

<b><u>No:</u></b>	<b>BH2023/03224</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>14 Millcross Road Portslade BN41 2BG</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear extension with raised rooflights, hip to gable and rear dormer (retrospective).</b>		
<b><u>Officer:</u></b>	Charlotte Tovey, 202138	tel: <b><u>Valid Date:</u></b>	05.01.2024
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	01.03.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	13.03.2024
<b>Agent:</b>			
<b>Applicant:</b>	Mrs Jane Hobbs Kingdom	14 Millcross Road HOVE	BN41 2BG United Kingdom

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	1191-11991-1	C	26 January 2024
Location Plan			5 December 2023
Block Plan			5 December 2023

2. Access to the flat roof over the ground floor rear 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 to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

3. The first floor windows in the west side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows 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 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 this condition)

## **2. SITE LOCATION**

- 2.1. The application site at 14 Millcross Road is part of a semi-detached pair with no. 120 Foredown Drive. The property is a converted bungalow situated on the southern side of the street, between Foredown Drive and Fairfield Gardens. The street scene is residential and a number of rear extensions are present in the area, including at the adjoining properties no. 120 Foredown Drive and 16 Millcross Road. No. 22 Millcross to the west has a gable end roof extension and rear dormer and there are further gable roof forms present on the north side of the street.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site affecting alterations and extensions.

## **3. APPLICATION DESCRIPTION**

- 3.1. Permission is sought retrospectively for the erection of a single storey rear extension with raised rooflights, hip to gable loft extension and the fitment of a rear dormer and new fenestration.
- 3.2. 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 application remains subject to the material planning considerations listed below.

## **4. RELEVANT HISTORY**

- 4.1. **BH2022/00447:** Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.25m, for which the maximum height would be 3.356m, and for which the height of the eaves would be 2.8m. Approved Committee 06.04.2022
- 4.2. **Q/52/35** semi-detached bungalow Granted 14/05/2952 (Permission: unconditional)

## **5. RELEVANT HISTORY AT OTHER SITES**

5.1. **BH2019/01064** 22 Millcross Road - Certificate of Lawfulness for the proposed erection of a gable-end roof extension and rear dormer, with associated works. Approved 31.07.2019

5.2. **BH2005/05461** 16 Millcross Road - Certificate of Lawfulness for proposed single storey rear extension. Approved 30.09.2005

## **6. REPRESENTATIONS**

6.1. In response to publicity, responses were received from one (1) individual, objecting to the application and raising the following material planning issues:

- The development would be out of keeping with the area
- Loss of accommodation for mobility restricted occupants
- Scale of the development is inappropriate and overbearing
- Poor Design
- Overshadowing
- Overlooking and loss of privacy
- Concerns that the use of the bungalow is not for residential purposes
- Impact during construction (now complete).

6.2. Full details of representations received can be found online on the planning register.

## **7. CONSULTATIONS**

None received.

## **8. MATERIAL CONSIDERATIONS**

8.1. 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.

8.2. 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 JAAP (adopted October 2019).

## **9. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
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
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

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

**10. CONSIDERATIONS & ASSESSMENT**

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact on the street scene and the impact on neighbouring amenity.
- 10.2. Initially the application sought retrospective permission for the fitment of two rear roof lanterns to the single storey rear extension. A rear dormer had been installed but the applicant considered it would fall under 'permitted development' rights so did not need to form part of the application.
- 10.3. Upon reviewing the drawings the applicant was notified that because the dormer was attached to the single storey extension, neither would benefit from 'permitted development' rights and would therefore require a planning application. It was recommended that the plans were updated to request retrospective permission for all of the recent development at the site. Upon receipt of updated plans, neighbours were reconsulted.
- 10.4. The applicant is the relative of a member of staff from the Planning Department, therefore the scheme cannot be decided under delegated powers.
- 10.5. A site visit has been undertaken in this instance and the impacts of the proposal can be clearly assessed from the plans, site visit and from recently taken aerial imagery of the site.

**Design and Appearance**

- 10.6. Concerns have been raised during neighbour consultation that the alterations to the bungalow are of poor design and cause harm to the appearance of the building and street scene, appearing out of keeping.

