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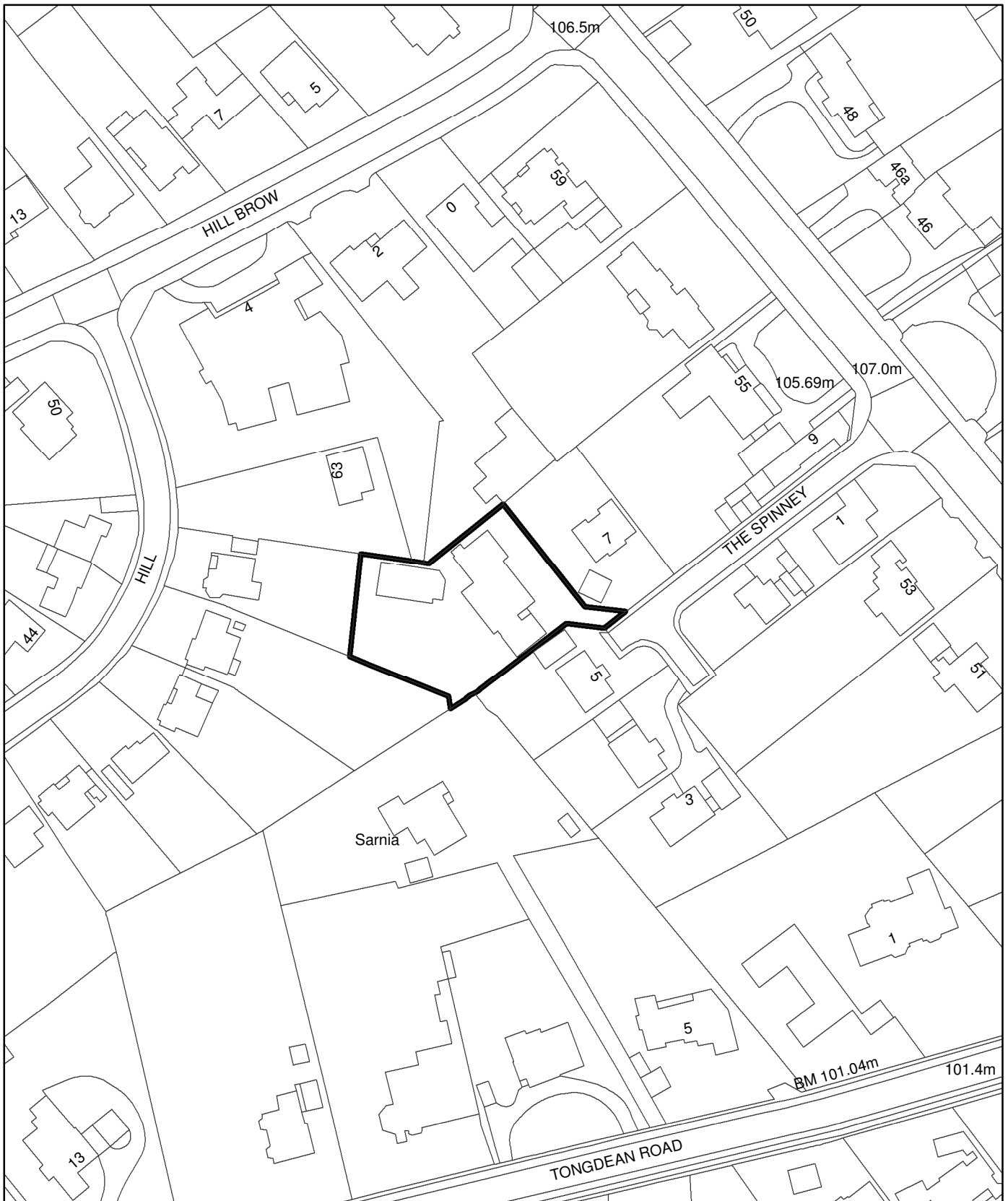
6 The Spinney, Hove

BH2014/03008

Householder planning consent

19 NOVEMBER 2014

BH2014/03008 6 The Spinney, Hove



Scale : 1:1,250

<u>No:</u>	BH2014/03008	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 The Spinney Hove		
<u>Proposal:</u>	Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor extensions to sides and rear and creation of rear terrace.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	16 September 2014
<u>Con Area:</u>	Adj. Tongdean	<u>Expiry Date:</u>	11 November 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Alan Wood, 75 Westbourne Street, Hove BN3 5PF		
<u>Applicant:</u>	Miss Margaret Rignell, 6 The Spinney, Hove BN3 6QT		

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 application relates to a large detached dwelling on a large plot located on the west side of a cul-de-sac located toward the northern end of Dyke Road in Brighton.
- 2.2 The dwelling is a chalet style house, with rear and front facing dormers in the roof and benefits from a double garage close to the boundary with 5 The Spinney, a large detached swimming pool building and a large side single storey extension (Billiards Room) close to the rear boundary of no. 2 Hill Brow.
- 2.3 The north-western boundary of the site adjoins the Tongdean Conservation Area.

