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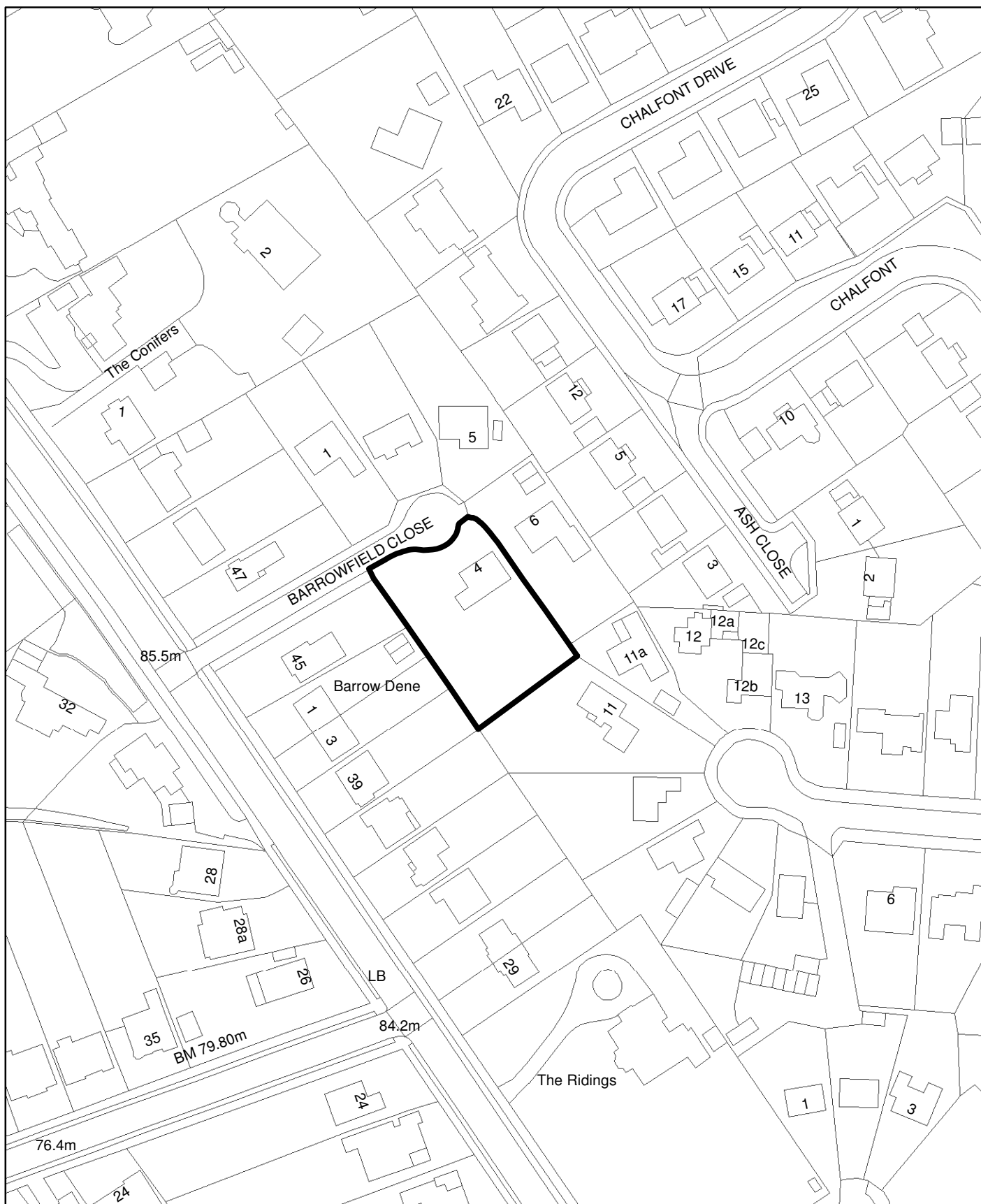
4 Barrowfield Close, Hove

BH2015/00688

Removal or variation of condition

13 MAY 2015

BH2015/00688 4 Barrowfield Close, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/00688	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	4 Barrowfield Close Hove		
<u>Proposal:</u>	Application for variation of condition 2 of application BH2014/03227 (Erection of 1no four bedroom detached dwelling (C3) to allow for the provision of an additional bedroom and the insertion of 4 no. rooflights.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	26 February 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 April 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr & Mrs J T Platt, 4 Barrowfield Close, Hove BN3 6TP		

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 plot of land currently providing garden area for an existing detached dwelling, which is located on the south-eastern side of Barrowfield Close, at the eastern end of the cul-de-sac, and is accessed from Tongdean Avenue. The plot related to no. 4 Barrowfield Close is of a larger width than the plots relating to the other properties within the Close. The existing dwelling is situated towards the north-eastern side of the double plot resulting in a strip of garden area to the south-western side of the dwelling in addition to a large rear garden.
- 2.2 The existing dwelling comprises two storeys, and roofslope accommodation, with a subordinate hipped roof side section and an integral garage.
- 2.3 The Close comprises a total of 5 dwellings all of a detached form but of various styles and designs. A common characteristic in the Close is of the properties being contained towards the front of the plot providing large rear gardens.
- 2.4 The topography of the area results in the neighbouring properties on Tongdean Avenue being sited lower than the site and no. 6 Barrowfield Close being set at a higher level. The southern section of the plot currently related to no. 4 is also set at a slightly lower level than the land upon which the existing house is sited.