#### Hip to gable roof extension and 2no. rooflights to the front roof slope

- 10.7. No. 14 Millcross Road has no restrictive planning conditions and the hip-to-gable loft enlargement and fitment of 2no. front rooflights could be carried out without planning permission. Therefore, whilst the gable roof would un-balance the site from its adjoining neighbour, given the legitimate permitted development fallback position and the proliferation of other similar extensions in the locality, it is considered acceptable in this instance.
- 10.8. The presence of the gable at no. 14 would not appear as a dominant addition to the building or street scene as the site is adequately set back from the public footpath, its proximity to no. 16 and the presence of the gable above the ground floor bay mitigates its appearance. There is already a presence of this roof form within the immediate vicinity of the site, most notably at no. 22, no. 24 to the west and no.19 and no. 21 directly opposite the site. There are further examples of gable roof forms in the surrounding streets.
- 10.9. There are a number of rooflights visible within the street scene on Millcross Road. The number and position of the rooflights are considered to be proportionate and well placed, they would not appear visually cluttered on the roofslope.
- 10.10. Therefore, taking into account the permitted development fallback position and context of the street scene, the gable end roof enlargement is considered to be an acceptable alteration to the roof that would not cause harm to the buildings appearance or character of the street scene that would warrant refusal.

#### Rear Dormer

- 10.11. The scale of the rear dormer is adequately set up from the eaves and down from the ridge to be a clear addition rather than a second storey, and is constructed in concrete tiles with a flat roof. As noted above, if it was not attached to the single storey extension it could be undertaken under permitted development rights.
- 10.12. Whilst the flat roof design would not accord with the pitched roof of the host building, due to its orientation at the rear it is considered acceptable. The dormer is not highly visible from Foredown Drive or Fairfield Gardens and its presence does not appear incongruous with others present at other nearby dwellings.
- 10.13. The new windows fitted to the dormer are an appropriate size and relate well to the new fenestration of the ground floor rear extension. The site is not within a conservation area therefore there is no objection to the colour of the new units in dark grey.
- 10.14. Taking into consideration the permitted development fallback position and the surrounding context of the street scene, the scale of the rear dormer is not considered to result in in harm to the appearance of the building or wider area that would warrant refusal of the application.

#### Ground Floor Rear Extension

- 10.15. Planning permission BH2022/00447 was granted at committee in April 2022 for a 'prior approval application' to constructed a single storey rear extension up to 3.25m deep and 3.356m in height. This was therefore considered to be an acceptable addition to the dwelling. However, because the dormer above attaches to it, it would exceed the limits allowed under permitted development rights and an application is required to retain it. Further, two roof lanterns have been installed which require planning permission.
- 10.16. The site visit demonstrated that the extension has been built in accordance with the approved plans. It spans the width of the rear elevation with adequate set back from the shared boundary with no. 120. The extension does not extend beyond the western side elevation of the host building, providing adequate separation from both neighbours. The roof is a false pitched tiled roof with a flat section with 2no. roof lanterns.
- 10.17. The overall scale of the rear extension is subordinate to the host building, retaining adequate outside garden space for the occupiers. The site is not considered to appear overdeveloped. It would not result in a detrimentally tall addition given the context and size of its neighbours flat roofed extensions. The extension is constructed in brick, sympathetic to the host building and fitted with new bi-folding doors and window to the rear elevation. Whilst the new bi-folding doors would result in a larger volume of glazing this is considered acceptable at ground floor level and the roof lanterns are considered an acceptable addition in keeping with the site. The material finish of the extension is in keeping with those on the rear dormer.
- 10.18. The extension has taken place on an area that was already hard surfaced therefore there is no biodiversity concerns. The previous prior approval took into consideration the impact of the development on third party trees which are a civil matter outside of the boundary of the site.
- 10.19. Overall the alterations proposed to the host building are considered to result in a subordinate and sympathetic addition that would not cause harm to its appearance or the street scene. The proposal would accord with DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

#### **Impact on Amenities**

- 10.20. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health.
- 10.21. The impact of the ground floor rear extension upon neighbouring amenity was assessed under application BH2022/00447 with the Officer Report concluding: *“The proposed ground floor rear extension would be in close proximity to no. 120 Foredown Drive. No. 120 Foredown Drive currently has a rear extension of a considerable depth which limits the amount of light the property receives in places. The proximity of the proposed extension with no.120 means that it is likely the proposal will lead to some loss of light and overshadowing for the occupants of no. 120 Foredown Drive.*

*At the boundary with no.120 Foredown Drive the proposed eaves height would be relatively low at 2.8m. This low eaves height is unlikely to cause significant loss of light or overshadowing, particularly considering the extension's orientation and location to the west of no.120. The overshadowing and loss of light would not occur consistently throughout the day and the harm is therefore not considered substantial enough to warrant refusal.*

