

# **ITEM I**

**187 Dyke Road, Hove**

**BH2013/03496**  
**Full planning**

**08 JANUARY 2014**



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<b><u>No:</u></b>	<b>BH2013/03496</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>187 Dyke Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey extension to replace existing single storey extension and terrace.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	14 October 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<b><u>Applicant:</u></b>	RT Williams, C Williams, C/O Lewis & Co Planning, 2 Port Hall Road Brighton BN1 5PD		

**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 **REFUSE** planning permission for the reason(s) set out in section 1.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is occupied by a 2-storey semi-detached building situated at the corner of Dyke Road and Highdown Road, near to the Seven Dials area of the city. The building has pitched and cat-slide roofs, black fenestration and white painted render walls with brick detailing. The building has a domestic appearance. It is in use as an office.
- 2.2 There is off-street car parking and two vehicular accesses at the front of the building providing an in-out arrangement.
- 2.3 To the north side of the building the properties are predominantly in residential use, whilst to the south side there is a purpose built modern office block.
- 2.4 The building is not Listed and it is not situated in a Conservation Area.

**3 RELEVANT HISTORY**

**BH2013/03354** – Prior Approval for change of use from offices (B1) to residential (C3) to form 4no. residential units. Prior Approval Not Required on 25 November 2013.

**BH2013/01429** – Demolition of existing ground floor rear extensions and terrace and erection of two storey rear extension, relocation and enlargement of dormer to front and replacement of boundary wall with railings and gates. Refused 4 July 2013. The reasons for refusal were:

1. *The extension by reason of its scale, massing, bulk, site coverage, materials and detailing is considered poorly designed, an overdevelopment of the site and would have a seriously harmful impact on the character and appearance*

- of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
- 2. The extension by reason of its siting and scale, massing would have an unduly harmful and domineering impact upon the amenities of adjacent occupiers resulting in a loss of outlook, light causing overshadowing and an overbearing presence. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*
  - 3. The proposed front boundary wall and railings, due to their excessive height and appearance, would be out of keeping with the character and appearance of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
  - 4. The proposed parking layout fails to ensure a safe means of access to and from the site and does not provide adequate manoeuvring space on-site and increases the likelihood that vehicles would have to reverse out onto the highway, contrary to policy TR7 of the Brighton & Hove Local Plan.*

**BH1997/01114/AD** – Externally illuminated sign. Approved 3 October 1997.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two storey rear extension to the office building, involving replacement of an existing single storey extension and terrace.
- 4.2 The application is a revised submission following the refusal of application **BH2013/01429** on 4 July 2013. The current proposal no longer proposes alterations, railings and gates to the front parking area. The proposed rear extension is identical in all respects except the depth has been reduced 500mm from 9.2m to 8.7m.
- 4.3 The existing single storey extension proposed to be removed has a flat roof and is located to one side of the rear elevation. The extension is approximately 5m deep.
- 4.4 The proposed extension would occupy the whole width of the rear garden, which is 12.5m wide. The extension would be 6m high and 8.7m deep. The rear garden area would be reduced from 14m in length to 6m.
- 4.5 The extension would have a flat roof and brick walls with powder coated aluminium doors and windows. The windows at first floor level on the rear elevation would have projecting timber clad 'shading boxes'. No windows or other openings are proposed on the flank elevations of the extension.
- 4.6 The remainder of the back garden would be paved and a walled planter is proposed along the rear boundary.
- 4.7 The development would provide for 16 desk spaces; meeting rooms; kitchen/staff room; accessible shower; and female W.C. at ground floor level. At first floor level 14 desk spaces are proposed.

#### **5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Three (3)** letters of representation have been received from **56 Dyke Road Avenue** and **90 Hammy Lane (Shoreham) x2** supporting the application for the following reasons:
- Not very visible from the street.
  - Good design.
  - Space for more jobs.
  - Allow local company to remain in the area.
- 5.2 **One (1)** letter of representation has been received from **Austin Rees, Chartered Surveyors, 135-137 Dyke Road** supporting the proposed development as follows:
- Good design
  - Not visible
  - Will allow for more jobs
- 5.3 **One (1)** letter of representation has been received from **Dalua Highdown Road, Hove** objecting to the application for the following reasons:
- Loss of privacy.
  - Increased use of shared alleyway.
  - Increased comings and goings.
  - Loss of security.
  - Increased noise and disturbance.
  - Extra storey will lead to loss of privacy to the rear of the neighbouring property.
- 5.4 **Eleven (11)** letters have been received from staff employed in the building supporting the application.

**Internal:**

- 5.5 **Sustainable Transport: No objection.**  
The Highway Authority has no objections to the proposed application subject to the inclusion of the necessary conditions on any permission granted for retention of the car parking area and details of cycle parking provision. The previous transport reason for refusal under application BH2013/01429 has been addressed.

