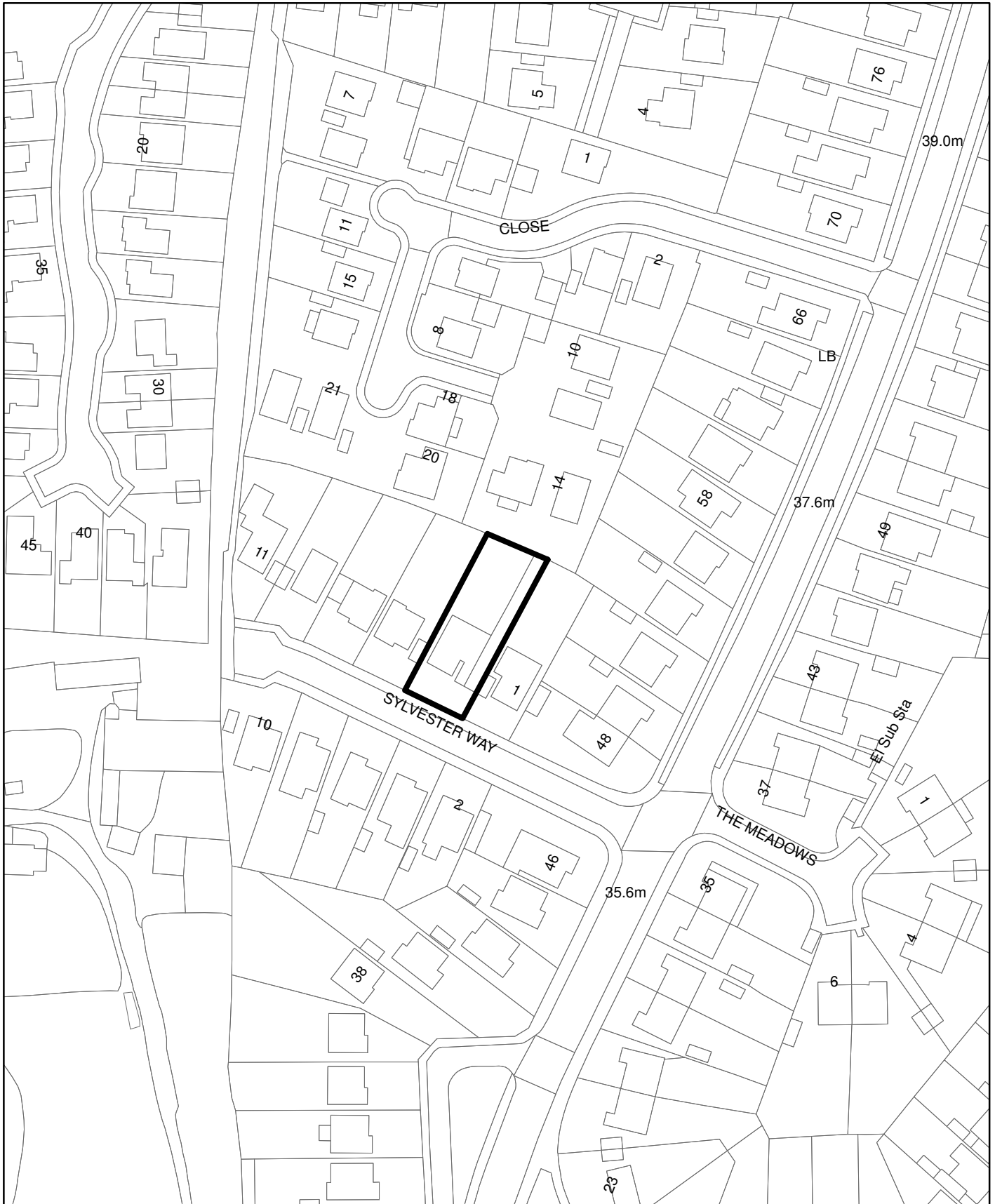


ITEM D

**3 Sylvester Way, Hove
BH2016/00926
Householder Planning Consent**

08 June 2016

BH2016/00926 3 Sylvester Way, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|--|---------------------------|------------------------------|
| <u>No:</u> | BH2016/00926 | <u>Ward:</u> | HANGLETON & KNOLL |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 3 Sylvester Way Hove | | |
| <u>Proposal:</u> | Erection of single storey side and rear extension. | | |
| <u>Officer:</u> | Luke Austin Tel 294495 | <u>Valid Date:</u> | 15/03/2016 |
| <u>Con Area:</u> | N/A | <u>EOT Date:</u> | 15 June 2016 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Moore Planning, 11 Bowden Rise Seaford East Sussex BN25 2HZ | | |
| <u>Applicant:</u> | Miss A Linkman, 3 Sylvester Way Hove BN3 8AR | | |

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 relates to a detached bungalow located to the north of Sylvester Way. The property consists of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow has been altered in the past and includes a flat roof L-shaped extension that extends to the rear of the garage along the eastern side of the boundary and wraps around to the rear.
- 2.2 The existing side garage when measured from the land level at the eastern side of the property measures 2.8m in height and the wrap around extension measures 3.8m in height. The property includes a rear garden and a 3.1m strip of land to the east of the building that sits approximately 1m lower than the floor level of the building and separates the property from the boundary fence.

