

ITEM F

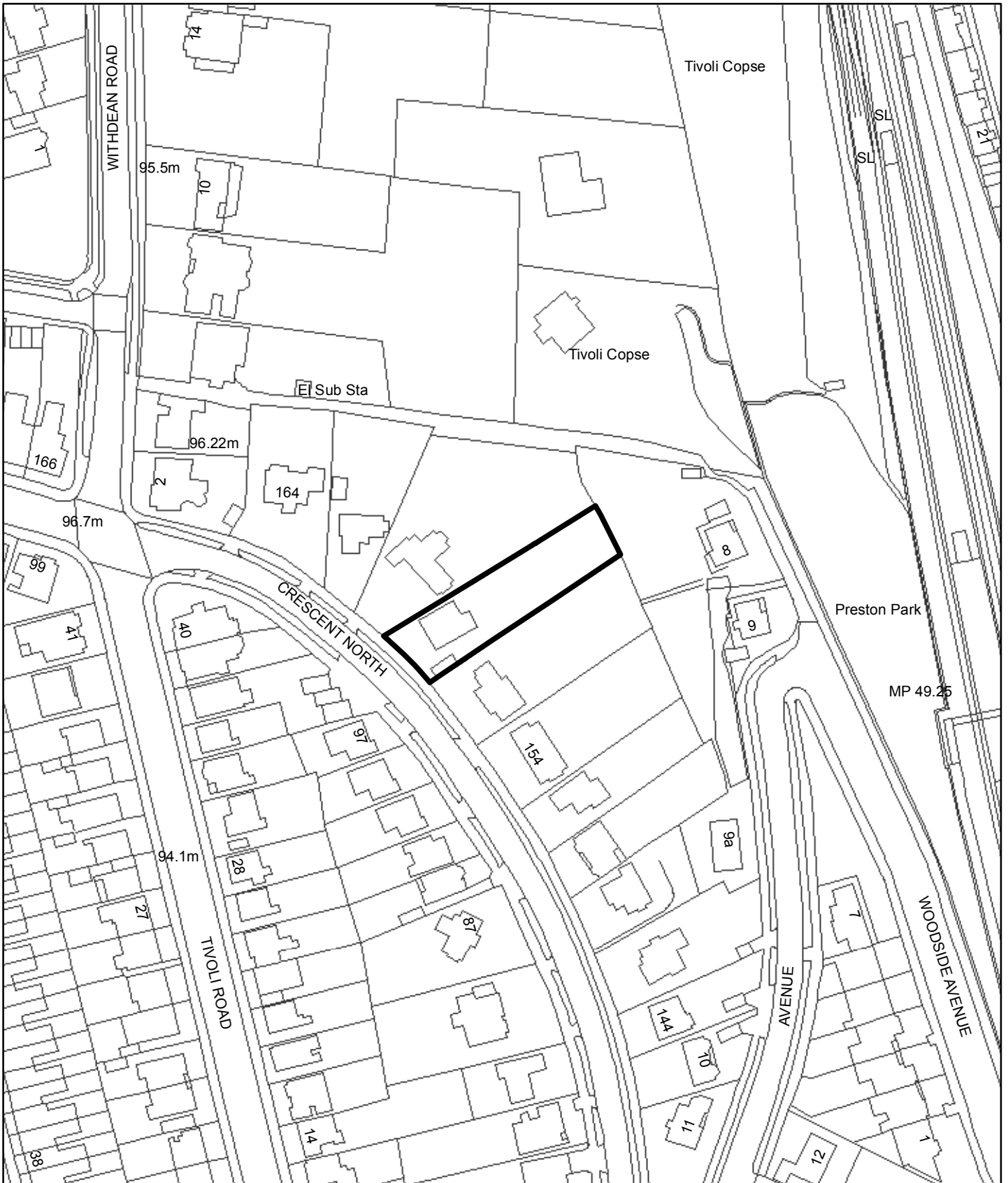
158 Tivoli Crescent North, Brighton

BH2013/01128

Householder planning consent

02 APRIL 2014

BH2013/01128 158 Tivoli Crescent North, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