**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 is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

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- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
EM3	Retaining the best sites for industry

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

#### Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the design and appearance of the development; the impact on neighbour amenity; and highways considerations.

### **Design and appearance:**

8.2 The existing building is of a traditional domestic appearance. As such SPD12: Design Guidance for Extensions and Alterations is relevant to the proposal. In addition policies QD1 and QD14 of the Local Plan are applicable.

8.3 Policy QD1 requires proposals to demonstrate a high standard of design to ensure development makes a positive contribution to the visual quality of the environment. Design aspects which should be taken into account include:

- a. scale and height of development;
- b. architectural detailing;
- c. quality of materials;
- d. visual interest particularly at street level; and
- e. appropriate levels and type of landscaping.

8.4 Policy QD14 of the Local Plan states planning permission for extensions to existing buildings will only be granted if the proposed development:

- a. is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b. would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c. takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d. uses materials sympathetic to the parent building.

8.5 SPD12 states that all extensions, particularly those incorporating modern design approaches, should be considered holistically with the original/main building to avoid an awkward jarring of materials and forms. Design principles for two storey rear extension are as follows:

- Two storey rear extensions should not normally project beyond a side wall to a building and should sit within and not replace the boundary wall/fence.
- The roof form and pitch should reflect that of the host building, and should normally be set lower than the main ridge of the building. Flat roofs are generally unacceptable unless the host building has a flat roof or flat roofs at the proposed level are a common feature of the particular style of building to be extended (for instance on more historic terraces).
- Materials and detailing should normally match that of the main building, especially on terraced or semi-detached buildings.

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- Window design, positioning and method of opening should match that of the main building.
  - All two storey extensions should comply with the 45 degree rule both extending to the rear and upwards to avoid harming neighbouring amenity.
  - In most cases a minimum separation of 7m should be retained to the rear boundary of the property and 14m to the nearest facing residential window to amenity issues.
- 8.6 The proposed extension would be a considerable enlargement to the existing building. The extension would add significant bulk and massing and would occupy the majority of the open garden space to the rear of the building. In terms of scale and form, the proposed extension would not integrate successfully with the character and appearance of the existing building. The existing building has a domestic character with pitched and cat-slide roof form. The proposed extension is of considerable scale and would have a box-like form with flat roof. The flank walls of the extension would line up with the side walls of the existing building and at this juncture the external finishes would change from painted render to brickwork. The flat roof of the proposed extension would not align with the eaves of the existing building and would cut into, and truncate, the rear roof slope of the recipient building. In the design there is insufficient separation of the two contrasting styles of the existing building and the proposed extension, where a visual break or link might be desirable as opposed to the direct attachment and consequent jarring of form and materials represented in the application. The proposed extension would overwhelm and dominate the recipient building and the design and juxtaposition of the development would be insensitive to the character and appearance of the existing building.
- 8.7 Due to the proposed site coverage the extension would occupy the majority of the rear garden space and this represents an over-development of the site contrary to the pattern of existing development and failing to take into account the positive contribution that the spaces around and behind buildings in the locality makes to the character of the area. In addition, the extension would cover over the entire rear elevation of the existing building and would be more than half the depth of the interior of the main part of the existing building and leave less than 7m of space to the rear boundary of the site.
- 8.8 The back of the extension would line up with the rear wall of the adjoining semi-detached building of 189 Dyke Road. Representations from the Public are acknowledged. However, the extension would be visible from both Highdown Road and from Dyke Road, through gaps between the buildings.
- 8.9 In view of the above, the proposal does not comply with the requirements of policies QD1 or QD14 of the Local Plan or SPD12. The small reduction in the depth of the extension from 9.2m to 8.7m is not considered sufficient to overcome the reasons for refusal of the previous application, BH2013/01429.
- Impact on Amenity:**
- 8.10 There is concern raised with regards to the scale, massing, height and un-neighbourly aspect of the extension and its impact on the outlook and privacy of



the adjacent properties. The neighbouring commercial uses are noted, as is the residential nature of properties in Highdown Road behind the site.

