

<u>No:</u>	BH2022/01791	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	22 Osmond Road Hove BN3 1TE		
<u>Proposal:</u>	Erection of part single storey and part two storey side extension and revision of a side elevation window.		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	26.07.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	20.09.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	26.10.2022
Agent:	Justina Braskute Trafalgar Place Brighton BN1 4DU		
Applicant:	Mr Simeon Arthur 22 Osmond Road Hove BN3 1TE		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

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
Location and block plan	YO487 - 001		30 November 2022
Proposed Drawing	YO487_120_REV_C		28 November 2022
Proposed Drawing	YO487_121_REV_C_		28 November 2022
Proposed Drawing	YO487_122_REV_C_		28 November 2022
Proposed Drawing	YO487_200_R EV_D		28 November 2022
Proposed Drawing	YO487_201_R EV_B		28 November 2022

2. 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.

3. No development hereby approved (including demolition and all preparatory work) shall take place until a scheme for the protection of the retained trees and vegetation on the site as shown on proposed plan YO487-120 C, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in

writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. No development hereby approved (including demolition and all preparatory work) shall take place until a scheme for the protection of the street trees located within the public highway immediately to the east in front of the site, as labelled on the block and location plan, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

5. 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 DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

6. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

7. The ground floor and first floor windows in the north elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

8. 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 for visual amenity, to comply with Policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.

Informatives:

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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 7.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. This application relates to no.22 Osmond Road which is a modern dwellinghouse located on the western side of the road, with a block of flats to the north, and semi-detached dwellings to the south and opposite.
- 2.2. The dwellinghouse is one of two three-bed houses erected on the site, alongside seven flats, in a building which was granted permission in 2015. The area is primarily residential with semi-detached and terraced houses being the common housing type. St Ann's Well Gardens lies beyond Nizells Avenue to the south west. The immediate area has a verdant, green character through the use of street trees.

3. RELEVANT HISTORY

- 3.1. **BH2017/03047** Application for variation of condition 8 of application BH2017/02296 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works.) to permit alterations to the approved materials. Approved 30.11.2017
- 3.2. **BH2017/02296** Application for variation of condition 2 of application BH2016/01985 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works) to permit material amendments to the approved scheme including a side facing window to the west elevation. Condition Number(s): 2 Conditions(s) Removal: Design amendments. Accept revisions to Y0113 - 114, Y0113 - 121 & Y0113 - 250 Approved 31.08.2017
- 3.3. **BH2016/01985** Application for variation of conditions 2, 13 and 14 of application BH2014/03311 allowed on appeal (Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated

landscaping works) to permit material amendments to the approved scheme including alterations to layout of car parking and cycle stands. Approved 28.07.2016

- 3.4. **BH2016/00574** Application for Approval of Details Reserved by Conditions 6, 7, 8 & 9 of Application BH2014/03311. (Allowed on Appeal). Approved 12.04.2016
- 3.5. **BH2014/03311** (1 Nizells Avenue) Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works. Refused 19.02.2015, Appeal Allowed

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a part single-storey, part two-storey side extension and the revision of a side elevation window to the existing dwellinghouse. A flat roof design is proposed with matching materials.
- 4.2. Several amendments have been made throughout the history of this application. The first amendments reduced the height of the proposed extension, as concerns were raised about the dominant impact of the extension on the streetscene. This reduction was not satisfactory in resolving the concerns and further amendments have been carried out to reduce the depth of the first-floor element.

5. REPRESENTATIONS

- 5.1. **Ten (10)** separate representations have been received, objecting to the proposal on the following grounds (scheme prior to amendments):
 - Noise
 - Overdevelopment
 - Residential amenity
 - Too close to the boundary
 - Overshadowing
 - Loss of natural habitat and trees their shading
 - The proposal will contribute to increasing the urban heat further when climate temperatures are increasing
 - Additional traffic concerns. The construction vehicles will also increase the health and safety risk in an area with already precarious crossroad junctions
 - Concerns about the damage that may be caused to the street trees
 - Concerns about the number of established trees that have been removed
 - Concerns about the noise, dust and dirt caused during construction
 - The proposal would not be complimentary to the streetscene
 - Loss of trees which help control air pollution and improve air quality
 - Concerns about construction times

- 5.2. **Brighton and Hove Archaeological Society:** Comment

- 5.3. The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. However, it is possible that The County Archaeologist has information not available to this Society, and they should be consulted.

6. CONSULTATIONS

6.1. **Arboriculture:** Comment

The loss of the two hollies is regrettable but they are not significant. A method statement and protection measures should be secured through condition for the Cypress and other retained vegetation for the site and the street trees.