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|--------------------------------------|--|----------------------------|------------------|
| <u>No:</u> | BH2013/04029 | <u>Ward:</u> | WITHDEAN |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 158 Tivoli Crescent North Brighton | | |
| <u>Proposal:</u> | Erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to rear elevation with associated alterations. Addition of windows and rooflights to side elevations (Part-Retrospective). | | |
| <u>Officer:</u> | Liz Arnold Tel 291709 | <u>Valid Date:</u> | 11 December 2013 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 05 February 2014 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Delavals Design, Heron House, Laughton Road, Ringmer, East Sussex BN8 5UT | | |
| <u>Applicant:</u> | Mr & Mrs Sadeghi, C/O Delavals Design, Heron House, Laughton Road, Ringmer BN8 5UT | | |

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 two storey detached house located on the east side of Tivoli Crescent North, Brighton. The property sits on steeply sloping land that falls way from street level through the rear garden. A detached garage sits to the south side of the building. The wider street is formed of a mix of detached properties.

3 RELEVANT HISTORY

- BH2013/01128** - Erection of rear extensions to the ground and first floor and loft conversion incorporating rooflights. Approved 20/06/2013.
- BH2009/01441**- Erection of two storey side and rear extension with raised decking and access to storage beneath. Approved 04/09/2009.
- BH2007/00012**- Two-storey side extension, extension on rear roof space at ground & first floor level & rear raised terrace. Approved 21/02/2007.
- BH2006/00694**- Two storey side extension and extension on rear roof to form accommodation within additional roof space at lower ground floor, ground floor and first floor levels. Approved 21/04/2006.
- BH2005/05649**- Two storey side extension and extension on rear roof to form accommodation within additional roof space at lower ground floor, ground floor and first floor levels. Withdrawn.

4 THE APPLICATION

Part-retrospective planning permission is sought for the erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to the rear elevation, the addition of windows and rooflights to side elevations and other associated alterations.

5 PUBLICITY & CONSULTATIONS

External

Neighbours: Six (6) letters of representation have been received from **97, 154, 156, 157, 160 (x3), 162 Tivoli Crescent North**, objecting to the application for the following reasons:

- Loss of privacy and overlooking;
- The intention all along has been to create a balcony at first floor level, the plans indicate that the rear window is to be increased in width, no doubt French doors will be installed;
- The plans are inaccurate and incomplete;
- The garden has been comprehensively landscaped with terracing and retaining walls to create a new patio/garden area at level access from the extension;
- The conifer trees on the boundary line between the site and neighbours should be subject to a Tree Preservation Order, as the possible loss in the future, which have already halved in height will further accentuate loss of privacy concerns,
- Object to the number and type of windows added to the property, which are not cohesive and in keeping. There are leaded lights at the front of the property, wooden doors to the side without leaded lights, a Juliet balcony to the rear and now double storey modern windows to the rear with dark frames where all the others are white;
- The roof lines are a mixture of flat, pitched and pseudo pitch. There has been little consideration to the cohesive nature of the extensions;
- Does not comply with policies and SPD12;
- It is important to ensure the compatibility of extensions in the area and privacy of the adjoining properties;
- The parking space has been reduced which is disappointing particularly given the parking problems in the area;
- The design is poor. The flat roof with a pitch around it is out in keeping with the surrounding roof structures and as a result the side wall of the extension adjoining no 160 is 9 courses of bricks higher than originally approved, this gives a terracing effect between the two properties as the extension is just 1m from the boundary with an overhang even closer;
- The flat roof inside the pitched surround is extremely unsightly when viewed from the upper floor of the neighbouring property;
- Although the applicant claims that the roof could not be built as approved it is not the case;
- The bulk and volume of the proposed extensions is far greater than the previously approved extensions.

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) is a material consideration.
- 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:

| | |
|------|----------------------------|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |

Supplementary Planning Documents:

| | |
|-------|---|
| SPD12 | Design Guide for Extensions and Alterations |
|-------|---|

Brighton & Hove City Plan Part One (submission document)

| | |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
|-----|--|

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Under application BH2013/01128 approval was granted for a hipped roof extension to the northern side of the rear elevation incorporating a half-basement level with steps leading down to the rear garden area. A hipped roof

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extension was also approved on the southern side of the rear elevation above the existing rear projecting section of the dwelling.

