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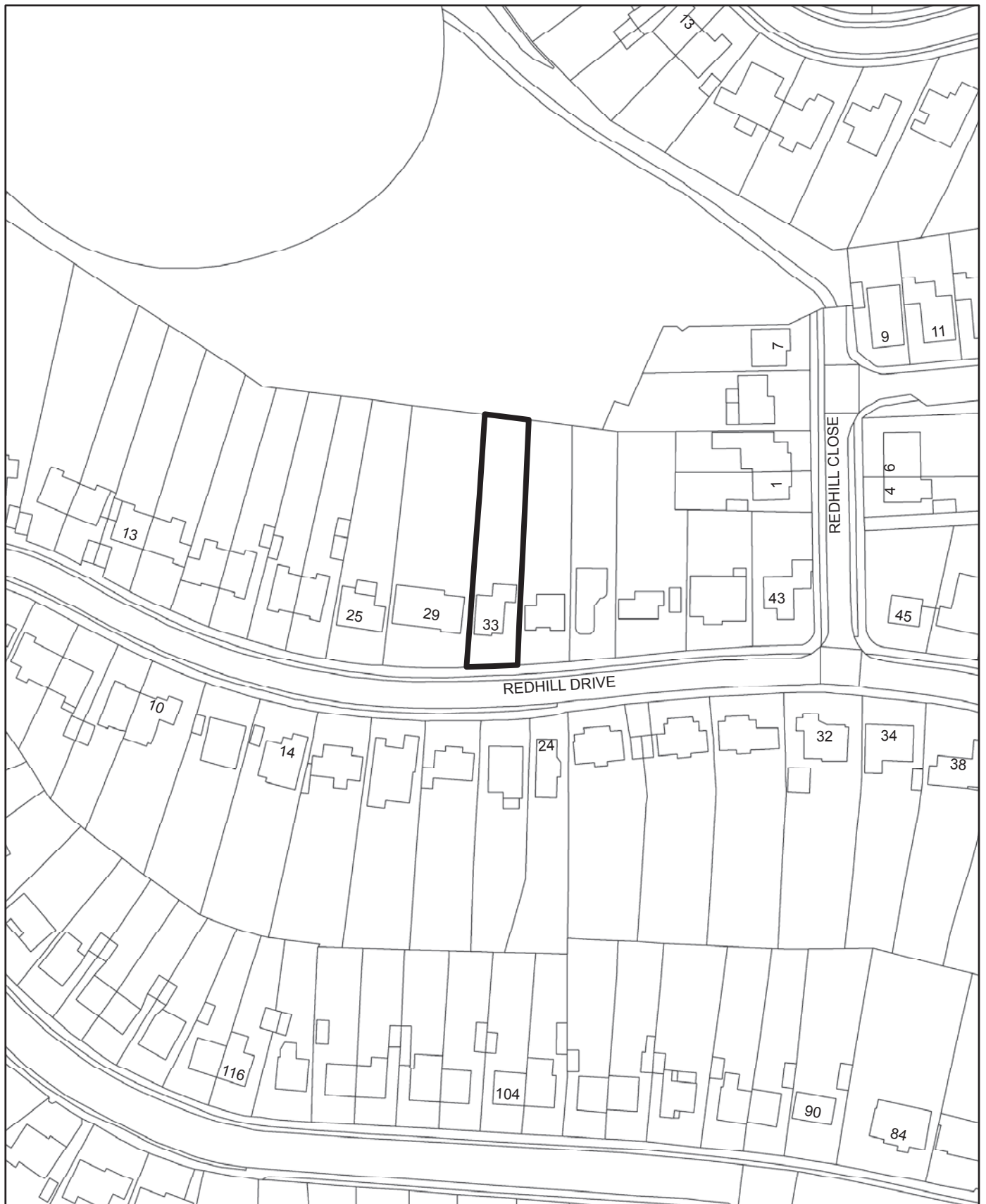
33 Redhill Drive, Brighton

