

ITEM H

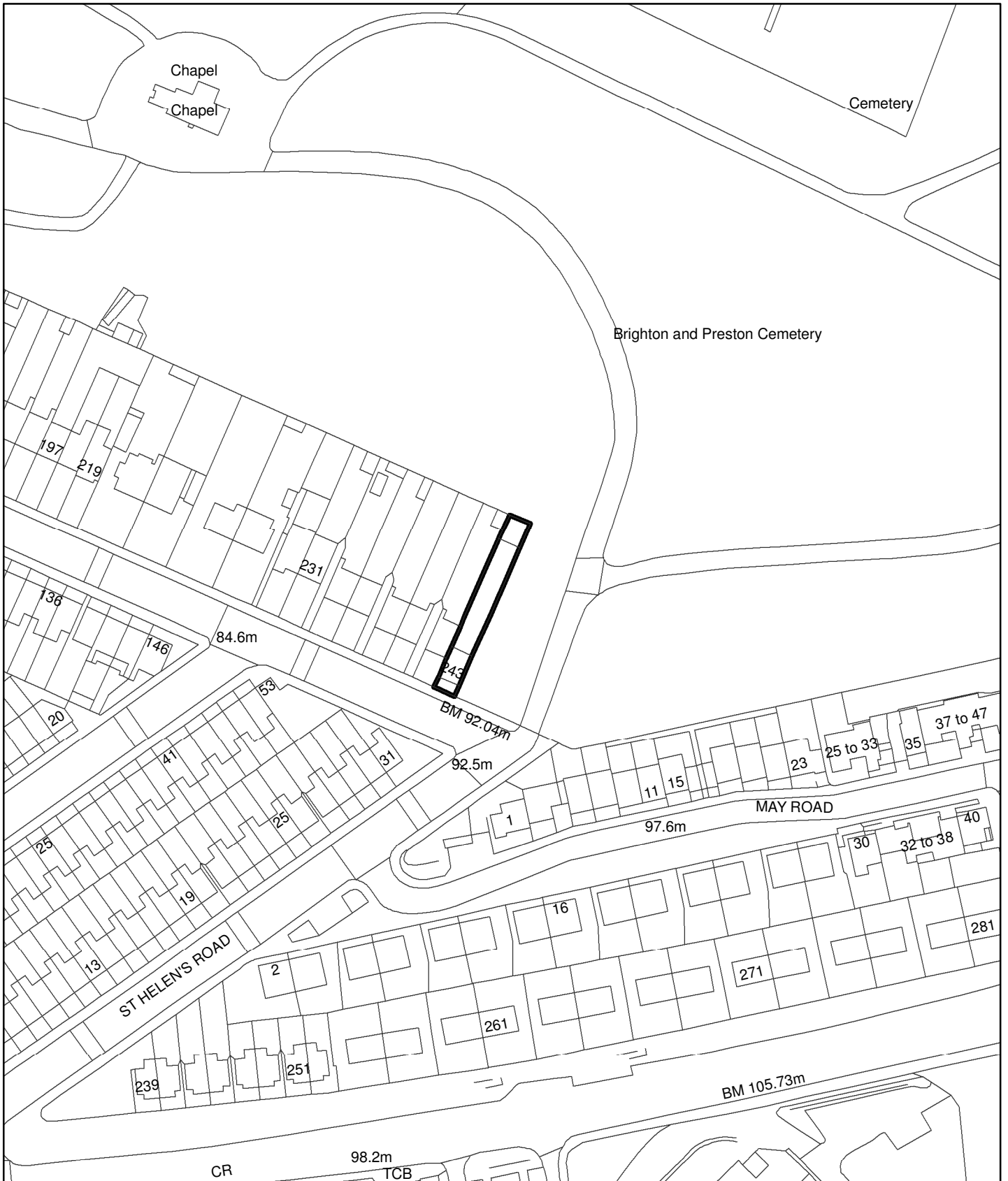
243 Hartington Road, Brighton

BH2013/04047

Removal or variation of condition

19 FEBRUARY 2014

BH2013/04047 243 Hartington Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/04047	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	243 Hartington Road Brighton		
<u>Proposal:</u>	Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	27 November 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Delavals Design, Heron House, Laughton Road, Ringmer BN8 5UT		
<u>Applicant:</u>	Mr M Knight, C/O Delavals Design, Heron House, Laughton Road Ringmer		

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 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a semi-detached dwelling at the eastern end of Hartington Road. There was previously a single storey commercial building on the site; this has been demolished and the new dwelling constructed.

