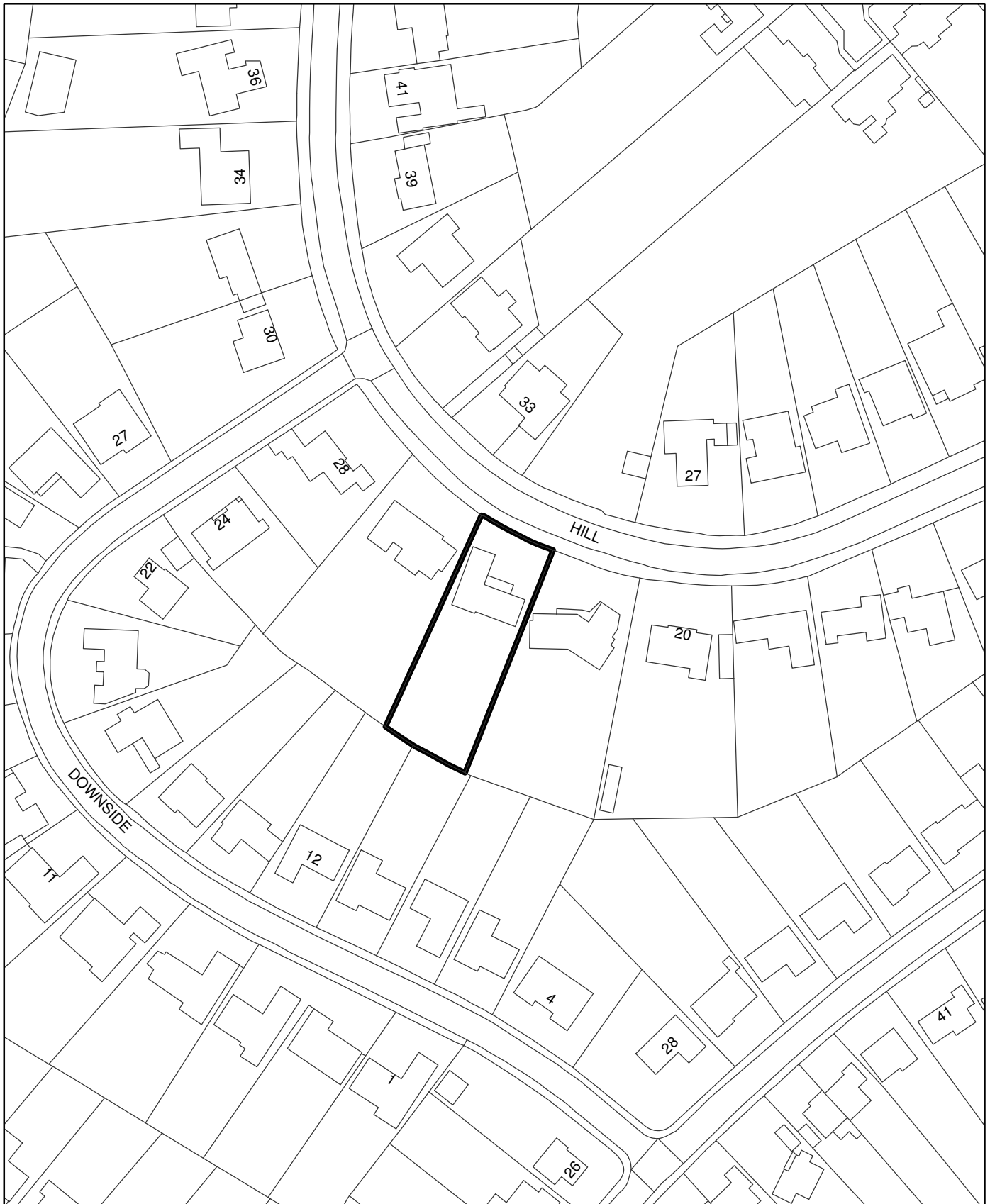


ITEM C

24 Hill Brow, Hove

BH2014/00599
Householder planning consent

25 JUNE 2014



**Brighton & Hove
City Council**

N



Scale: 1:1,250

PLANNING COMMITTEE LIST- 25 JUNE 2014

<u>No:</u>	BH2014/00599	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	24 Hill Brow Hove		
<u>Proposal:</u>	Erection of single storey rear extension, revised fenestration, increased ridge height, rear dormers, front and rear rooflights and associated works.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	19 March 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 May 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	C-Architecture, 67 Church Road, Hove BN3 2BD		
<u>Applicant:</u>	Mr Mark Walters, 24 Hill Brow, Hove BN3 6QF		

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 relates to a large two-storey detached house located on the south side of Hill Brow, Hove. The property sits below street level in a run of detached houses of various styles.