8.2 It is stated that the previously approved drawings were not accurate and as a result the development under construction is not in accordance with the approved plans.

8.3 The main difference between the previously approved application and that now proposed are as follows,

- An increase in height of the southern hipped roof extension,
- The provision of a Juliet balcony on the southern side of the rear elevation,
- The installation of vertical tiles to the southern elevation at first floor,
- Alterations to fenestration,
- The provision of a false pitched roof over the northern side rear extension to replace the formally approved hipped roof,
- The insertion of a window within the northern elevation at roof level,
- Alterations to rooflights including the omission of a rear facing rooflight within the new hipped roof on the southern side.

8.4 The main considerations in the determination of this application relate to the impact of the proposed extensions on the appearance of the building and the amenities of adjacent occupiers.

Planning Policy:

8.5 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.

8.6 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.

8.7 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:

- 8.8 As set out above the development has commenced and therefore the application is part-retrospective. Prior to the commencement of the development the building formed a two storey detached house set down from street level. The house has a distinctive character with a front hipped roof, and a large side dormer within a catslide roof. The land to the rear of the site falls away sharply such that the majority of the garden level is considerably lower than lowest ground floor level of the dwelling. The rear elevation of the building is of mixed appearance, and formerly comprised a 3.1m deep flat roof ground floor addition to the south side and a 1.2m deep two storey projection to the north side. A detached garage sits to the south side. It is noted that planning permission has previously been granted for large side and rear extensions to the building (see section 3 above).
- 8.9 Since submission of the application the plans have been amended to accurately reflect the development under construction at the site.
- 8.10 The main difference between the previously approved northern two storey extension and that constructed is the roof form and the fenestration within the side facing elevations. The previously approved hipped roof has been replaced on site with a dummy pitched roof. The overall height of the two storey extension has increased by approximately 0.5m. As part of the new proposal the existing first floor casement windows within the rear elevation on the northern side have been replaced with new casement windows. It is noted that the pitched roof of the constructed roof form would obscure the lower part of the new window by approximately 0.4m however this relationship would only be apparent from areas to the north-east of the site.
- 8.11 The installed fenestration within the north-east elevation of the two storey extension comprises 8 large windows which extend from ground floor to lower ground floor providing a large expanse of glazing in this elevation. The previously proposed steps to provide access from this elevation to the garden area have been omitted.
- 8.12 On site the ridge of the roof of the first floor extension on the southern side of the rear elevation has been constructed at a higher level, resulting in steeper pitches to the hipped roof. The constructed ridge is located approximately 0.2m below the ridge of the main roof of the dwelling. It is noted that the ridge of the first floor rear extension is higher than that of the existing front hipped roof form, however, this relationship is not highly apparent from within the surrounding area due to the topography of the site and the surrounding urban form.
- 8.13 New vertical tiles will be installed to the upper part of the southern elevation, which will connect with the tiled first floor extension. Within the rear elevation of the first floor rear extension on the southern side of the dwelling the installed windows differ in design and style to those previously approved. Three casement windows are located just below the eaves of the constructed hipped roof.
- 8.14 A new window is to be inserted in the original north facing elevation of the dwelling. This new window would relate to the roofspace of the dwelling and would be located in alignment with the apex of the main roof of the dwelling.

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The design and style of this window would be similar to other existing windows within the dwelling. The previously approved window in the gable located on the southern side of the dwelling would be altered to match the design and style of the proposed new north facing window.

- 8.15 A pair of inward opening glazed doors have been inserted in the ground floor rear elevation on the northern side to replace the previously retained casement windows. A glazed balustrade is proposed in association with these glazed doors to provide a Juliet style balcony.
- 8.16 A rooflight is no longer proposed within the eastern facing roofslope of the first floor rear extension. The approved rooflights proposed within the northern and southern roofslopes of the existing front hipped roof form are to be altered in size and re-positioned.
- 8.17 The principle of the construction of a two storey extension on the northern side of the rear elevation and the creation of a first floor extension on the southern side has been established under the approval of application BH2013/01128. Overall it is not considered that the amendments to the previously approved scheme have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area.

