conditions are recommended to secure this. This is sufficient to prevent overlooking of the neighbouring property. There are also rooflights proposed, both in the roof of the ground floor portion of the side extension, and also over the first floor bedroom and over the

bathroom proposed in the loft space. These would all be sufficiently high up above internal floor level to prevent overlooking of the neighbouring property.

For these reasons it is not considered that the proposed would result in loss of privacy for neighbouring residents.

Sustainable Transport:
The application would result in the loss of the existing garage and car port, but a new garage is incorporated into the plans and would provide parking for a single car. There is some degree of on-street parking in Kelly Road and the street is approximately 9m wide which is sufficient to turn a vehicle around. It is not considered that the concerns of neighbours in respect of parking and manoeuvring could be successfully upheld as a reason for refusal of the application. The proposal is not contrary to Local Plan policy in respect of highway safety and parking provision including policies TR1, TR7 and TR19 of the Local Plan.

Sustainability:
Proposals for householder extensions are not required to meet minimum levels of sustainability in accordance with adopted policy, including SPD08: Sustainable Building Design.

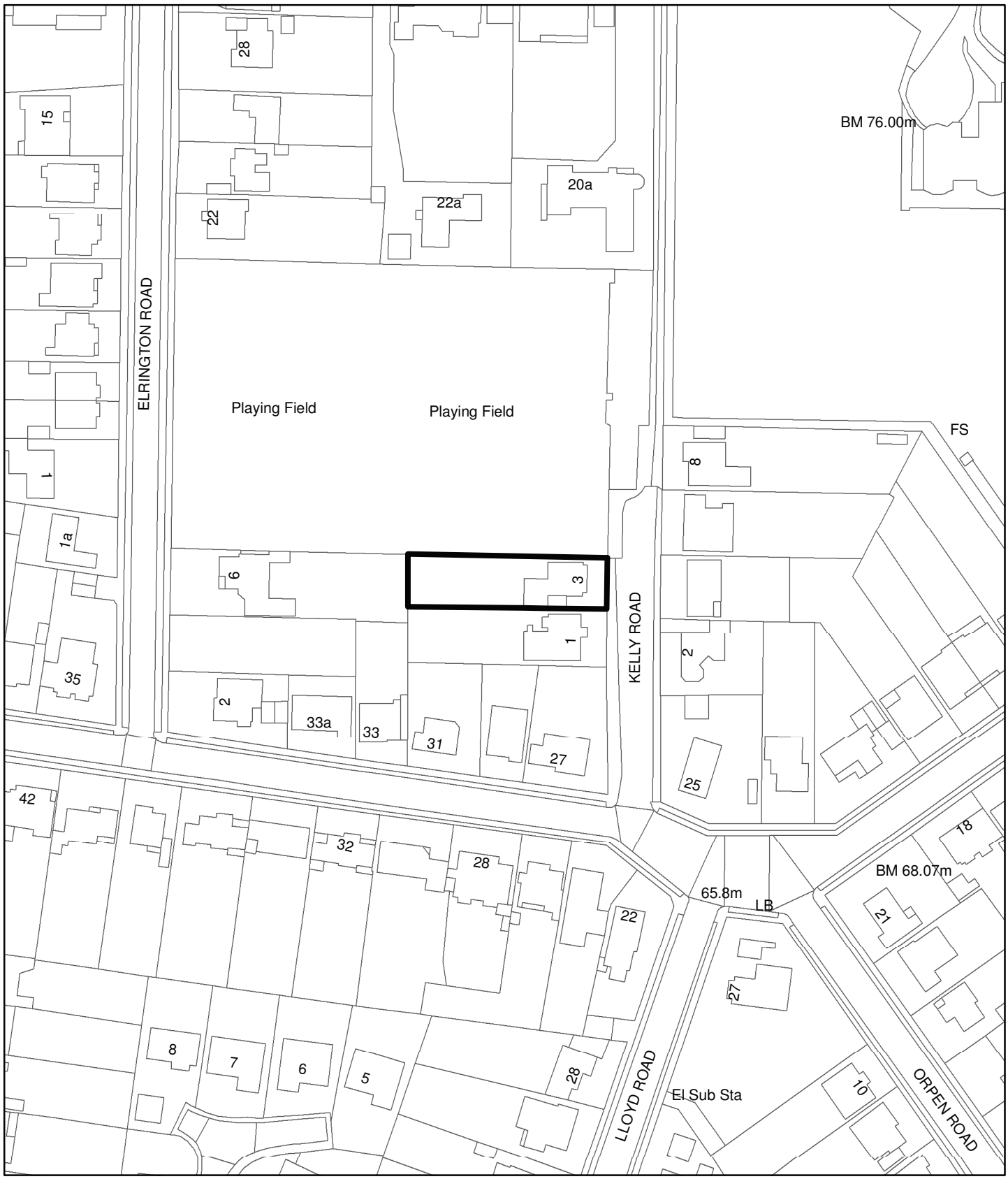
9 CONCLUSION

The scale, design, form and detailing of the proposal is considered appropriate to the site and in relation to the street context and would bear similarities with existing development such that the resulting dwelling would appear neither incongruous nor detrimental to visual amenity. The design has taken steps to ensure satisfactory separation from the adjoining property and the design and position of windows and other openings is such that the development would not have a significant adverse effect on residential amenity.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03950 3 Kelly Road, Hove.



Brighton & Hove City Council

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Brighton & Hove City Council

COUNCILLOR REPRESENTATION

From: Vanessa Brown
Sent: 03 February 2012 12:44
To: Christopher Wright
Subject:

Dear Mr Wright

Re: BH2011/03950 3 Kelly Road Hove BN3 6LD

As Councillors for Hove Park Ward we are writing to object to the above planning application.

The two storey side extension would be only 10 cm away from the boundary with No. 1 Kelly Road. This would make it impossible to build without encroaching into the garden and narrow sideway of No.1. This narrow sideway houses all the drainage and gas pipes for No.1 so they are very likely to be damaged if there was any attempt to lay foundations right on the boundary.

The proposed garage would be 1.6m higher than the existing garage and the proposed first floor and roof extension, although very slightly set back from the garage, will be very close to the side wall of No.1. This will result in a very substantial loss of daylight and sunlight to the ground floor and 1st floor windows in the side elevation of No.1.

The proposal is to increase the footprint of the existing house by 45%. This is going to then be overly dominant and bulky and create a serious sense of enclosure to No.1 Kelly Road.

If this application should be recommended for consent we would request that it goes before the planning committee with a site visit so that members can see how close this proposed two storey extension is to No.1 Kelly Road.

Yours sincerely

Vanessa Brown Jayne Bennett

Cllr Vanessa Brown
Conservative Member for Hove Park Ward