3 RELEVANT HISTORY

- BH2015/01291** - Erection of single storey front, side and rear extension. Refused 17/07/2015, Appeal Dismissed 08/01/2016.
- BH2014/02616** - Erection of a single storey front side and rear extension. Refused 30/09/14, Appeal Dismissed 21/03/2015.

4 THE APPLICATION

- 4.1 Permission is sought for the erection of a single storey front, side and rear extension. The extension would replace an existing single storey side extension and would project a maximum of 6.35m from the main body of the building, approximately 3.7m further than the existing side extension. The proposal would measure 4.4m at its tallest point and would have an eaves height of 2.6m.

4.2 The application follows a previous submission (see BH2015/01291) which was refused for the following reason:

1. *The proposed extension by reason of its height, length and close proximity to the shared boundary would result in a significant loss of light and overbearing impact on the eastern side facing kitchen and living room windows of no. 1 Sylvester Way, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the guidance within supplementary Planning Document 12, A Design Guide For Extensions and Alterations.*

4.3 The applicant appealed the decision (see APP/Q1445/D/15/3134130). The Inspector dismissed the appeal and concluded the following:

1. *It is concluded that the proposed development would detract from the living conditions of those at No. 1 Sylvester Way with special reference to visual impact. It would be contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect neighbours' amenity.*

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Five (5) letters of representation have been received from 1, 2, 4 and 6 Sylvester Way and 46 Hangleton Valley Drive objecting to the application for the following reasons:

- Not in keeping with the rest of the close
- Overshadowing
- Will close in on the neighbouring property
- Very overpowering and unsightly to view
- Contrary to policies QD14 and QD27
- Significant loss of sunlight and daylight to our kitchen area
- Great sense of enclosure
- Tunnel and terrace effect
- Already the largest extension in the street which has greatly impacted us
- Overlooking and loss of privacy from bi-fold doors
- Lighting will illuminate our garden and bedrooms
- Will lead to a precedent for properties to be overdeveloped
- Out of character
- Right to light report is biased
- Will take away our natural skyline
- Bungalows are needed in the area
- Major works would cause noise, dust and disruption
- Further extensions would considerably affect the living qualities of No. 1
- Overdevelopment
- Ignores previous reports from council and appeal process

5.2 Internal:

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 City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP12 Urban Design

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties.

Design and Appearance:

- 8.2 The original form of the building consists of a bungalow with a north-south gable end roof. The property has been altered substantially in the past and includes a single storey flat roofed extension that projects from the rear of an existing garage and wraps around the full width of the rear elevation. The property currently retains a 3.1m gap to the east boundary.
- 8.3 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would include demolition of the existing garage and the construction a new of side extension to the east of the property, infilling the space between no. 1 Sylvester Way adjacent. The proposal would be set down in height from main body of the property with a floor level approximately 0.9m lower. The proposed extension would consist of two roof forms with a hipped roof set to the front element of the extension and a dummy pitched roof to the rear.
- 8.4 The amendments further to the previous refusal are the removal of a single storey rear projection, setting back a portion of the extension by 1.2m from the boundary and the removal of a gable roof form to the rear of the main house. The main bulk added to the roof form has been shifted forward by 3.9m compared to the previous refusal which would increase the prominence of the extension within the street scene. The proposal would reduce the gap between the application site and no. 1 Sylvester way and is considerable in size in relation to the host building, however this is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene.
- 8.5 Within the previous appeal the Inspector noted that reducing the gap between to the neighbouring property would have no adverse effect due to the varied relationship between the dwellings in the road. Furthermore the Inspector stated that the proposed pitched roof would represent an improvement over the existing flat roof extension.
- 8.6 On balance therefore the design of the proposal, although substantial in relation to the host building, is considered acceptable in terms of design.