3 RELEVANT HISTORY

- BH2011/01805** – Ground and first floor extension to front of property including enlarged pitched roof and canopy porch. Approved 3 August 2011.
BH2009/01199 – Erection of a rear first floor extension with pitched roof. Approved 9 September 2009.
BH2007/00963 – Roof dormer to rear. Approved 2 May 2007.
BH2006/04308 – Roof dormer to rear. Refused 12 February 2007.
BH2004/03489/FP – Rear extension with balcony over. Approved 25 February 2005.
BH2004/02748/FP – Side extension to front porch. Approved 18 October 2004.
BH2004/02240/FP – Front boundary wall and new gates. Approved 13 September 2004.

4 THE APPLICATION

- 4.1 The application seeks planning permission for the proposed erection of a single storey rear extension, revised fenestration, increased ridge height, two rear dormers, rooflights and associated works, which include two air conditioning units to the northern flank elevation.
- 4.2 **Single storey rear extension:**

The proposed single storey rear extension would infill an existing void where the first floor overhangs the ground floor. This would create an enlarged space internally which would be used as a games room. This alteration would enable the existing first floor balcony, which extends the width of the property but narrows at one end, to be brought out to an equal depth its entire length.

4.3 Raised ridge height:

The proposal is to raise the ridge height by 750mm from 6.6m to 7.35m above ground level. The flat roof and parapet to the front elevation would be removed and the main pitched roof widened to come out over the top, and slope down to an eaves height to match the eaves height of the existing front projection, which also has a pitched roof.

4.4 The resulting roof would be 5cm below the ridge of 26 Hill Brow which is 7.4m above ground level, and 1.4m higher than the roof of 22 Hill Brow which is 6m above ground level.

4.5 Revised fenestration:

The proposed revised fenestration relates principally to the front elevation whereby the distinctive narrow, slotted windows on both the ground and first floors would be replaced with more common and larger styles of window arranged in pairs and as a three on the front projection, and lining up vertically.

4.6 Two rear dormers:

The proposal is to remove the large, single dormer from the rear roof slope and to construct two smaller dormers along with a single rooflight. The dormers would have flat roofs.

4.7 Rooflights:

Two rooflights are proposed on the newly built front roof slope. A single, small rooflight is proposed on the rear roof slope.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Four (4)** letters of representation have been received from **10 (x2), 12 (x2), 14 (x2) Downside; and 26 (x2) Hill Brow, objecting** to the application for the following reasons:-

- Overlooking from rear dormers and first floor balcony.
- Loss of privacy.
- Roof will be higher than neighbouring properties.
- Inaccurate plans not to scale.
- There have been 7 applications at this site since 2004.
- Noise and dust throughout the summer.
- Large and noisy air conditioning units.
- Amended plans appear to double the increase in ridge height.
- Querying the size and noise level from the air conditioning units.
- Querying whether the proposed fence would replace the current hedge.

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- 5.2 **Councillor Brown and Councillor Bennett** object to the application. Copy of letter attached.

Internal:

- 5.3 **Arboriculturalist:** No objection
Two ornamental trees/shrubs (Eleagnus) may be lost and one Japanese Maple (approximately 1m in height) will either be lost or transplanted.
- 5.4 These specimens are all of little arboricultural value and no objection is raised to their loss.
- 5.5 Two further trees will need to be pruned to facilitate development, one juvenile Cherry and one Bay tree/hedging plant. There is no objection to this.

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

SU10 Noise nuisance

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 The main considerations in the determination of this application relate to design and appearance and the impact on neighbour amenity.

8.2 Design and appearance:

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.

8.3 In considering whether to grant planning permission for extensions to residential and commercial 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.

8.4 Increased ridge height

SPD12 states that raising the ridge height or reshaping the roof structure is a significant change that will not be appropriate where the existing roof form is an important element of the building's character, contributes positively to the local street scene or where the extension would harm the amenities of adjacent properties.

8.5 SPD12 further states that additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the street scene including its topography.