BH2013/02475

Householder planning consent

30 OCTOBER 2013

BH2013/02475 33 Redhill Drive, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02475	<u>Ward:</u>	WITHEDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	33 Redhill Drive Brighton		
<u>Proposal:</u>	Erection of two storey rear extension.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	24/07/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mohsin Cooper Ltd, Hove Manor Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Paul Dunk, 33 Redhill Drive Brighton BN1 5FH		

This application was deferred at the 18 September meeting for members to conduct a site visit.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached house located on the north side of Redhill Drive, Brighton. The site sits above street level on steeply sloping land with a large rear garden rising to the north. The property has an attached garage and workshop to the east side which has been converted into a utility room and an annex comprising three bedrooms, a bathroom, and a kitchenette.
- 2.2 The surrounding street scene is characterised by a variety of large detached and semi-detached houses, with those on the north side set above street level, and those to the south set below street level.

3 RELEVANT HISTORY

- BH2013/01578-** Erection of part one part two storey rear extension incorporating roof extension over (part retrospective). Withdrawn
- BH2007/01996-** Two storey side extension following demolition of existing garage (re-submission of BH2007/00800). Approved 17/07/2007.

BH2007/00800- A two storey side extension following demolition of existing garage. Refused 20/04/2007.

71/1825- Extension of existing garage to provide additional garaging and home workshop. Approved 10/08/1971.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a part-single, part-two storey rear extension to enlarge the ground floor living space and add two further bedrooms at first floor level. Work has commenced on the foundations to the extension.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from **14, 17, 18, 20, 24 & 29 Redhill Drive; 68 Tongdean Lane; and 120 Valley Drive** objecting to the application for the following reasons:

- The garage has already been modified to incorporate three bedrooms
- The extension would be offline from the neighbouring property
- The development is not in keeping and out of proportion with other properties in the area with 8 bedrooms
- Overdevelopment of the site
- An eight bedroom property would be out of scale with the area with the potential for eleven occupants
- The owner has the intention of letting the house out as an HMO in effect making it a block of flats on a suburban residential street characterised by semi and detached family houses
- Overshadowing, loss of light and overbearing impact on neighbours
- The proposal fails to meet the 45 degree rule
- The addition of an extra large window to the top floor would cause overlooking and loss of privacy with a total of seven windows overlooking No.29 Redhill Drive
- Increased parking requirements to serve the enlarged 8 bedroom house
- Increased waste storage requirements would be detrimental to the streetscape
- Works have begun with loud construction works at the evenings, weekends and bank holidays

- 5.2 **Councillors Ann and Ken Norman** have objected to the proposed development. Their letter is attached to this report.

Internal:

- 5.3 **Sustainable Transport:** No objection

6 MATERIAL CONSIDERATIONS

- 6.1 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.”

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Document:

SPD12	Design guide for extensions and alterations
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to noise disturbance from construction works are not a material planning consideration. The main considerations in the determination of this

application relate to the impact of the proposed extension on the appearance of the building, the wider street scene, and the amenities of adjacent occupiers.

- 8.2 It is clear from the site visit that the house is in C4 use (small house in multiple occupation), as the number of non-related persons in the dwelling sits between 3 and 6. Under the 2010 Use Classes Order amendments planning permission is not required to convert a C3 dwelling house to a C4 small House in Multiple Occupation, or vice versa. Consequently, based on the information to hand, the use of the site as a C4 small House in Multiple Occupation is considered lawful.

Design and Appearance:

- 8.3 The site as existing forms a detached two-storey hip roofed house. An attached pitch roofed garage sits to the east side, with a converted workshop to the rear. The garage has been converted into a utility room with the workshop behind forming an annex comprising three bedrooms, a bathroom, and a small kitchenette. The annex has its own side entrance door and links internally with the main kitchen to the house, sharing some kitchen facilities. It is understood that the annex is occupied by student lodgers; this was confirmed at the site visit. The main front entrance hall/study to the front of the house currently also forms a bedroom, with the main access into the house via a side door to the utility room. It is unclear whether the hall/study room is occupied by a member of the family or by a lodger. At the time of the site visit the foundations to the extension had been laid, although it appeared that works had ceased.
- 8.4 The application seeks to add a two storey extension to the rear of the building, extending the full width and height of the main part of the house. The ground floor section would project 5.2m to the rear and house an enlarged kitchen/diner. The first floor section would project 4.1m to the rear, housing two additional bedrooms.
- 8.5 It is considered that the proposed extension would not be sufficiently harmful to the appearance of the building or wider street scene to warrant the refusal of permission, and would be in general compliance with the design guidance set out in SPD12 'Design guide for extensions and alterations'.
- 8.6 The SPD states that two storey rear extensions should not project beyond the side walls of the building, should have a matching roof form, and materials and fenestration to match. The extension would follow the existing flank walls, eaves and ridge to the house and would have a hipped roof with materials and fenestration detailed to match, thereby ensuring a cohesive overall appearance. Although not a subordinate addition, it is not considered that extending to the rear flush with the side walls, eaves and ridge line of the existing building would be so harmful or obtrusive in the street scene to warrant the refusal of permission.
- 8.7 Objectors have highlighted that the extension would be offline with the other buildings in the street. It is noted that the rear building line to the street is largely consistent to the west of the site, however to the east it is more varied, with No.37 in particular sitting considerably rear of both No.35 Redhill Drive and the application site. Consequently it is not considered that a two storey addition to

the rear would be wholly out of character with the prevailing building line to the street and a refusal on this basis would be difficult to sustain.

- 8.8 For these reasons the proposal is considered to accord with policy QD14 of the Brighton & Hove Local Plan and the design guidance set out in SPD12 'Design guide for extensions and alterations'.
- 8.9 Objectors have raised concern that the combination of the proposed extension and the existing garage, kitchen, and workshop additions represents a piecemeal overdevelopment of the site. However, the proposed extension would serve to better integrate the existing garage and workshop wings to the main body of the house. For this reason it is not considered that the proposed extension would represent the further piecemeal development of this site.

Impact on Amenity:

- 8.10 Policy QD27 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, occupiers or where it is liable to be detrimental to human health.
- 8.11 The main concern is with regard the impact of the extension on the amenities of the adjacent occupiers at 29 & 35 Redhill Drive. There are no residential properties visible to the rear of the site, with the rear boundary set approximately 39m from the rear of the proposed extension. SPD12 states that two storey rear extensions should comply with the 45 degree rule to minimise amenity harm, and retain a minimum 7m distance to the rear of the site.
- 8.12 To the west, No.29 forms a substantial two storey house separated from the application site by a single storey garage, the rear part of which has been converted to additional living space. Excluding the garage and its ancillary accommodation there is a separation of approximately 7.5m between the main body of the two buildings. It is acknowledged that the proposed extension would add bulk beyond the rear elevation to No.29, however it would not break both the horizontal and vertical 45 degree lines when measured from the centre of the nearest habitable room window within No. 29. BRE guidance set out in '*Site Layout Planning for Daylight and Sunlight*' states that a significant loss of skylight is likely to occur if both the vertical and horizontal 45 degree lines from the centre of the nearest main window are exceeded. In this instance the first floor of the extension would sit at approximately 50 degrees from the centre of the rear window to the garage in the horizontal plane, and approximately 37 degrees in the vertical plane. The windows within the main part of No.29 are set further away from the site and would comply with both the horizontal and vertical 45 degree rule. As such it is not considered that the scale of the proposed extension would have a significantly harmful impact on daylight to No.29 Redhill Drive
- 8.13 It is noted that the main external garden space to No.29 Redhill Drive is located to the western half of the plot, away from the application site, with the remaining garden sitting at considerably higher level to the rear. Consequently it is not

considered that the scale and massing of the proposed extension would be so harmful to the amenities of No.29 as to warrant the refusal of permission.