Impact on Amenity:

- 8.7 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.
- 8.8 The property most affected by the proposal would be the adjacent property to the east, no. 1 Sylvester Way. The boundary treatment between the two properties currently consists of a 1.8m close board timber fence. The eastern side elevation of no. 3 is currently set back from the boundary by 3.1m. The eastern elevation currently consists of the 2.8m tall garage adjoining a 3.8m tall existing side extension, both of which are set away from the shared boundary by 3.1m.
- 8.9 Due to the topography of the area no. 1 Sylvester Way sits considerably lower than the application site. No. 1 includes a side living room and kitchen, that receive the majority of their light and outlook from the north-western facing

windows. The living room also includes glazed doors to the rear providing outlook to the rear garden. The existing extension at no. 3 Sylvester Way is currently highly visible from the windows due to its height in relation to the boundary treatment and differing land levels.

- 8.10 The previous application was refused due to loss of light and outlook to the north-western facing kitchen and living room windows at no. 1 Sylvester Way. At appeal the appellant provided a daylight and sunlight report which established that the loss of light as a result of the development would be minimal.
- 8.11 The Inspector agreed that the proposed extension would not result in a significant loss of daylight and sunlight to the side facing windows of no. 1 Sylvester Way. Furthermore the Inspector disagreed with the identified issues relating to the side facing kitchen window at the neighbouring property, stating that *'views from the neighbours' kitchen window, which also faces the appeal site, would not be adversely affected as outlook from it is already restricted by existing structures and overhanging eaves'*.
- 8.12 The Inspector, however, concluded that the proposed development would result in significant loss of outlook to the side facing living room windows and rear garden of no. 1 and stating overall *'given the substantial length of the extension along the boundary, and its proximity and height relative to No, 1 Sylvester Close, it would appear over-dominant and intrusive when seen in views forward of the neighbours' bungalow and from its rear garden/patio'*.
- 8.13 In order to overcome these issues the current scheme has made several amendments to the height and dimensions of the proposed extension. The proposal would retain a similar form to the previous submission as the 4.5m ridge height would be retained. The main hipped roof section has however been moved forward by 3.9m, substantially shifting the main bulk of the extension towards the front elevation of the building. Furthermore the proposed 2.7m deep projection to the rear has been removed from the plans.
- 8.14 The south-eastern wall of the rear portion of the extension, in line with the living room windows at no. 1, has also been set away from the shared boundary by 1.2m (a further 0.8m from the previous refusal). The eaves have also been set away by a further 0.5m. The height of this rear section has also been increased by approximately 0.3m however as the roof is hipped and the eaves are set away the additional bulk would be set away from the shared boundary.
- 8.15 Whilst the bulk of the extension would still be highly prominent when viewed from the side facing kitchen window of no. 1, the impact would be largely similar to the previous application, for which the Inspector's report specifically stated would not be adversely affected. A refusal based on the impact of the proposal on the side facing kitchen window is therefore considered unreasonable in this case.
- 8.16 The alterations to the rear section of the structure would assist in shifting the bulk of the structure away from the shared boundary and the reduced depth would also alleviate the overall impact of the structure on the neighbouring property and rear garden as identified within the Inspector's report. Although the proposal

would still be visible from the side facing windows and rear garden area on balance the current proposal is considered to have addressed the concerns identified within the dismissed appeal.

9 CONCLUSION

9.1 The proposed side extension due to its inset from the boundary, reduced depth and relocated bulk at roof level is considered to have overcome the issues identified within the Inspector’s appeal decision relating to the impact on the adjacent property, 1 Sylvester Way. Furthermore the proposed side extension is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene. Approval is therefore recommended.

10 EQUALITIES

None identified.

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 |
|---|------------------|----------------|----------------------|
| Location Plan | - | - | 15/03/16 |
| Block Plan | - | - | 15/03/16 |
| Existing Floor Plan | 14/941/01 | - | 15/03/16 |
| Existing Elevations | 14/941/02 | - | 15/03/16 |
| Proposed Floor Plan | 14/941/03 | - | 15/03/16 |
| Proposed Elevations | 14/941/04 | - | 15/03/16 |
| Existing and Proposed Roof Plans | 14/941/05 | - | 15/03/16 |
| Existing, Previously Proposed and Proposed Structures | 14/941/06 | A | 01/04/16 |
| Topographical Survey | 14420216 | - | 15/03/16 |

- 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & City Plan Part One.

11.2 Informatives:

PLANNING COMMITTEE LIST – 08 JUNE 2016

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 side extension due to its inset from the boundary, reduced depth and relocated bulk at roof level is considered to have overcome the issues identified within the Inspector's appeal decision relating to the impact on the adjacent property, 1 Sylvester Way. Furthermore the proposed side extension is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene. Approval is therefore recommended.