8.6 The comments from neighbouring residents are noted. The amended plans submitted were to correct inaccuracies in the scale of the initial drawings to enable a direct comparison and measurement between existing and proposed elevations. The proposal itself was not revised or altered. The proposed

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increase in the height of the ridge has not been doubled compared to the initial proposal, only the elevation drawings have been corrected.

- 8.7 The proposed increase in the height of the ridge is considered acceptable. The height of the resulting dwelling would sit between the heights of both neighbouring properties and as such the development would not appear incongruous or inappropriately tall, and the development would respect the topography of the site.
- 8.8 The pitched roof form proposed is in keeping with the general form of existing houses in the local area and would not have an unusual or inappropriate appearance in the street scene.
- 8.9 In addition, the proposed pitched roof over the flat projection on the front elevation is considered acceptable and the replacement of the modern 'slotted' windows on the front façade with more traditionally proportioned window openings, would not be out of character or harmful to visual amenity.
- 8.10 Dormer windows and rooflights

SPD12 states that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. In some cases a flat roof may be considered preferable to a pitched roof in order to reduce the bulk of a dormer. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a "heavy" appearance and there should be no large areas of cladding either side of the window or below. As a rule of thumb a dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.
- 8.11 Dormer windows should normally align with the windows below. However, in certain cases it may be preferable for dormers to be positioned on the centre line of the building or the centre line of the space between the windows below.
- 8.12 Neighbour comments in respect of the proposed rear dormers have been noted. The comments relate predominantly to amenity issues as opposed to the design and appearance of the dormers.
- 8.13 The existing dormer is tall and over-sized and has a dominant appearance in relation to the rear roof slope. The two proposed dormers would be smaller in size and set well away from the ridge and eaves of the main roof to the dwelling. The dormers would line up with the centre line of the windows/balcony doors at first floor level and they would also be evenly spaced within the rear roof slope. The dormers would have minimal areas of cladding around the dormer window openings. The dormers proposed are considered to be compliant with SPD12.
- 8.14 Rooflights should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below, including aligning with windows where possible or centring on the spaces between them where appropriate. Irregular rooflight sizes and positioning should be avoided, and in particular will be resisted on street elevations.

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- 8.15 The application proposes two rooflights on the front roof slope. These would be of equal size and would be evenly spaced out within the roof slope. The rooflights would not dominate the roof slope. A small rooflight is also proposed on the rear roof slope. This is not considered likely to be harmful to the character or appearance of the recipient building.
- 8.16 Accordingly, the proposed roof alterations and extensions are considered acceptable and in accordance with the advice contained in SPD12.
- 8.17 Rear extension and balcony
The proposed single storey rear extension would infill an existing void beneath the first floor balcony and would result in a uniform rear building line to the dwelling. There is an existing masonry wall to the side of the void, and in essence the proposal is simply to move the rear wall farther back, so that it lines up with the rest of the rear elevation. This alteration would not be readily visible from neighbouring properties and is not considered likely to detract from the character or appearance of the dwelling.
- 8.18 Neighbour comments in respect of the first floor balcony have been noted. There is an existing first floor balcony to which neighbours raise amenity concerns. No significant concerns have been raised in respect of the design and appearance. The proposal is to square off the narrow end of the existing balcony which would result in an additional 5 square metres of balcony space. The existing balcony is some 26.5 square metres in area. This is considered acceptable and would not be harmful to the character or appearance of the dwelling.
- 8.19 **Neighbour amenity:**
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.
- 8.20 The letters received from neighbours have been taken into consideration. The main issues include overlooking from the existing first floor balcony at the rear, the existing and the proposed dormers, and potential noise from the air conditioning units.
- 8.21 Noise and dust during construction is normally temporary and is not a material consideration that would warrant refusal of planning permission. Environmental Health has powers under the Environmental Protection Act to control excessive noise and dust if such issues arise.
- 8.22 Consideration is also given as to the impact of the development on neighbours in respect of overshadowing or loss of light.
- 8.23 First floor balcony
Neighbours in Downside have objected partly on grounds of overlooking from the rear balcony at first floor level. The separation distance between the rear elevation of the application site and the rear elevations of the nearest properties

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in Downside (nos. 10 and 12) is approximately 60m. However, due to the sharply sloping hillside, the application site is on higher ground and this should be taken into consideration.