6.2. **County Archaeology:** No objection

The property in question does not lie within an Archaeological Notification Area and thus there are no archaeological recommendations to make in this instance.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design

Brighton & Hove City Plan Part Two

DM1	Housing quality choice and mix
DM18	High quality design and places
DM20	Protection of Amenity

DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD06	Trees and Development Sites

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed works and their impact on amenity. Sustainability and the impact to trees and biodiversity are also considerations.
- 9.2. A site visit has been undertaken in this instance, and impacts of the proposal can be clearly assessed from the site visit, as well from plans provided and recently taken aerial imagery of the site.

Amendment History

- 9.3. Several amendments have been made throughout the history of this application. The first amendments reduced the height of the proposed extension, as concerns were raised about the dominant impact of the extension on the streetscene. This reduction was not satisfactory in resolving the concerns and further amendments have been carried out to reduce the depth of the first-floor element. This reduction in depth together with lowered roof height has now satisfactorily overcome previous concerns. The reasoning for this will be evidenced in the report below.

Design and Appearance

- 9.4. City Plan policies and guidance require extensions to be well designed and scaled in relation to the host property and the character and appearance of the wider area.
- 9.5. A part single-storey, part two-storey extension is proposed to the side (north) elevation of no.22. The extension at first floor level would be set back from the front façade at ground floor level to match the depth of the porch at no. 24. Two obscure glazed windows are proposed at ground floor and first floor level. The materials proposed are to match the existing.
- 9.6. At street level, the extension would be set back significantly within the plot, so the main impact would be the extension at first floor level. However, even at this level the setback from the front boundary would be considerable, being approximately 9.3m. The setback would ensure the first floor element does not extend any further forward than the neighbouring properties porch, and thus would maintain the established building line of this side of the remainder of the street. The setback would give the extension a more subservient feel and prevents it from appearing unduly overbearing or cramped or out of character in the streetscene.

- 9.7. The materials are to match the existing property, and this will be secured by a condition. The materials and flat roof design are modern in appearance but would be sympathetic to the existing properties on the site. They are therefore considered acceptable and in compliance with relevant policies.

Impact on Amenities

- 9.8. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.9. With regard to amenity, no significant adverse impacts are expected as a result of the development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.10. The extension would be close to the boundary with no.24, and it is noted that concerns have been raised about this close proximity. While the extension would reduce the gap between the extension and no.24, space would remain , and the reduced depth to match no.24 is considered to limit the impact the extension would have on this façade and front garden.
- 9.11. Due to the location and orientation of no.22, there is likely to be a small degree of overshadowing and loss of light for no.24. Following the amendment of the first floor level element to set it back to the porch level with no.24 the degree of overshadowing due to additional bulk at no.22 is not considered enough to warrant refusal.
- 9.12. It is noted that concerns have been raised regarding potential for noise, traffic and disturbance during construction. The proposal is modest in scale so would have limited impact in this regard. The council retains the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received. It is also noted that concerns have been raised regarding the potential for damage to adjacent property, and this is not a material planning consideration.

Other Considerations

Biodiversity

- 9.13. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded condition will be attached to secure a bee brick within the proposal in order to help meet the requirements of policies CP10 and DM37.

Arboriculture

- 9.14. Concerns raised by objectors regarding potential impact to trees is noted. The loss of the garden hollies to the north elevation to make way for the extension is regrettable, however they are not formally protected and have limited amenity value, and the council's Arboriculturalist confirms they are not a significant loss.

Conditions will ensure that no development takes place until a tree protection plan(s) (TPP) and an arboricultural method statement for the construction period have been submitted to and approved by the Local Planning Authority for the remaining tree and vegetation on site, as well as the street trees located within the public highway immediately in front of the site. This will ensure that the vegetation and trees are protected and retained, in compliance with policy DM22.

Archaeology

- 9.15. The site is not located within an Archaeological Notification Area, and no concerns have been raised by consultees in this regard.

10. CONCLUSION

- 10.1. The proposed extension (as amended) is of an appropriately subordinate scale and is of sympathetic design. The proposed materials are in keeping with the host property. There are no significant impacts on neighbouring amenity. Measures to protect remaining trees and promote biodiversity will be conditioned. As such the proposal is considered to be in accordance with policies CP12 of City Plan Part One and DM18, DM20, DM21 and DM22 of City Plan Part Two.

Climate Change and Biodiversity

- 10.2. While there is some removal of vegetation, this is limited, and protection measures are required by condition to ensure the street trees and Cypress tree on site are protected and retained. A bee brick has been secured by condition which may provide as suitable habitat for solitary bees. The proposal would make effective use of the site.

11. EQUALITIES

- 11.1. The existing property is accessed via steps down from street level.