3 RELEVANT HISTORY

6 The Spinney

BH2014/01463 - Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor side extension and creation of rear terrace. Refused 27/06/2014. Reasons for refusal: The proposed development, by reason of its width, siting, massing and detailing would appear unduly dominant and would fail to emphasise or enhance the positive characteristics of the area. In addition the use of slate roof covering and part render elevations would result in a development out of keeping and incongruous with The Spinney. The proposal is therefore contrary to policy QD14

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of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2014/00220 - Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor side extensions and creation of rear terrace. Refused 19/03/2014.

BH2010/03560 - Application to extend time limit for implementation of previous approval BH2005/02404/FP for a first floor extension over existing garage including rear balcony, and extension of garage to the front. Approved 10/01/2011

BH2005/02404/FP - First floor extension over existing garage including rear balcony, and extension of garage to the front. Approved 16/11/2005

5 The Spinney

BH1999/01403 - Proposed addition to form two additional bedrooms, rear extensions and refurbishment. – **Approved** 09/08/1999

4 THE APPLICATION

- 4.1 Planning permission is sought for the remodelling of the existing chalet bungalow to create a two storey, 5 no. bedroom house with associated alterations including the erection of first floor extensions to sides and rear and the creation of a roof terrace.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **4 and 7 The Spinney** and **63 Hill Drive** objecting the application for the following reasons:

- the proposed development is far too large for The Spinney. All houses are discreet and fit their plot. It would leave a very small garden for the house size,
- the application is yet another 'domineering' application that is out of proportion for The Spinney and the existing residences,
- the building would result in loss of light, overlooking, loss of privacy and obscure distant sea views,
- The Spinney is part of a Conservation Area that should be protected. It represents an overdevelopment and the building footprint is not in proportion to the plot size and location,
- Change from last plan appears to be that there would be one less new upper-storey window. There is no change from before to the positioning of the remaining new window at the rear or to the proposed new balcony and its door,
- Loss of privacy and over-looking. The large separating Leylandi on the boundary with no. 63 Hill Drive will be removed following completion of the purchase of land currently related to no. 4 Hill Brow on the 28th November 2014.

- 5.2 **CAG:** The group noted there is an existing consent for a large extension and do not feel the proposal will affect the Conservation Area as a whole. The Group have no objection on conservation grounds to the application, however, regret the inappropriate design of the building in the context of other buildings within the close.
- 5.3 **Councillors Brown and Bennett:** Object to the application. Correspondence attached.

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)

Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

Planning history:

- 8.1 It is noted that a two storey side extension was granted permission under reference BH2005/02404/FP in November 2005 (within the current local plan period). This permission was subsequently extended under reference BH2010/03560 on 10/01/2011. While this previous permission is not extant (expiry was on the 10th January 2014) given it was approved in the same plan period and same policies, with the exception of SPD12, some weight can be given to this previous consent. The previously approved extensions were thought considerably different to the current proposals and as such there are different visual and residential amenity considerations.
- 8.2 Under application BH2014/01463 permission was sought for the remodelling of the existing chalet bungalow to create a two storey 5 no. bedroom house with associated alterations including the erection of a first floor side extension and the creation of a roof terrace. This application was refused on grounds of the proposed width, siting, massing and detailing appearing unduly dominant and failing to emphasise or enhance the positive characteristics of the area in addition to the use of slate covering and part render elevations resulting in a development out of keeping and incongruous with The Spinney.
- 8.3 The main differences between the previously refused scheme and that now proposed include;
- The reduction in width of the proposed north-western side extension,
 - The creation of a first floor side extension on the south-eastern side of the dwelling, and
 - Changes to the proposed finish materials.
- 8.4 The main considerations in the determination of this application relate to the impacts of the proposal on the visual amenities of the parent property, The Spinney streetscene and the wider area. The impacts upon the amenities of the neighbouring properties also need to be assessed.

