

**PLANS LIST
ITEM F**

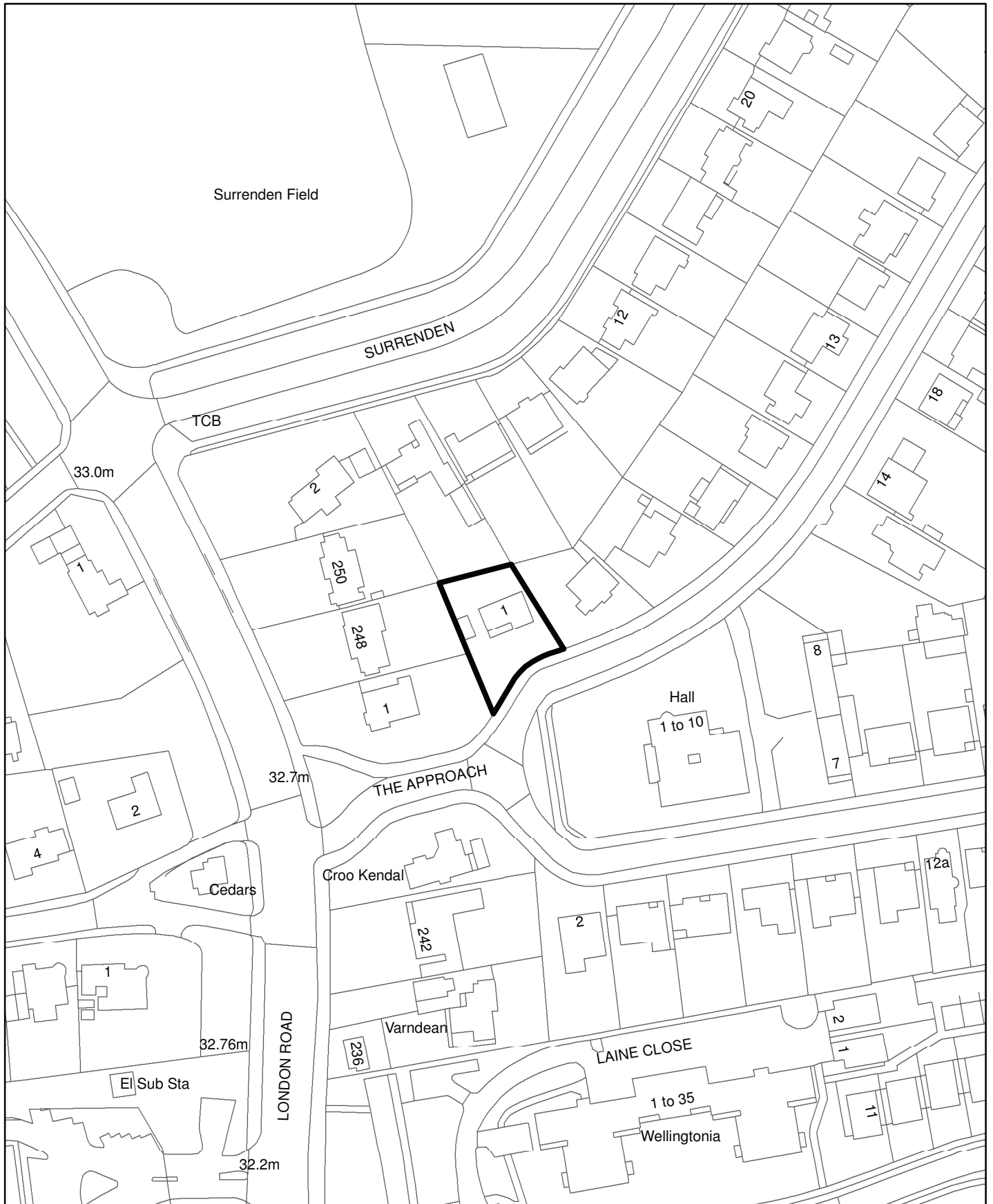
1 Withdean Crescent, Brighton

BH2012/01907

Householder planning consent

29 AUGUST 2012

BH2012/01907 1 Withdean Crescent, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/01907	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	1 Withdean Crescent, Brighton		
<u>Proposal:</u>	Demolition of garage. Erection of side extension at ground floor level with roof extension over and installation of an additional dormer to front elevation. Installation of replacement UPVC windows throughout and associated alterations. (Part Retrospective)		
<u>Officer:</u>	Jason Hawkes Tel: 292153	<u>Valid Date:</u>	22/06/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 August 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David Bennett Architects, The Old Cottage, 10 Vicarage Lane, Felpham, Bognor Regis, West Sussex		
<u>Applicant:</u>	Mr D Gearing, 1 Withdean Crescent, Brighton		

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 Informative set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two-storey detached dwellinghouse located on the north side of Withdean Crescent. The property includes a cat slide roof with a pitched roofed front dormer. The house has a traditional appearance with a brick and painted render finish. A detached garage to the western side of the house has recently been demolished and the applicant has commenced works for the construction of a side extension.
- 2.2 The surrounding area is predominately comprised of large detached dwellinghouses. Due to the slope of street, the application site is set at a higher ground level than the properties to the west. No.248 London Road lies directly to the west of the site and this property includes an Elm tree at the back of their garden adjacent the boundary fence. There are no parking restrictions on the street. Withdean Crescent is off London Road and is not a heavily parked road.

