

<u>No:</u>	BH2023/01133	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	5 Chalk Cliff Road Brighton BN2 8GH		
<u>Proposal:</u>	Erection of single storey rear extension (retrospective).		
<u>Officer:</u>	Alice Johnson, tel: 296568	<u>Valid Date:</u>	05.05.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	30.06.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	10.07.2023
Agent:	Plans Prepared 8 Greenbank Avenue Saltdean Brighton BN2 8QS		
Applicant:	Ms Angela joy Hoole 5 Chalk Cliff Road Brighton BN2 8GH		

RECOMMENDATION

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:

- 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	2999/805	A	17 April 2023
Block Plan	2999/905		17 April 2023
Proposed Drawing	CR-003		5 May 2023
Proposed Drawing	CR-004		5 May 2023

Informatives:

- 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.

SITE LOCATION

The application relates to the rear of no. 5 Chalk Cliff Road where a single storey, flat-roofed rear extension has been erected. No. 5 is situated to the east side of Chalk Cliff Road.

No. 5 Chalk Cliff Road is part of a newer development allowed at appeal, on the 21 February 2017 (6 Falmer Avenue) and is one of 32 new dwellings. The garden of the application property backs onto Falmer Avenue.

APPLICATION DESCRIPTION

Planning permission is sought for the erection of single storey, flat-roofed rear extension, constructed of white metal, clear plastic and glass.

The development has already been completed and therefore the application is retrospective. Whilst it is preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law, and the retrospective nature is not a material consideration.

The extension has been labelled on the plans to be a pergola, but given it is possible to fully enclose the pergola without the need for a further planning application, it is assessed as a single storey extension in this instance.

RELEVANT HISTORY

5 Chalk Cliff Road

BH2021/02704 - Certificate of lawfulness for proposed single storey outbuilding to rear. Approved 30.09.2021

BH2021/01390 - Certificate of lawfulness for proposed single-storey outbuilding to rear. Withdrawn 07.06.2021

Relating to 6 Falmer Avenue

BH2021/00244 Application for approval of details reserved by conditions 27 (External Lighting) of application BH2018/02483. Approved

BH2020/01035 Application for Approval of Details reserved by Conditions 12 (Material Samples), 13 (Architectural Details), 14 (Ground Levels), 15 (Access Road), 17 (Surface Water Drainage), 18 (Foul Water), 19 (Water Infrastructure), 21 (Electric Vehicle Charging), 24 (Nature Conservation), 25 (Landscaping), 26 (Refuse/Recycling), 28 (Cycle Parking) and 29 (Boundary Treatment) of application BH2018/02483. Approved

BH2018/02483 Variation of condition 2 of application BH2014/03394 allowed on appeal (Demolition of existing house and stables and construction of 32 no dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath) to permit material amendments including the re-positioning of dwellings with amended footprints and alterations to road and site layout. Approved

BH2014/03394 Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath. Refused 29.01.2016 but Allowed at Appeal

REPRESENTATIONS

Three (3) representations have been received, objecting to the proposal on the following grounds:

- Overdevelopment.
- Poor design.
- Too close to the boundary.
- Previous condition restricted the rights to erect a rear extension under permitted development.

One (1) representation have been received, making the following comments on the proposal:

- Consultation not carried out correctly.

A representation from Councillor Fishleigh, objecting to the proposal has been received. This objection is attached.

CONSULTATIONS

None

MATERIAL CONSIDERATIONS

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.

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 JAAP (adopted October 2019).

RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

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The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP10 Biodiversity

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
DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Documents

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

Rottingdean Neighbourhood Plan

The policies in Rottingdean Neighbourhood Plan carry limited weight at present but will gain weight as the Plan proceeds through its stages.

