

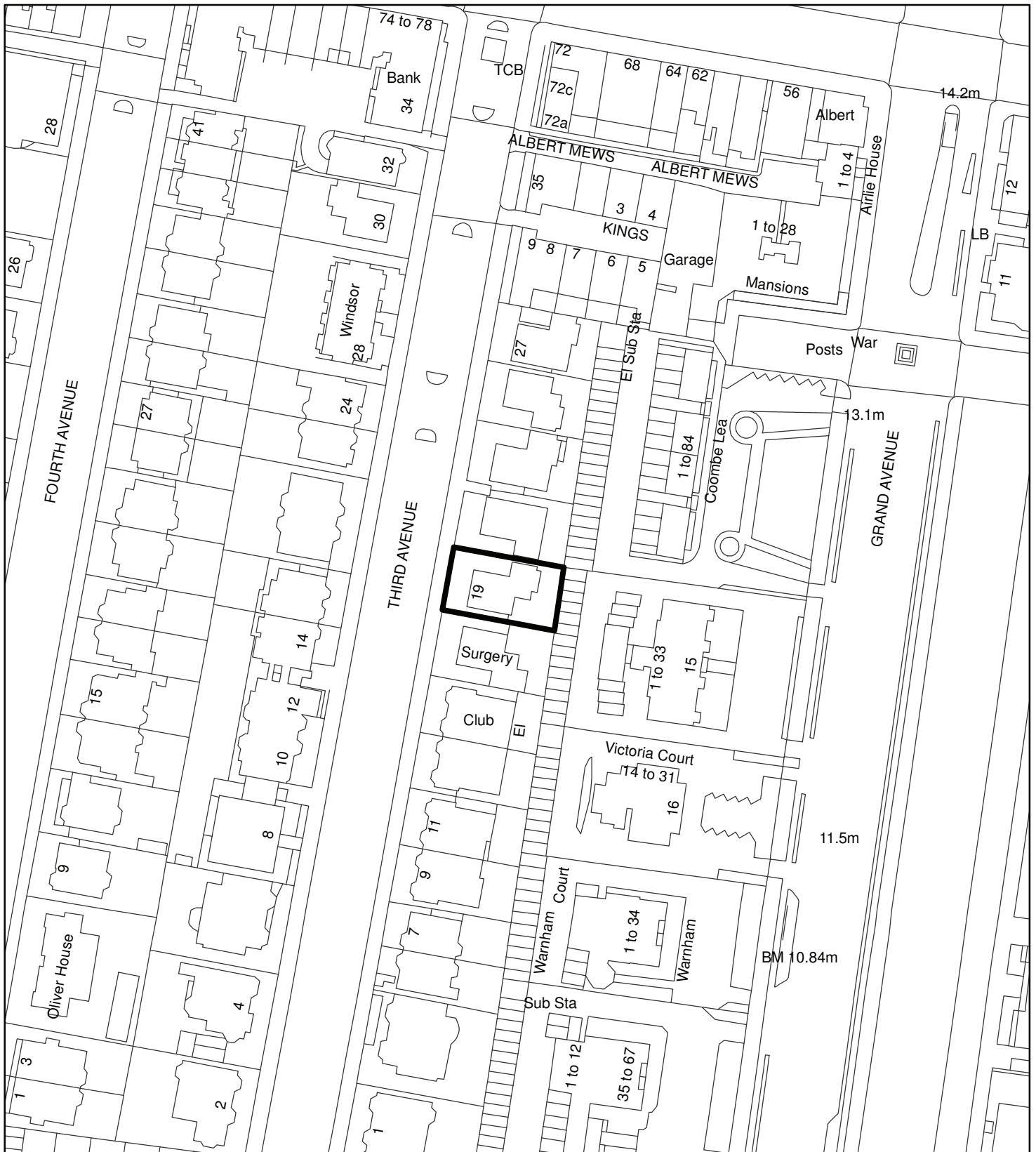
**PLANS LIST
ITEM H**

19 Third Avenue, Hove

**BH2012/02138
Householder planning consent**

12 DECEMBER 2012

BH2012/02138 19 Third Avenue, Hove



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2012/02138	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	19 Third Avenue, Hove		
<u>Proposal:</u>	Erection of summer house to South East corner of rear garden.		
<u>Officer:</u>	Clare Gibbons, Tel: 292454	<u>Valid Date:</u>	31/08/2012
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	26/10/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Dipak Mistry, 19 Third Avenue, Hove		