Impact on Amenity:

- 8.18 The main impacts of the development would be upon nos. 156 & 160 Tivoli Crescent North to the south and north respectively. To the north, 160 Tivoli Crescent North sits on higher ground level and has large two storey rear extensions that project approximately 10m beyond the rear of 158 Tivoli Crescent North. The extensions as constructed sit on lower ground and it is considered that they do not result in increased enclosure or overlooking of this property.
- 8.19 Concerns regarding the use of the flat roof of the two storey extension raised by neighbouring properties are noted. Since submission of the application a plan has been submitted in which the relationship of the related first floor window cill and the flat roof form are shown to demonstrate that the height of the new windows would not provide easy access onto to the flat roof. However in order to protect the amenities of the neighbouring properties it is recommended that a condition is attached to the approval prohibiting the use of the flat roof as a raised amenity area.
- 8.20 To the south, No.156 sits on lower ground at a separation of approximately 15m from the nearest extension proposed. Given this separation, and the presence of substantial boundary trees, it is not considered that significant oppression or loss of light to No.156 would occur.
- 8.21 The new fenestration within the eastern elevations of the extension would not have a significant adverse impact upon the amenities of the neighbouring properties.

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- 8.22 The new Juliet Balcony would provide direct views over the rear garden area of the parent property. Despite objections from the southern neighbouring property it is not considered that views south from this feature would have a significant adverse impact upon the neighbouring amenities given the type of balcony proposed, the obscured side views it provides and the fact that a window of traditional proportions was proposed in this position, which would be no different to the Juliet balcony now proposed in terms of overlooking. It is noted that objectors raise concern with regards to the loss of such boundary treatment, however, such removal does not form part of the application.
- 8.23 It is not considered that the insertion of rooflights in different locations to that previously approved would have a significant adverse impact upon the amenities of the neighbouring properties given their nature and the angle views they would provide.
- 8.24 It is acknowledged that neighbours query the use of the roofspace of the dwelling given the insertion of side windows and rooflights, however it is not in the remit of the Local Planning Authority to restrict the internal use of such space. It is not considered that the insertion of an additional window within the north facing elevation of the dwelling would have a significant adverse impact upon the amenities of the northern neighbouring properties subject to this window being of obscured glazing and fixed shut to prevent views into the south facing first floor windows of no. 160 Tivoli Crescent North. This which can be ensured via the attachment of a condition.

9 CONCLUSION

- 9.1 In conclusion it is not considered that the amendments to the development approved under application BH2013/01128, have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area. Furthermore, subject to the compliance with the attached conditions, it is not considered that the development would have a significant adverse impact upon the amenities of the neighbouring properties.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

- 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 drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

| Plan Type | Reference | Version | Date Received |
|-----------|-----------|---------|---------------|
|-----------|-----------|---------|---------------|

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| | | | |
|--------------------------------|------------------|---|----------------------------------|
| Site Plan | 13.11.21.00 1 | - | 9 th December 2013 |
| Block Plan | 13.11.21.00 2 | - | 9 th December 2013 |
| Existing Floor Plans | 13.11.21.00 3 | - | 21 st January 2014 |
| Existing Elevations | 13.11.21.00 4 | - | 21 st January 2014 |
| Proposed Floor Plans | 13.11.21.00 5 | - | 21 st January 2014 |
| Proposed Elevations | 13.11.21.00 6 | - | 21 st January 2014 |
| Section Through Rear Extension | 13.11.21.12 | - | 20 th January 2014 |

- 3) 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.
- 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 windows shall be constructed in the southern and northern elevation of the first floor 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.
- 5) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.1 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.
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:

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

(ii) for the following reasons:-

The amendments to the development approved under application BH2013/01128 would not have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area. Furthermore, subject to the compliance with the attached conditions, it is not considered that the development would have a significant adverse impact upon the amenities of the neighbouring properties.