3 RELEVANT HISTORY

BH2013/02817 Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments – Refused 01/11/2013

BH2013/02620: Non material amendment to BH2012/00173 to allow for alterations including the omission of the lower ground floor level of the dwelling, the installation of 2no. velux windows to front elevation, changes to rear fenestration and replacement of garden office (retrospective). Refused 19/09/2013.

BH2013/00097: Application for Approval of Details Reserved by conditions 6, 7, 8, 9, 10 and 11 of application BH2012/00173. Split decision 12/08/2013.

BH2012/00173: Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office. Approved 13/09/2012.

4 THE APPLICATION

- 4.1 Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.
- 4.2 The dwelling which has been constructed does not accord with the scheme approved under application BH2012/00173.
- 4.3 The most significant deviations from the approved scheme are as follows:
- The basement level which formed part of the approved scheme has not been constructed.
 - The rear dormer roof extensions constructed do not accord with the previously approved drawings.
 - The outbuilding to the rear garden area, which was to be retained, has been demolished and replaced with a new structure.
 - Two rooflights have been inserted to the front roofslope.
 - The rear first floor windows of the dwelling are set lower than was approved.
 - The raised hardstanding to the front of the property is set at a higher level in relation to the dwelling than was shown in the previously approved drawings.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Five (5) letters of support have been submitted by the applicant's agent from the following addresses: nos. **148, 233, 239, & 241 Hartington Road, and 31 St Helens Road.**

Three (3) further letters of support have been submitted individually from the following addresses: nos. **243 Hartington Road, 5 Hylden Close Woodingdean, and 31 St. Helens Road.**

The reasons for support are as follows:

- Many other properties on Hartington Road have dormers, most of which are bigger than those proposed here;
- The new property is of good design and is an improvement to what was on site before;
- The dormers do not affect anyone.

5.2 **Natural England:**

No comment

5.3 **County Ecologist:**

No comment

Internal:

5.4 **Planning Policy:**

No comment

5.5 **Transport Planning:**

Recommended approval as the Highway Authority has no objections to this application. The Highway Authority comments are similar to a recent similar application BH2013/02817.

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);
- 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)

PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business and warehouse units

Supplementary Planning Guidance:

SPGBH4	Parking standards
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Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation and Development
SPD12	Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the changes to the approved scheme which are proposed and their impacts.

Background

- 8.2 A planning application (BH2013/02817) for the variation of condition 2 to allow for minor amendments was refused for the following reason:
- 8.3 *The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with*

large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

- 8.4 In this resubmission, the dormers have been amended on the drawings with a narrower width.

Design and Appearance

- 8.5 The removal of the basement level, the outbuilding, the roof lights and the alterations to the fenestration and hard standing were all considered acceptable in the previous application.

- 8.6 Under the original application, a large box dormer was initially proposed. This was considered to be unacceptable and revised drawings which showed two smaller dormers of an acceptable design were submitted and approved. The dormers which have been constructed do not comply with the previously approved drawings, they are significantly larger. The dormers are considered to be contrary to policy QD14 of the Brighton & Hove Local Plan and to the guidance set out in SPD12 which states:

- 8.7 *'Dormer windows should instead be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. In some cases a flat roof may be considered preferable to a pitched roof in order to reduce the bulk of a dormer. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a "heavy" appearance and there should be no large areas of cladding either side of the window or below. As a rule of thumb a dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.'*

- 8.8 The dormer extensions which have been constructed are significantly larger than the windows, with large areas of cladding surrounding the windows. The dormers are not set significantly down from the ridge height, nor up from eaves height. In this application the dormers on the drawings are set in from the sides of the roof, however they still dominate the appearance of the rear roof rather than appearing as sympathetic additions to the roof. The dormers cause significant visual harm and are considered to warrant refusal on these grounds.

- 8.9 It is noted that the property alongside, no. 241 Hartington Road, has a large rear dormer, with large areas of cladding and an unusual roof form. There is no planning history relating to this extension which it appears was carried out under permitted development rights. This extension is not considered to set a precedent for the approval of similar additions, rather, as with the roof dormers to the application property, the extension serves as an example of the visual harm inappropriate roof extensions can cause. The applicant has also provided examples of other dormer

windows in the vicinity which do not appear to have planning permission and are therefore considered to have limited weight in this respect.

Impact on Amenity:

- 8.10 The dormer windows would result in similar views to that of the previously approved dormer windows in the original scheme. The proposal is therefore considered to accord with policy QD27.

9 CONCLUSION

- 9.1 The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

10 EQUALITIES

None identified

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

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:

Plan Type	Reference	Version	Date Received
Proposed second floor	13.05.10.004		27 November 2013
Block plan	13.05.10.001		27 November 2013
Elevations	13.05.10.006		27 November 2013
Site plan	13.05.10.007		27 November 2013
Photos	n/a		27 November 2013