3 RELEVANT HISTORY

BH2012/00886: Demolition of existing garage. Roof extension to accommodate two storey side extension. Installation of replacement upvc windows throughout. This application was refused on the 6th June 2012 for the following reason:

- Due to the position and bulk of the proposed extension in close proximity to the western boundary, the proposal would result in a significant loss of outlook and a heightened sense of enclosure to the residents of 248

London Road, which includes a patio area directly adjacent the proposed extension at the back of their garden. The scheme also results in perceived and actual overlooking to no.248 through the addition of side, front and rear facing first floor windows. The proposal would therefore lead to a loss of amenity and is contrary to policies QD14 & QD27 of the Brighton & Hove Local Plan.

4 THE APPLICATION

- 4.1 Full planning permission is sought for the construction of a side extension at ground floor level to the west elevation of the house which includes a roof extension with a lean-to roof and the installation of an additional dormer to the front elevation. The proposal involves repositioning the front dormer and the proposed extension includes an integral garage. UPVC windows are also proposed throughout and the extension is proposed in matching materials.
- 4.2 This scheme is part retrospective as works have commenced on site and a single-storey extension has been built up to eaves level.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (2)** representations have been received from **Cedar Croft, 1 The Approach, London Road, 7 Varndean Gardens, 248 London Road, 26 Withdean Crescent** and **2 emails with local post codes objecting** to the application for the following reasons:
- It is felt that the current proposal has not overcome the reason for refusal in the previous scheme and that the extension still results in an overbearing impact resulting in a feeling of enclosure, loss of privacy and the enjoyment of the adjacent back gardens.
 - It is believed that the properties in this area are protected by restrictive covenants which prevent changes to the elevations of the dwelling house.
 - The existing property is adjacent to the back of gardens of 1 The Approach and 248 London Road and the residents of these properties have stated that 1 Withdean Road is set at a higher ground level and does not currently overlook their gardens. The development will substantially change the existing property by increasing its size to a large 4 bedroom house and bring it much closer to the boundary at a two-storey level.
 - The scheme is felt to be excessive and un-neighbourly development. The building will be out of character with the area. The existing house has a rural feel and this will be lost.
 - The scheme includes repositioning a front dormer and this along with the front and rear windows results in actual overlooking and perceived overlooking.
 - The adjacent neighbours are upset by the way the works have been commenced prior to planning permission being granted. The works have resulted in disturbance to neighbours.
 - There are concerns that the description of development is misleading for residents. The current description suggests that the proposal is for a ground floor extension and not for a two-storey extension.

- The extension measuring 6m in height and 5m in width is no smaller than the previous design, despite the changed roofline, and will be very visible from the properties to the west due to the difference in ground levels.
- The extension is already significantly higher than the fence at 248 London Road. These residents are already looking at a large brick structure even before the roof structure has been added. The current proposal brings the extension closer to the boundary than the previously refused two-storey addition.
- 248 London Road includes a patio area at the back of its garden which will be overlooked and impacted by the extension. The health of these residents has been affected by these works and planning process.
- There is concern that the works will impact on the health of the tree at the back of the garden of 248 London Road. The works undertaken so far have already affected the tree.
- The building has already lost its leaded window lights, replaced by UPVC, to the detriment of its character.
- Rear access can now be achieved by walking between the extension and the boundary fence of 248 London Road. This was not possible before and also leads to overlooking.

5.2 **Councillor Sue Shanks:** Objects to the application (comments attached).

Internal:

5.3 **Arboriculture Section:** No Objection

No objection subject to suitable conditions being attached to any consent to protect trees in neighbouring gardens as well as one tree in the applicant's garden.

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 comprises:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

- 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 Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
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
QD16	Trees and hedgerows
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to covenants on properties are not material planning considerations. The main considerations in the determination of this application relate to the design of the proposal and its impact on the character of the area, its impact on the amenity of adjacent properties, highway considerations and its impact on adjacent trees.

- 8.2 Whether the scheme has adequately addressed the previous reason for refusal in recently determined application for a two-storey side extension is also a material consideration.