The draft Neighbourhood Plan (NP) was submitted to the Council in early 2023. The draft NP reflects previous local community and stakeholder engagement undertaken across the Neighbourhood Area by the Parish Council including a period of public consultation under Regulation 14 of the NP Regulations in 2021. The Council published the draft Plan for pre-submission (Regulation 16) consultation in February 2023. The next steps for the plan are for it to be submitted for examination by an independent examiner. The NP examination is likely to commence in the summer/autumn of 2023.

The policies relevant to the present application are:

- H2: Design;
- GOS3: Wildlife and Biodiversity.

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the surrounding area and on the amenities of adjacent occupiers.

A site visit has not been undertaken in this instance, impacts of the proposal can be clearly assessed from the photos provided, the plans provided and from recently taken aerial imagery of the site.

Principle of Development

The application site falls within a recently redeveloped site at 6 Falmer Avenue (now known as Chalk Cliff Road) for 32 new dwellings. In granting planning permission for this development on appeal, the Planning Inspector removed some residential 'permitted development' rights. Specifically, condition 3 attached to approved application BH2018/02483 states:

“No extension, enlargement or other alteration of the dwellinghouse(s) 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. “

The reasoning for this, set out in the Appeal Inspector's decision was (paragraph 53) that, "...I accept that given the design of the buildings and limited size of plots it is reasonable in these circumstances to remove permitted development rights for extensions to protect the occupiers of neighbouring properties and the design integrity of the proposed houses".

The restriction of 'permitted development' rights was therefore considered necessary due to the high-density area. While the condition restricts 'permitted development' rights it does not restrict the right of the Local Planning Authority to permit further development via a planning application, in this case a rear extension, if in accordance with the development plan. It means that the Local Planning Authority can consider the acceptability or otherwise of each development against planning policy and other material considerations.

Design and Appearance:

As set out above, the development subject of the application has been constructed and therefore the application is retrospective.

The rear extension measures 2.6m x 5.0m with a maximum height of 2.8m, with a flat roof and modern form. It would be set to the rear of the dwelling, so there would be no views from the public realm and therefore, no resultant impact on the character of the area.

The extension is modest in depth, and has a subservient relationship with the existing building. Suitable garden space would still be provided, and the extension would sit well within the plot and not result in over-development of the site.

The main dwellinghouse is white with blue windows. The materials of the extension are white and glass, following the modern palette of the main dwellinghouse, ensuring it is in keeping with it.

On this basis, the extension would be in accordance with SPD 12, CP12 of City Plan Part One and DM18 and 21 of City Plan Part Two.

Impact on Residential Amenity:

Policy DM20 of City Plan Part 2 states that planning permission for development 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.

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 and no significant harm has been identified.

The extension is set in from the common boundary with no.6 Chalk Cliff Road (to the south) by approximately 0.9m, and by approximately 5.5m with no.4 Chalk Cliff Road (to the north), separated from the latter by an outbuilding. This mitigates the opportunity for

significant overlooking and no additional overshadowing for neighbours would result, particularly noting that a 2m high fence could be erected along the common boundary without the need for a planning application.

While it is acknowledged that permitted development rights were removed due to the Planning Inspector's concerns about further development at the site and the potential impact on neighbouring properties, doing so allows the Local Planning Authority to consider the detail of the scheme proposed against planning policy and other material considerations. In this instance it is considered that the extension constructed at the rear of no. 5 does not adversely impact neighbours' amenity and as such the development accords with policy DM20.

Other Considerations

It is not considered suitable in this instance to retrospectively require a bee brick be installed given the extension is constructed from white metal and clear plastic/glass.

It is noted that a local resident has raised concerns about the consultation and publicity undertaken in relation to the application. It is confirmed that consultation of neighbours has been carried out correctly, with neighbour letters sent to adjacent properties including those to the rear of the application site on Falmer Avenue.

CLIMATE CHANGE/BIODIVERSITY

A bee brick would typically be requested. In this instance; however, the materials used do not lend themselves to easily allowing the installation of a bee brick.

EQUALITIES

None identified