Visual Amenity:

- 8.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, 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;

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- 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.
- 8.6 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.7 The application seeks permission for the creation of an additional storey to replace an existing chalet style roof form. The proposed first floor extension would increase the overall width of the first floor level of the property from approximately 12.7m to approximately 18.6m, this width includes that of the proposed two side extensions. The ridge of the proposed main hipped roof form would measure approximately 6.6m and would be located approximately 8.2m above ground level, which is the same height as the ridge of the existing gable end roof form.
- 8.8 On the north-western side of the proposed first floor extension a barn end hipped roof side extension would project beyond the main front building line of the dwelling by approximately 1.7m to align with the existing 'billiards room' extension below. The width of this proposed side extension would be integrated with the main proposed first floor extension. The ridge of this proposed extension would be subordinate to that of the main ridge of the dwelling by approximately 1.5m.
- 8.9 The proposed south-eastern side first floor extension would be set back from the main front first floor building line by approximately 2.2m. The ridge of this proposed extension would be located approximately 1.5m.
- 8.10 The eaves of the proposed side extensions would be level with those proposed for the main section of the first floor extension.
- 8.11 Hipped roofs would be constructed over the existing ground floor side extensions located on the north-western side of the dwelling.
- 8.12 The rear of the remodelled dwelling would comprise a new hipped roof section which would project beyond the main rear first floor building line of the property, by approximately 2.4m. A balcony area would be created to the north of the proposed extension, above the existing ground floor living and dining rooms.
- 8.13 Following amendments to the previously refused scheme it is considered that the proposed extensions would maintain space to the northern side of the dwelling and therefore the proposal would not dominate the plot or be incongruous with the surroundings which is marked by buildings set within relatively large spacious plots.
- 8.14 The overall roof height would not be increased, but the existing roof would be replaced with a main hipped roof and front and rear projecting hipped roofs and a side hipped roof, which would increase the bulk and presence of the dwellings

roof. The area is low density and has some very large properties, particularly those facing Dyke Road. However, The Spinney is a more intimate cul-de-sac, with open front boundaries and does not have the setback, spacing and means of enclosure commonplace along Dyke Road. Despite the proposed increase in bulk at roof level, due to the siting of the property within the western corner of the cul-de-sac and the siting of a double hipped roof garage related to no. 7 The Spinney the property is not highly visible from within The Spinney or the adjacent Conservation Area, the boundary of which is located to the north-east and south-east of the site.

- 8.15 The dwelling as altered would comprise clay tiles, painted woodwork windows, face brickwork at ground floor level (front and side elevations) and cream coloured rendering. It is noted that the previous application was refused on grounds including the use of slate roof covering and part rendered elevations. Whilst it is noted that the current proposal still proposes the use of render to some parts of the front and side elevations and the whole of the rear elevation, it is not considered that refusal on this basis could be warranted this time given that the rear and north-west facing elevations would not be highly visible from within The Spinney or the adjacent Conservation Area and the amendments to the proposal, since the previous refusal, results in a reduction in area of proposed render to the front elevation. Samples of the proposed finish material could be obtained via a condition.
- 8.16 Overall it is considered that the current proposal would be of a scale and massing that respects the spacing around the existing dwelling and the neighbouring properties and would result in a development that would not have a detrimental impact upon the positive characteristics of The Spinney and the surrounding area, including the surrounding Conservation Area.

Neighbouring Amenity:

- 8.17 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use 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.
- 8.18 A single storey flat roofed outbuilding, possibly containing a swimming pool, is located to the north of the site, relating to 2 Hill Brow. Despite the proposed additional massing and bulk that the proposal would add to the northern side of 6 The Spinney, at first floor level, it is not considered that the proposal would have a significant adverse impact upon the occupiers of no. 2 Hill Brow.
- 8.19 No. 5 The Spinney benefits from two large side facing dormer roof style extensions which directly overlook the driveway and front curtilage of the site. These neighbouring extensions are unneighbourly and having examined the planning history it is assumed could have been built under permitted development pre-2008. The dormers face north-west almost upon the boundary edge. It is not considered that the proposal would have a significant adverse impact upon the amenities of the south-eastern neighbouring property with regards to loss of light, sunlight or outlook as the two storey element would be located approximately 6m away from the shared boundary with his neighbour. In respect of overlooking and

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loss of privacy it could be ensured that the proposed first floor south facing window contains obscure glazing and is fixed shut to ensure no loss of privacy would result from that aspect.