Design:

- 8.3 Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan require that proposals demonstrate a high standard of design and are well sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Supplementary Planning Guidance Note 1 on Roof Alterations & Extensions (SPG1) also outlines the Council's approach to roof additions.
- 8.4 Planning permission is sought for the construction of a side extension to the dwelling to form additional living accommodation. The extension would be to the western side of the dwelling and replaces a detached garage. The proposal would extend the width of the house by 5.1m and includes an integral garage.

It would have the same depth of the house (7.65m) and would include a roof addition to allow an additional room at first floor level and within the roof.

- 8.5 The front of the roof would extend the existing cat slide roof and includes a pitched roof dormer window measuring 2m in width. This dormer would be the same design and dimensions as the existing dormer. The scheme proposes to reposition the existing dormer so that the two dormers are in line with each other. The two dormers are an appropriate size and fit well into the roof design with plenty of space around them. The dormers line up with the existing first floor window and do not stand out on the roof as inappropriate additions. They are deemed acceptable in terms of their design and are in accordance with SPG1.
- 8.6 The previous scheme proposed a larger two-storey extension which gave the house an appropriate symmetrical appearance but was considered to be inappropriate due to its impact on the adjacent property to the west. To overcome this impact, the design of the current proposal has been reduced in size to minimise its impact on the adjacent properties to the west. The current proposal is for a two-storey extension which includes a pitched roof at first floor level. The roof design does not give the house the symmetrical appearance of the previous scheme but it is considered to be acceptable and would not be visually intrusive in the street scene.
- 8.7 Whilst the scheme would result in an enlarged detached dwelling, it would be 1.2m from the western site boundary, an increased separation of 0.75m. Withdean Crescent includes a number of large houses set with substantial plots. The proposed house has been designed appropriately with matching materials and still retains its character with a traditional design. The representations refer to the house as a cottage and are concerned that it will lose its character with the extensions in place. The house does have some traditional elements to it but it is a modern house and the proposal does not significantly diminish its character. The use of dark brown UPVC windows is considered appropriate given that this is not a conservation area and that a number of houses in the area have UPVC in place.
- 8.8 Therefore, whilst the scheme does result in a substantial house on site, it would not be visually intrusive as an inappropriate addition in the street scene and the scheme is deemed appropriate in terms of its design and appearance. The scheme is considered in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.9 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.
- 8.10 As the extension is to the west side of the property the scheme is assessed against the houses directly to the west. Due to the position of the houses to the

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north, south and east of the proposed extension, these properties would not be significantly affected by the proposal.

- 8.11 The properties most affected by this proposal are nos.248 & 250 London Road and 1 The Approach, London Road. In terms of 1 The Approach, this dwelling is on the corner of Withdean Crescent and London Road and lies slightly south of the front of 1 Withdean Crescent. 1 The Approach has a large rear garden (approximately 15m long). Trees and bushes in this garden are unaffected by the proposal. Given the existing trees and the orientation of the proposed extension, the proposal would not significantly affect the amenity of this property. The proposal does include a new front dormer but this would not allow any direct or clear views into any habitable rooms or the garden of 1 The Approach. A similar conclusion can be drawn as to the impact of the scheme on the amenity of 250 London Road. This property lies a significant distance to north and west of the proposed extension.
- 8.12 Turning to the impact on 248 London Road, the proposed extension would be towards the bottom of the garden of this property. Again this property has a large garden (over 15m in length). Due to the differing ground levels, 1 Withdean Crescent is set at a higher level than 248 London Road. As the extension is at the bottom of the garden of 248 London Road, it would not impact on any habitable rooms to no.248 in terms of loss of light or loss of outlook.
- 8.13 The previous scheme was refused due to its impact on no.248. The refused scheme was for a large and overbearing two-storey extension with a height to eaves level of 6.05m. This was considered excessive and overbearing. To overcome this impact, the current proposal has significantly reduced the bulk of the extension. The two-storey addition now comprises a pitched roof at first floor level which takes the bulk of the extension away from the west elevation. The extension would be larger than the garage (now demolished) but when compared to the previous two-storey extension, the proposed impact of the extension is considered appropriate.
- 8.14 In addition, the recently demolished garage was situated 0.5m from the boundary with no.248 to the west. The extension would resite it 0.75m further away from no.248 which is acceptable.
- 8.15 The extension would be sited 1.2m from the boundary fence and would have an eaves level of 3.7m. This is 1.9m higher than the existing fence. The roof of the extension then slopes away from eaves level to line up with the top roof ridge. There is a substantial tree adjacent the boundary at the bottom of the garden of 248 London Road. The impact on this tree is addressed below. The extension will be visible from the garden of 248 London Road. However, the existing tree will mitigate the visual impact of the extension to some degree and the scale and size of the extension would not result in a significant impact on the amenity of 248 London Road. The extension is at the end of the large rear garden of 248 London Road to the east so it would not result in a significant loss of daylight or sunlight to the garden and the extension would not result in an overbearing presence given its design.