8.24 The first floor balcony already exists and the current application seeks to increase the depth of a short length of the balcony by approximately 1m. The proposal would square off the narrow end of the existing balcony which would result in an additional 5 square metres of balcony space. The existing balcony is some 26.5 square metres in area. The small enlargement of the balcony is not considered likely to materially affect the impact on neighbour amenity compared to the existing situation in terms of overlooking. In addition, the level of overlooking is not considered to be unacceptable because views are distant and the properties are well separated.

8.25 Proposed rear dormers

Neighbours have raised objections to the existing rear dormer, which is large, and which neighbours feel overlooks their properties resulting in a loss of privacy. The rear dormer was granted planning permission in 2007 (**ref. BH2007/00963**). The impact on neighbour amenity was taken into consideration and the application was approved.

8.26 Notwithstanding the proposed increase to the ridge height, the two proposed dormers would be smaller in size than the existing dormer. The middle dormer would serve a bathroom and would most likely be obscure glazed or have a blind to protect the applicant's privacy. Neither of the dormers would be to habitable rooms.

8.27 As no objection based on amenity impact was raised when the existing dormer was considered in 2007, and in view of the proposed dormers being smaller in size, it is considered difficult to justify a refusal of planning permission in this instance. The dormers would be in excess of 60m from the rear elevations of properties in Downside and the views from the dormers would be predominantly distant sea views rather than views into neighbour's homes.

8.28 Whilst neighbour comments have been taken into account, it is considered in view of the planning history at the site and in view of the small size of the dormers and their distance from neighbouring homes in Downside, that no significant adverse amenity impact would occur.

Air conditioning units

8.29 The applicant has not submitted details of the air conditioning units. These could generate noise that would disturb the amenity of neighbours. It is recommended a condition is imposed requiring details of the air conditioning units together with a regulatory condition to ensure sound levels at the nearest noise sensitive façade, 26 Hill Brow, are no more than 5dB below background noise levels.

Overshadowing and loss of light

8.30 There are no habitable room windows to either adjoining property that would be adversely affected by the proposal in terms of loss of light. The properties do not have flank windows and there is sufficient separation between the

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properties to mitigate against any otherwise overbearing impact. The pitched roof design of the alteration to the front projection would effectively reduce the eaves height, because the existing projection has a flat roof and parapet edge, which is taller.

9 CONCLUSION

- 9.1 The proposed development is considered to be appropriately designed and detailed in relation to the existing house and its surroundings, and would not be detrimental to visual amenity or the character and appearance of the locality.
- 9.2 The proposal is not considered likely to have a significant adverse impact on the residential amenity of neighbouring occupiers.
- 9.3 Accordingly approval is recommended.

10 EQUALITIES

- 10.1 Not applicable.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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

Plan Type	Reference	Version	Date Received
Existing Floor Plan, Location Plan and Site Plan	158-E001	B	7 May 2014
Existing Elevations	158 E002	B	7 May 2014
Proposed Plans and Perspectives	158-SK001	A	8 Apr 2014
Proposed Elevations	158-SK002	A	8 Apr 2014
Proposed and Existing Street Elevations	158-SK005	A	8 Apr 2014

- 3) No extension, enlargement, or alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission, shall be carried out without planning permission obtained from the Local Planning Authority.

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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.

- 4) 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.
- 5) Noise associated with the external air conditioning units incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties, particularly 26 Hill Brow, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details and retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 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.
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:-
The proposed development is considered to be appropriately designed and detailed in relation to the existing house and its surroundings, and

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would not be detrimental to visual amenity or the character and appearance of the locality.

The proposal is not considered likely to have a significant adverse impact on the residential amenity of neighbouring occupiers.

From: Vanessa Brown
Sent: 23 May 2014 11:16
To: Christopher Wright
Subject: BH2014 00599

Dear Mr Wright,

Ref: BH2014 00599. 24 Hill Brow

As ward councillors we are writing to object to the above application. By raising the roof and putting in two large dormer windows the residents of no's 10, 12 and 14 Downside will be very overlooked. No. 10 does have some trees to give protection during the summer months but no's 12 and 14 will be particularly affected.

There is already a very large balcony that overlooks them but these windows which are much higher will cause a greater loss of privacy.

If the recommendation should be to pass this application we would request that it goes before the planning committee for a decision.

Yours sincerely,

Cllr Jayne Bennett

Cllr Vanessa Brown