*No.16 Millcross Road is separated from the application site by a driveway No.118 Foredown Drive is separated from the application site by a considerable distance due to the length of the garden at no.14. These distances are considered sufficient enough that neither property is expected to experience any amenity impact.*

*The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation.”*

- 10.22. Concerns were raised during neighbour consultation relating to the present application that the proposed alterations would result in a detrimental level of overshadowing, loss of privacy and be overbearing to the neighbours amenity.
- 10.23. There would be some impact on no. 16 Millcross Road in the early morning from the extensions due to the orientation of the site. A site visit was conducted on the 16.02.2024 at 9.20am to assess the level of overshadowing which concluded that the majority of the overshadowing to no. 16 fell onto the shared access between the two houses with some impact on the lower half of their side elevation. One window that is obscured glazed is overshadowed, with some light being retained in the top section, and the second window had a small amount of overshadowing. The neighbour's rear fenestration and corner window was not impacted by the development. Taking into account that this is winter sun and that the level of overshadowing will be only be for a small portion of the day, the impact on this neighbour is not considered to be so detrimentally harmful that it would warrant refusal of the application. They will retain uninterrupted light for the majority of the day.
- 10.24. Using recently taken aerial imagery of the site the level of overshadowing from the rear dormer would likely be confined to the neighbour's roof. There is adequate separation from the closest rooflight that it is unlikely to detrimentally overshadow this window as no. 120 sits higher than no. 14. As the neighbour would retain uninterrupted light for the majority of the day from the rear dormer, the level of overshadowing is not considered to warrant refusal of the application.
- 10.25. As the ground floor rear extension has been built in accordance with the depth and height of the previous application approved, the extension is not considered to further impact the adjoining neighbour's amenity. The position of the 2no. roof lanterns within the flat roof of the extension are adequately set away from the boundary and given their transparent materials is not considered to result in a detrimental level of overshadowing to the neighbour.

- 10.26. The 2no. new rooflights fitted to the front roof slope are not considered to create harmful views north to Millcross Road due to their fitment within the slope of the roof and the separation of the dwellings by the front gardens and the public highway.
- 10.27. The new windows fitted to the rear elevation of the extension would not create any harmful views beyond the pre-existing fenestration. The new window fitted to the west side elevation of the gable would not create any harmful views due to its position and the neighbours roof slope has no fenestration. A condition is attached requiring that it is obscured glazed and non opening over 1.7m.
- 10.28. The 2no. new windows fitted to the rear dormer do create new views at first floor level. However, the windows are not overly large and adequately set in from the sides of the rear dormer. There is adequate separation between the new windows and the neighbours amenity at no. 118 Foredown Drive. They are therefore not considered to result in a loss of privacy to the neighbours that would warrant refusal of the application.
- 10.29. Concerns were raised that the scale of the development would be overbearing to the neighbours amenity. The previously approved prior approval application took into consideration the impact of the development to no. 120 and that the height of the eaves, depth of the extension and separation from the neighbour would not result in an overbearing or unneighbourly form of development. The rear extension is adequately separated from no. 16 by the shared access between the two sites.
- 10.30. The rear dormer is adequately set up from the eaves and away from the shared boundary with no. 120. Due to its permitted development fallback position, the scale of the dormer is not considered to be overbearing or enclosing to the neighbour that would warrant refusal of the application.
- 10.31. Overall the proposal would unlikely cause significant harm to the adjoining neighbours amenity and it would accord with policy DM20 of City Plan Part Two.

#### **Standard of Accommodation**

- 10.32. The alterations to the loft would provide an additional double bedroom that would meet the minimum floorspace standards of 11.5msq and minimum width. It would also provide an additional shower room.
- 10.33. Concerns were raised that the use of the site is not for the occupant's principal residence and that the enlargement of the loft would result in a loss of accommodation for residents with mobility difficulties.
- 10.34. The plans show that two bedrooms would be retained on the ground floor and continue to provide sleeping facilities/ accommodation for occupiers with mobility difficulties.
- 10.35. The use of the dwelling is for residential purposes of the applicant and no change of use is being sought. The resultant accommodation would provide a 3 bedroom



dwellinghouse over 2 storeys which is in keeping with other buildings on Millcross Road.

10.36. The alterations would comply with policy DM1 of City Plan Part Two.

**Other Matters**

10.37. Matters such as loss of property value and the impact of construction works are not material planning considerations.

**11. EQUALITIES**

11.1. During the determination of this application, due regard has been given to the impact of the scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristic would be disadvantaged by this development.