- 8.16 The previous scheme was partly refused on the grounds of perceived and actual overlooking of the adjacent properties to the west. The current scheme does not propose any side facing windows which would directly overlook the residents to the west. It does propose a front facing dormer serving a bedroom and a rear window serving a bathroom. These windows face north and south and would not directly overlook any neighbouring properties. The rear facing bathroom window serves a bathroom and a condition is recommended that this window is obscure glazed and fixed shut to a height of 1.7m. To protect neighbouring amenity, a condition is also recommended to remove permitted development rights for windows, including dormer windows, to the west facing elevation of the dwelling.
- 8.17 The residents of 248 London Road have raised concern that the scheme would result in a raised ground level for the garden which would result in overlooking of their garden. The scheme does not include any proposal to increase garden levels.
- 8.18 Overall, the scheme is considered appropriate in terms of its impact on the amenity of adjacent properties and is in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.19 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety. The scheme includes an integral garage to replace the demolished garage as well as a retained hard standing and is deemed to provide suitable off-street parking for the dwelling in accordance with the policy.

Impact on trees

- 8.20 The Council's Arboricultural Officer has commented that in the rear garden of the proposed development is a small Laburnum tree which is likely to be within the Root Protection Area of an Elm in an adjacent garden. These two trees should be protected during the course of the development and a condition is recommended to this effect.
- 8.21 The Elm in a neighbouring garden is to the north/west of the property and from the Arboriculturist's viewpoint did not appear to overhang excessively. This should also be protected during the course of the development to ensure its retention post development.
- 8.22 In a further neighbouring garden to the west of the property adjacent to the current area that is a garage is a Pittosporum spp. This is unworthy of Preservation Order. It currently overhangs the garage. The garage area is hostile for root encroachment and therefore there is unlikely to be any roots in this vicinity. The applicant would have a common law right to cut back any overhang as long as it is not to the ultimate detriment of the tree. The tree appears to be multi-stemmed with only the back one or two stems encroaching on the garden, however, it is likely these will not need to be removed to facilitate the development.

8.23 Overall, the Arboricultural Section has no objection to this application subject to suitable conditions being attached to any consent granted to protect the above trees during the rest of the construction works.

9 CONCLUSION

9.1 The revised scheme is considered appropriate in terms of its design and would not significantly detract from the appearance of the host property or the surrounding area. The built form would be moved 0.75m away from the boundary and would be significantly screened from no.248. The design of the extension is also deemed appropriate in terms of its impact on the amenity of adjacent properties and adjacent trees.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) 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 QD1 and QD14 of the Brighton & Hove Local Plan.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no first floor windows or extensions shall be constructed on the west facing elevation.
Reason: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 3) The rear first floor window hereby approved shall be obscure glazed and non-opening unless any 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 retained as such, unless otherwise agreed with the local planning authority in writing.
Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) Within one month of the date of this permission an Arboricultural Method Statement regarding the protection of the adjacent trees shall be submitted for the approval of the Local Planning Authority. The statement shall be in accordance with BS 5837 (2005) Trees in relation to Construction and will include protection of roots. The works shall be implemented in accordance with the approved statement.
Reason: To protect the trees 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.

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- 5) 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
Ground Floor Survey	11241/03		22 nd June 2012
First Floor Survey	11241/04		22 nd June 2012
Existing South Elevation	11241/05		22 nd June 2012
Existing Elevations	11241/06		22 nd June 2012
Proposed Ground Floor Plan	11241/18	A	22 nd June 2012
Proposed First Floor Plan	11241/19	A	22 nd June 2012
Proposed South Elevation	11241/20	A	22 nd June 2012
Proposed West Elevation	11241/21	A	22 nd June 2012

11.2 Informatives:

1. 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 revised scheme is deemed appropriate in terms of its design and would not significantly detract from the appearance of the host property or the surrounding area. The design of the extension is also deemed appropriate in terms of its impact on the amenity of adjacent properties and adjacent trees.



**Brighton & Hove
City Council**

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COUNCILLOR REPRESENTATION

From: Sue Shanks
Sent: 17 July 2012 15:23
To: Jason Hawkes
Subject: 1 withdean crescent

I recently visited the site with Gerard McCormack. I still feel the new plans will be bulky and lead to loss of amenity for the neighbours. It is also not in keeping with eth style of house, pvc windows etc so I would like to object to the plans and for the decision to go to committee. thanks