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 site is located on the east side of Third Avenue and falls within The Avenues Conservation Area. The area is residential in character. The site is occupied by a two storey detached building, which is divided into two residential units. The rear garden is accordingly divided into two sections and the application relates to the southern part of the garden.
- 2.2 The northern boundary between the application premises and the residential unit contained within the same building is a 2m close boarded fence. The rear boundary comprises an approximately 3m high brick wall, behind which are garages serving a block of purpose built flats fronting Grand Avenue. To the south is a 2m high brick wall abutting the rear garden wall which drops to 1.65m (when measured from the garden in 17 Third Avenue) and forms most of the boundary with the neighbouring single family dwellinghouse.

3 RELEVANT HISTORY

BH2012/01309: On 25th June 2012 planning permission was refused for a loft conversion incorporating rear dormer and rooflights to the sides.

BH2003/03025/FP: On 27 November 2003 planning permission was granted for demolition of existing single storey section and erection of two storey extension to 19A Third Avenue.

3/93/0674(F) & 3/93/0675(CA): On 17 January 1994 planning permission and Conservation Area Consent were granted for conversion of the garage into a bedroom/study.

M/13268/67: Change of use to home for the elderly was approved on 25 January 1968.

M/3083/54: On 12 April 1954 permission was granted for conversion into 1 maisonette and 1 flat.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a summer house in the south east part of the garden. The proposed structure would measure 2.65m in width and 2.19m in depth with a height of 2.67m at its ridge. It would be predominantly wood with 6x3 glass windows and doors in the west elevation and 3x3 glass windows in the flank elevations. The roof would be hipped with a felt covering.
- 4.2 In support of the application a photograph has been submitted indicating that there was previously a summer house in the north east corner of the site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Four (4) letters** of representation have been received from **(2x Flat 14, Victoria Court, 16 Grand Avenue, 23 Third Avenue, 35b Third Avenue)** supporting the application for the following reasons:
- it would be better than the previous structure,
 - be of a traditional design and would not infringe on neighbours.
- 5.2 **Eight (8) letters** of representation have been received from **(Flat 4, 21 Third Avenue, 2x 17 Third Avenue, 11 Warnham Court, Grand Avenue, 15 Third Avenue, 15 Grand Avenue, 19a Third Avenue, 31 Valance Gardens)** objecting to the application for the following reasons:
- it is overscaled for the garden, would set an unacceptable precedent,
 - large and dominant, would provide habitable accommodation,
 - would lead to a loss of light and privacy,
 - the proposed structure is bigger than the previous structure and in a more unneighbourly position,
 - would be out-of-character with the Conservation Area,
 - the initially submitted plans were incorrect,
 - would be visible from the street in Third Avenue,
 - raise the issue of party wall consent,
 - would cause noise disturbance,
 - result in a claustrophobic feeling,
 - does not conform with other back garden additions in the area that are set below boundary walls and poor quality of the submitted plans.
- 5.3 **Councillor Wealls:** Raises objections. A copy of that letter is attached as an appendix to this report.

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 and 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) March 2012

Brighton & Hove Local Plan 2005:

- HE6 Development within or affecting the setting of conservation areas
QD2 Design – key principles for neighbourhoods
QD27 Protection of Amenity

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the impact on the character and appearance of The Avenues Conservation Area and the amenity of neighbouring residential occupiers.

Impact on the character and appearance of The Avenues Conservation Area:

- 8.2 Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show, for example, (i) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of streets, development patterns, building lines and building forms; (ii) the use of building materials and finishes which are sympathetic to the area; (iii) no harmful impact on the townscape and roofscape of the conservation area; and (iv) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area. Policy QD2 requires all new developments to be designed to emphasise and enhance the positive qualities of the local neighbourhood.
- 8.3 Letters of objection have expressed concern that the proposal would be out-of-keeping with the Conservation Area and other garden structures in the locality, would be overscaled for the garden, would be large and dominant and visible from the street. In support of this application, a photograph has been

submitted which indicates that there was a hipped roof summerhouse in the garden previously, albeit it was positioned adjacent to the northern boundary. However, each proposal should be considered on its own merits.