- 2.5 The boundary with the Tongdean Conservation Area is located to the rear of the properties on the northern side of the close and to the north of no. 47 Tongdean Avenue.

3 RELEVANT HISTORY

BH2015/00707 - Certificate of lawfulness for proposed loft conversion incorporating roof extension, rear dormer and rooflights, erection of single storey rear extension, conversion of garage into habitable space and front porch extension. Concurrent Application.

BH2014/04342 - Application for Approval of Details Reserved by Conditions 9, 10, 11, 12 and 13 of application BH2014/03227. Approved 13/02/2015

BH2014/03227 - Erection of 1no four bedroom detached dwelling (C3). Approved 24/11/2014.

BH2014/02487 - Erection of 4 bedroom detached dwelling house. Refused 08/09/2014. Reasons for refusal: The proposed development, by virtue of the excessive depth created by the proposed single storey rear section and positioning closer to the front boundary compared to neighbouring properties results in a development that would be out of keeping with the characteristic built form and positioning of the properties within Barrowfield Close. This contrast, in addition to the design and style of windows, would result in a development that is of detriment to the character and appearance of Barrowfield Close and wider surrounding area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan. Appeal under consideration.

BH2014/01708 - Demolition of existing house and erection of 5no bedroom house. Approved 18/07/2014.

BH2014/00821 - Remodelling of existing dwelling incorporating two storey rear extension, two storey front/side extension and additional two storey extension to create entrance porch. Enlargement of existing garage, extensions and alterations to roof, revised fenestration and associated works. Approved 08/05/2014.

BH2014/00479 - Erection of 3 bedroom detached dwelling house. Refused 16/04/2014.

BH2013/04218 - Demolition of existing dwelling and erection of seven bedroom dwelling. Refused 28/04/2014

BH2014/00250 - Certificate of lawfulness for proposed loft conversion with side dormer and rooflights, two storey rear extension, single storey extensions to both sides, front porch extension and erection of 2no single storey outbuildings to rear. Approved 07/03/2014

BH2013/03757 - Certificate of lawfulness for proposed loft conversion with side dormer and rooflights, two storey rear extension, single storey extensions to both sides, front porch extension and erection of 2no single storey outbuildings to rear. Split Decision 27/12/2013

Plot 2 Barrowfield Close

There has been 8 previous outline consent applications for the erection of a detached house on the plot, the first granted in 1979 the most recent set out below:

BH2001/00496/OA – Outline application for the erection of one two storey detached house. Approved 09/05/2001

4 THE APPLICATION

Planning permission is sought for the variation of condition 2 (approved drawings) of approved application BH2014/03227, which granted consent for the construction of a new four bedroom detached dwelling, to permit alterations including;

- The insertion of 4 rooflights, and
- The creation of an additional bedroom.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Five (5)** letters of representation have been received from **1, 5 and 6 Barrowfield Close and 45 and 47 Tongdean Avenue** objecting to the application for the following reasons:

- On the same grounds as on previous applications at the site, being overdevelopment of the site and the two projected properties should be considered together as the issue of overdevelopment on both plots in terms of people and building would become apparent,
- Quantity of rooflights are out of scale with the property,
- Considerably increases the actual and perceived overlooking to other neighbours,
- Object to the principle of 5 bedrooms having previously objected to 4, then becomes a three floor property and a 5 bedroom house without a garage. This would attract a considerable increase in vehicular traffic into Barrowfield Close,
- Increased parking problems, concerned about the space allocated for car parking as there is very little space on the road being a small close. It appears that the plan is to use part of the road (which is currently owned by the Council) in order to park cars, at present it is used by everyone as a place to turn. Would cause added congestion and a danger if other road users had to reverse onto a major road,
- Note that with regards to the adjoining property at no. 4 Barrowfield Close a Certificate of Lawfulness application has been applied for to convert the existing garage into a lounge and therefore increasing pressure in parking and the number of vehicles parking in front of the properties. Fearful that a real parking problem will ensure, not to mention the restriction of access for service vehicles. The public parking in the Close has potentially been reduced by the dropped kerb along the face of both plots.

Internal:

5.2 **Arboriculturist:** There does not appear to be any further implications for trees and therefore the Arboriculturist Section has no objections to the proposals in the application.

5.3 Sustainable Transport:

(Comments 31/03/2015) The proposals to insert roof lights are not considered to have a transport impact above the previous permission (BH2014/03227), therefore the Highway Authority has no objections.

5.4 (Comments 8/04/2015 following description amendment) The proposals are not considered to have a greater impact in terms of transport than the originally approved application BH2014/03227. Original conditions included on the permission should be included on any new permission granted.