- 8.20 The impact upon 7 The Spinney and others in the cul-de-sac is considered acceptable. The additional storey, extensions and proposed balcony are sited as such that they are sufficiently spaced and orientated that would they not cause additional harm.
- 8.21 Hill Drive has a curved building line and as a result the extensions would have a differing relationship with the adjoining plots in Hill Drive to the rear and side.
- 8.22 The rear elevation of the site has a south west aspect which faces across the rear of plots at 57, 59 & 61 Hill Drive. The rear elevation would be sited approximately 20m from the bottom of 59 Hill Drive and 40m from the rear garden of 57 Hill Drive. Given such distances, and given that the overlook would be to the foot of the garden, it is not considered that the proposal would have a significant adverse impact upon the amenities of these neighbours.
- 8.23 The property in Hill Drive mostly likely to be affected by the extensions is number 63. This neighbouring property has a set back building line from others on the south and eastern side of Hill Drive and given the curvature of the street, it brings it into greater proximity than the other adjacent plots. 63 Hill Drive has a balcony which faces out over the current screening between the properties, a large hedge; towards the rear garden of 6 The Spinney.
- 8.24 The proposed northern elevation would have a significantly increased presence by reason of its increase in height, massing, and the topography of the area. However, given the spacing, at over 20m from the main building at 63 Hill Drive it is not considered that the proposal would result in any loss of light or cause overshadowing. Furthermore, the spacing between properties would ensure that the outlook would not be unduly harmed and would be within an acceptable tolerance for a suburban area such as this.
- 8.25 The main concern in this case is with regards to loss of privacy. The north elevation would only have one side facing openings at the upper level. If overall considered acceptable it could be ensured that this window contains obscure glazing and is fixed shut to ensure no loss of privacy would result from that aspect. The rear facing aspect would face towards the south west and only allow oblique views towards 63 Hill Drive.
- 8.26 In addition, the proposal seeks a balcony at first floor which would have a depth of approximately 2.8m and would be sited 8.6m from the northern most sited side elevation. In addition to the 20+ metres between the side elevation of 63 Hill Drive it is not considered that the loss of privacy from this balcony would be demonstrably harmful and a sustainable position at appeal.
- 8.27 It is noted that the objection received from no. 63 Hill Drive refers to loss of privacy and overlooking to land currently related to no. 4 Hill Brow. It is stated that on the 28th November 2014 part of the garden area (the southern most section)

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currently related to no. 4 Hill Brow will belong to no. 63 Hill Drive and as a result the large Leylandii located along the eastern boundary of no. 63 will be removed. Despite this proposed neighbouring land ownership change it is not considered that the proposal would have a significant adverse impact upon the amenities of no. 63 given that there is vegetation screening along the southern and eastern boundaries of the southern most section of the garden currently related to no. 4 Hill Brow and given that any oblique views north-west would overlook the foot of the garden of no. 4 Hill Brow/63 Hill Drive once land acquisition has been completed.

9 CONCLUSION

- 9.1 In conclusion, subject to the compliance with the attached conditions, it is considered that the proposal would not be of detriment to the visual amenities of the parent property, The Spinney streetscene or the wider area including the adjacent Conservation Area. Furthermore, subject to the compliance with the recommended conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.

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
Site Plan	-	-	16 th September 2014
Block Plan (As Existing)	-	-	5 th September 2014
Block Plan (As Proposed)	-	-	5 th September 2014
Existing – Ground Floor Plan	1	-	5 th September 2014
Existing – 1st Floor Plan	2	-	5 th September 2014
Existing – Front & Rear Elevations	3	-	5 th September 2014
Existing – Side Elevations	4	-	5 th September

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			2014
Proposed Alterations– Ground Floor Plan	5	-	5 th September 2014
Proposed Alterations – 1 st Floor Plan	6	B	5 th September 2014
Proposed Alterations – Front and Rear Elevations	7	B	5 th September 2014
Proposed Alterations – Side Elevations	8	C	2 nd October 2014
Rear Elevation (with outline of BH2010/03560)	9	-	5 th September 2014
Front Elevation (with outline of BH2010/03560)	10	-	5 th September 2014

- 3) 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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed [in the south-east and north-west elevation/roofslope of the extension hereby approved] without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows in the south-east and north-west 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 QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 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 to grant Planning Permission has been taken:

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- (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:-
Subject to the compliance with the attached conditions, it is considered that the proposal would not be of detriment to the visual amenities of the parent property, The Spinney streetscene or the wider area including the adjacent Conservation Area. Furthermore, subject to the compliance with the recommended conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.

Dear Ms Arnold

Re BH2014\ 03008. 6 The Spinney. Hove

As Ward Councillors we objected to the last two applications and feel we have to object yet again.

The only differences appear to be a slightly reduced roof line and one less window.

The design and scale of the proposed house is still out of keeping with the rest of the houses in The Spinney and would be an overdevelopment of the site.

It would have a detrimental effect on the residents behind them at 63 Hill Drive. Their only area of private garden is a small area to the South neighbouring The Spinney. This proposal brings additional upper storey windows and a large balcony at the back that will seriously overlook the garden and main bedroom of 63 Hill Drive. This will cause a loss of privacy.

This balcony and the windows will also overlook the 3 houses that are to be constructed on the Flamingo site in Hill Brow.

If this application is recommended to be passed we would request that it goes before the planning committee.

Yours sincerely

Vanessa Brown. Jayne Bennett