- 8.11 The extension would comprise a two storey extension that projects out from the rear elevation above eaves height. The extension would cover approximately two thirds of the land forming the open rear garden/amenity space and would form a large box-like addition which would extend across the whole of the west facing elevation of the property up to the boundary with the adjoining semi-detached building of 189 Dyke Road.
- 8.12 The formation of such a scale, massing and bulk upon a joint boundary is an un-neighbourly and harmful type of extension. The extension would rise up adjacent to form a tall and featureless flank elevation that would enclose, reduce light and have an overbearing impact on the opening and rear space at 189 Dyke Road. The presence of the extension at a sheer vertical two storeys being in such close proximity adjoining the northern boundary of the site would have a significance adverse impact on amenity.
- 8.13 It is recognised that 189 Dyke Road has no residential use and is occupied by the Association of Clinical Pathologists. The amenity impact of development on occupiers of commercial buildings is less than it would be on residential uses because they are used less and are often empty in the evenings and at weekends, employees will often be working from the same desk/office and in any case the layout may be varied more easily that occupiers of a residential property where rooms will fulfil habitable functions. However, by reason of the high level of impact identified in this case, the severity of the amenity impact from the massing and bulk could prejudice the future use of the adjoining building and compromise the amenity of present and future adjoining occupiers and in this regard refusal on grounds of loss of light, outlook and an overbearing impact is considered to be justified.
- 8.14 Due to the orientation of the proposed extension and the separation distance between the proposed extension and the nearest residential property, Dalua in Highdown Road, the proposal would not give rise to loss of light or overshadowing. However, the first floor rear windows to the extension would overlook the whole of the neighbour's back garden and rear windows, and the height and scale of the extension combined with the small distance to the rear boundary of the site, would have an overbearing impact on the residential neighbour, to the extent that they would not longer be able to enjoy the existing private and useable amenity space, which therefore would be detrimental to the living conditions by reason of loss of privacy and amenity of current and future occupiers of that residential dwellinghouse.

**Sustainable Transport:**

- 8.15 In order to meet the requirements of policies TR1, TR14 and TR19 of the Local Plan, development must provide for the transport demand created in accordance with the maximum car parking standards and minimum cycle parking standards set out in SPGBH4. Cycle parking should be secure, convenient to use and ideally sheltered.

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- 8.16 The proposal extends the existing B1 land use by approximately 200m<sup>2</sup>. This proposal is likely to increase the number of trips to and from the site however they are not considered to increase to a level which would warrant a refusal of planning permission on this basis. Due to this and that the scale of the development is below the temporary recession measure threshold the Highway Authority does not seek a S106 contribution in this instance.
- 8.17 SPGBH4 states that the maximum car parking standard for a B1 office land use in a Controlled Parking Zone (CPZ) is 1 space per 30m<sup>2</sup> of the gross floor space. Therefore for a development of this nature and scale the maximum car parking standard is 2 vehicle parking spaces. The applicant is proposing to retain the existing car park and is not intending to make any changes to the access arrangements. The Highway Authority has no objections in relation to this arrangement and this now addresses the previous reason for refusal in relation to vehicular access to the site.
- 8.18 SPGBH4 states that a minimum of 1 cycle parking space and an additional space at 1 per 200m<sup>2</sup> of floor space or part thereof is required for every B1 office development. Therefore for this development there is a minimum requirement of 3 cycle parking spaces. In order to be in line with Policy TR14 of the Local Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands.
- 8.19 On the proposed ground floor plan the applicant states that there is a bike store area. The applicant doesn't provide any details of how many spaces are provided or details of their nature. The Highway Authority deems that there is adequate provision in this location and therefore would recommend that this aspect is conditioned.

## **9 CONCLUSION**

- 9.1 In terms of bulk, scale, site coverage, form and design, the proposed extension would not be a sympathetic addition to the recipient building and would constitute over-development of the site, resulting in consequent harm to visual amenity and the character and appearance of the recipient building.
- 9.2 In terms of the bulk, scale, site coverage, height and proximity of the proposed extension to neighbouring buildings, the development would result in a significant adverse impact on amenity by way of increased sense of enclosure, an overbearing impact and overlooking leading to loss of privacy and detriment to neighbour amenity and living conditions.
- 9.3 For these reasons refusal is recommended.
- 9.4 There is no objection in principle to extension of this property and the Local Planning Authority would welcome the opportunity to discuss an alternative scheme.

**10 EQUALITIES**

10.1 The proposed extension would be connected to the existing building which has access at street level.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The extension by reason of its scale, massing, bulk, site coverage, materials and detailing is considered poorly designed, and an over-development of the site, and would have a seriously harmful impact upon the character and appearance of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan
2. The extension by reason of its siting, scale and massing would have an unduly harmful and dominating impact upon the amenities of adjacent occupiers resulting in a loss of outlook, increased sense of enclosure, overshadowing and an overbearing impact. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
View from Highdown Road	0163.Scene01	A	14 Oct 2013
View from Dyke Road	0163.Scene02	A	14 Oct 2013
Existing Ground Floor, Location and Block Plans	0163.EXG.001	A	14 Oct 2013
Existing First Floor, Loft and Roof Plans	0163.EXG.002	A	14 Oct 2013
Existing Roof Plan, Elevations And Sections	0163.EXG.003	A	14 Oct 2013
Proposed Ground Floor, Location and Block Plans	0163.PL.001	C	14 Oct 2013
Proposed First Floor and Roof Plans	0163.PL.002	C	14 Oct 2013
Proposed Sections	0163.PL.003	b	14 Oct 2013
Proposed Elevations	0163.PL.004	b	14 Oct 2013