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:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking

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- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development
- 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 principle of the construction of a new detached dwellinghouse has been established within the approval of the previous application BH2014/03227. The main considerations in the determination of the application relate to the impacts of the proposed amendments on the visual amenities of the approved new dwelling, the Barrowfield Close streetscene and the wider area, including the setting of the nearby Tongdean Conservation Area. The impacts upon the amenities of neighbouring properties must also be assessed.
- 8.2 The applicant seeks to create a 5th bedroom and associated en-suite with the roofspace of the dwelling. In association with the proposed additional bedroom 4 rooflights would be inserted.
- 8.3 The proposed rooflight within the north-west facing roofslope (front), which would relate to a proposed en-suite bathroom, would be installed in alignment with a first floor window on the elevation below.
- 8.4 It is noted that the proposed east and west facing rooflights, which would relate to the proposed bedroom area, would not align with window openings on the elevation below and would be located to one side of the apex of the roof. The alignment of these rooflights with windows on the elevation below or the apex of

the roof would not be possible whilst allowing the proposed rooflights to provide light and ventilation to the proposed bedroom area. The positioning of the proposed west facing rooflight is also further restricted by the installation of the proposed solar panels (the insertion of solar panels to this roofslope was approved under the previous application).

- 8.5 The proposed south-east facing (rear) rooflight would be located in the centre of the associated roofslope, above the previously approved solar panels.
- 8.6 Whilst it is acknowledged that all four proposed rooflights would not align with features of the approved scheme, namely the roof apex or windows in the elevation below, the guidance set out in SPD12 does state this should only be achieved where possible.
- 8.7 Overall it is considered that the amendments proposed to approved application BH2014/03227, as set out above, would not be of detriment to the visual amenities of the approved dwelling, the Barrowfield Close streetscene and the wider area, including the setting of the nearby Tongdean Conservation Area.

Impact Upon Neighbouring Properties:

- 8.8 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.
- 8.9 Due to the positioning and nature of the proposed rooflights, which would provide angled views skywards, it is not considered that their insertion would have a significant adverse impact upon the amenities of neighbouring properties by reason of increased overlooking and loss of privacy.
- 8.10 It is not considered that the provision of a fifth bedroom would have a significant adverse impact upon the amenities of neighbouring properties.

Other Issues:

- 8.11 The third party objections regarding an overdevelopment of the site and increased parking issues as a result of the creation of an additional bedroom are noted. However the site is not located within a Controlled Parking Zone and no yellow lines are located within the Close and as a result parking within the Close cannot be restricted. In addition no objections are raised by the Highway Authority and were considered acceptable in application BH2014/03227.

9 CONCLUSION

- 9.1 In conclusion it is considered that the proposed amendments to approved application BH2014/03227 would not be of detriment to the visual amenities of the approved scheme, the Barrowfield Close streetscene or the wider area, including the setting of the nearby Tongdean Conservation Area. Furthermore it is not considered that the proposed amendments would have a significant adverse impact upon the amenities of the neighbouring properties. The

proposal accords with policies of the Brighton and Hove Local Plan, approval is therefore recommended.

10 EQUALITIES

10.1 The development would be required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced on or before 5th December 2017.
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
Block & Location Plan	001	-	26 th February 2015
Proposed Floor Plans	ADC736/05	Rev. A	23 rd March 2015
Proposed Elevations	ADC736/06	Rev. A	23 rd March 2015

- 3) No extension, enlargement or other 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) (England) Order 2015, 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.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties 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 first floor windows in the eastern elevation, facing no. 4 Barrowfield Close, hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres 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.

- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 6) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 7) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority and shall then be carried out in strict accordance with the approved details.

Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.

- 8) Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Site Waste Management Statement submitted on the 23rd May 2014 shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 9) The external finishes of the approved development shall be in accordance with the materials approved under application BH2014/04342 and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 10) The land levels, height and floor levels of the approved development shall be in accordance with the details approved under application BH2014/04342

- Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.
- 11) The scheme for landscaping of the approved development shall be in accordance with the details approved under application BH2014/04342.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 12) No development shall commence until the scheme which provides for the retention and protection of the hedges growing on or adjacent to the site has been implemented in accordance with the details approved under application BH2014/04342. No development or other operations shall take place except in complete accordance with the approved protection scheme. No hedges within the site which are shown as being retained within the approved information in respect of condition 5 shall be wilfully damaged or destroyed or removed without the prior written consent of the Local Planning Authority. Any hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: this pre-commencement condition is necessary to protect the hedges which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 13) The development approved shall be constructed to a minimum of Code for Sustainable Homes rating level 4, in accordance with the details approved under application BH2014/04342.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 14) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 16) Unless otherwise agreed in writing by the Local Planning Authority, the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 17) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. 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.
5. This decision to grant Planning Permission has been taken:

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- (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 amendments to approved application BH2014/03227 would not be of detriment to the visual amenities of the approved development, the Barrowfield Close streetscene or the wider area, including the setting of the nearby Tongdean Conservation Area. Furthermore it is not considered that the proposed amendments would have a significant adverse impact upon the amenities of the neighbouring properties.