- 8.13 It is noted that an existing obscure glazed first floor side facing secondary window is to be enlarged to form the main window to a bedroom. This window would be largely obscured from views into the garden to No.29 by existing vegetation within No.29. However, this vegetation is not substantial and there would be potential harmful views from any clear glazing to this enlarged window. To avoid any potential overlooking harm a condition is attached requiring the enlarged window to be obscurely glazed.
- 8.14 To the east, the applicants converted garage would sit between the proposed extension and the boundary with No.35, creating a separation of approximately 4.67m between the two buildings. No.35 also has a single storey extension to the rear. The separation between the properties is such that the extension would be set well within the 45 degree lines from the nearest ground and first floor windows, and would not otherwise harm outlook or light. It is noted that the existing first floor side windows are to remain, however they would still serve a stairwell and bedroom as existing. Consequently there would be no greater overlooking potential than currently exists between the properties.
- 8.15 For these reasons the proposed extension would not significantly harm the amenities of adjoining occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan and SPD12 guidance.

Other Matters

- 8.16 Objectors have raised concern at the number of bedrooms proposed for the dwelling and its impact on parking levels in the street. Concern has also been raised that it is the applicant's intention to operate the property as an HMO in the future. The application proposes extensions to a dwelling that is currently occupied as a family home with ancillary accommodation to the rear to form a C4 small House in Multiple Occupation. There is no indication that the extension is proposed to accommodate additional lodgers, however it should be noted that in the event 7 or more non-related persons reside at the dwelling then a material change of use of the site would have occurred requiring planning permission. On the merits of the current submission there is no indication that such a use would occur. The property has a large hardstanding to the front whilst there are no on-street parking controls. As such it is not considered that the expansion of the property would result in significant parking and highway safety concerns such that the refusal of permission would be warranted.

9 CONCLUSION

- 9.1 Subject to conditions, the proposed extension would complement the appearance of the existing building without harming the appearance of the street scene or the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory 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
Site plan, proposed block plan and existing plans and elevations	0131-SO1	A	18/07/2013
Proposed plans and elevations	0131-PO1	A	18/07/2013

- 2) The 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 QD1 and QD14 of the Brighton & Hove Local Plan.

- 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 windows other than those expressly authorised by this permission shall be constructed in the eastern or western elevations of the extension hereby approved 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) The west facing window serving bedroom 2 in the west elevation of the development hereby permitted, as detailed on drawing no. 0131-PO1 rev A received on 18 July 2013 shall be obscure glazed 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.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

PLANNING COMMITTEE LIST – 30th OCTOBER, 2013

2. 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 Development 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:-
Subject to conditions, the proposed extension would complement the appearance of the existing building without harming the appearance of the street scene or the amenities of adjacent occupiers, in accordance with development plan policies.

Adrian Smith.
Environmental Services.
Brighton and Hove City Council.
Norton Road.
HOVE BN3 3BQ
cc. Ross Keatley

Date: August 15th 2013

Dear Mr. Smith,

Application number: BH2013/02475
Address: 33, Redhill Drive, Brighton
Description: Erection of two storey rear extension incorporating extension over.
Application type: Full Planning
Extension: Residential

We are writing as Withdean Ward Councillors to oppose the application detailed above, the principle reasons for opposition are listed below.

Number 33 Redhill Drive has previously been the subject of various extensions including an extension for a kitchen, modernising a garage and adjoining accommodation into bedrooms and a utility room has been added to the side of the house. Most recently in May 2013, application BH2013/01578 was submitted for erection of part one part two storey rear extension incorporating roof extension over and this was subsequently withdrawn by the applicant.

In considering the application as detailed above, the development would substantially increase the scale, prominence, footprint and visual impact of the dwelling and would appear dominant and out of keeping with the surrounding residential area.

The proposed extension as described in application BH2013/02475 would be overbearing and a severe reduction to the amenity of the nearest neighbours living in 29 Redhill Drive which we consider to be contrary to QD1, QD2 and QD14 of the Brighton and Hove Local Plan

Should it be decided that this application be approved by powers delegated to officers, we request that the application be referred to the Planning Committee, and ask that this letter be included in full in the Agenda for the appropriate meeting of the Committee and our reasons for objection be noted.

Yours sincerely,



Councillor Ann Norman



Councillor Ken Norman