- 8.4 The proposal would have the appearance of a conventional summerhouse, which is reflected in the letters of support. The proposed materials of timber, glass and felt are traditional materials that are in keeping with The Avenues Conservation Area. It would be positioned in the south east corner of the garden and a significant part of the rear garden would remain open. Therefore, it is considered that the proposal would not appear as an alien feature and would cause no demonstrable harm to the character and appearance of The Avenues Conservation Area in line with policies HE6 and QD2.

Impact on the amenity of neighbouring residential occupiers:

- 8.5 Policy QD27 specifies that planning permission 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.
- 8.6 Letters of objection express concern that the proposal would result in a loss of light and privacy, appear overbearing and cause noise disturbance. The proposed summerhouse would be positioned adjacent to the southern boundary wall with no. 17 Third Avenue. The existing brick boundary wall is 2m high adjacent to the rear of the garages and then drops down. The proposal would overlap into the lower section by 0.2m with a proposed eaves height of 1.8 metres and the maximum height of 2.5m being reached approximately 0.9 m from the boundary. Given the relationship between the boundary wall and the proposed structure and that it would be to the north of no. 17 Third Avenue, it is considered that there would be no significant overbearing effect or loss of light to those neighbouring occupiers. Other neighbours are considered to be a sufficient distance away. The proposal would be in an existing area of garden and would not introduce a significant new element of overlooking. There is no evidence to suggest that the use would provide separate habitable accommodation or be other than ancillary to the main residential use so it is considered that unacceptable noise would not be generated. To safeguard amenity, a condition is recommended requiring that the use is ancillary. Therefore, the proposal complies with policy QD27.

Other considerations:

- 8.7 Concern has been expressed that the plans are not correct and are of a poor quality. Since the initial submission, the plans have been updated to accurately show the proposal and are considered to be of a satisfactory level upon which to determine this application.

9 CONCLUSION

- 9.1 The proposal involves the construction of a summerhouse in the south east corner of the garden belonging to a flat within The Avenues Conservation Area. Concern has been expressed that the proposal would cause harm to the visual amenity of the Conservation Area. However, it is considered that the proposed

conventional appearance and use of traditional materials would not be out-of-keeping or cause harm to the appearance or character of The Avenues Conservation Area, in line with policies QD2 and HE6.

- 9.2 Concern has also been expressed at the impact on the amenity of neighbouring residential occupiers. Given the scale of the proposal, the overall height of 2.67m and the prevailing boundary treatment, there would be no significant loss of light, privacy or sense of enclosure to the detriment of the amenity of neighbouring occupiers. The proposal would therefore comply with policy QD27.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING 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			31/08/2012
Block plan			23/08/2012
Picture of proposed summerhouse			31/08/2012
Photograph of current garden			31/08/2012
Photograph of previous Summerhouse			31/08/2012
4x unnumbered drawings showing plans and elevations of proposed summerhouse			22/11/2012

3. The summerhouse hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 19 Third Avenue.
Reason: To safeguard residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.

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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 proposal would not cause significant harm to the street scene or character and appearance of The Avenues or the amenity of neighbouring residential occupiers.

Development Control,
Brighton & Hove City Council,
Hove Town Hall,
Norton Road,
Hove,
BN3 3BQ



17th October 2012

Dear Sir or Madam,

Re: BH2012/02138, 19 Third Avenue, Hove, BN3 2PB

Please register my objection to the above application.

I visited the site today and it is clear that the proposed height of the summer house will be between approximately 70cm and 1 metre above the boundary wall between numbers 19 and 17 Third Avenue.

The wall of the summer house will run approximately one third of the way along this boundary wall. This will have a substantial impact on the amenity of the owners of 17 Third Avenue. As the summer house will be situated to towards the south western side of the garden of 17 Third Avenue (ie the north western side of the garden on 19 Third Avenue), it will have a significant impact on the amount of light reaching the garden and ground floor rear rooms of 17 Third Avenue.

It will be an overbearing structure and will dominate the view from the rear of 17 Third Avenue, towards the southerly aspect.

I urge the Planning Committee to reject this inappropriate application on the above grounds.

Yours faithfully,



Councillor Andrew Wealls

