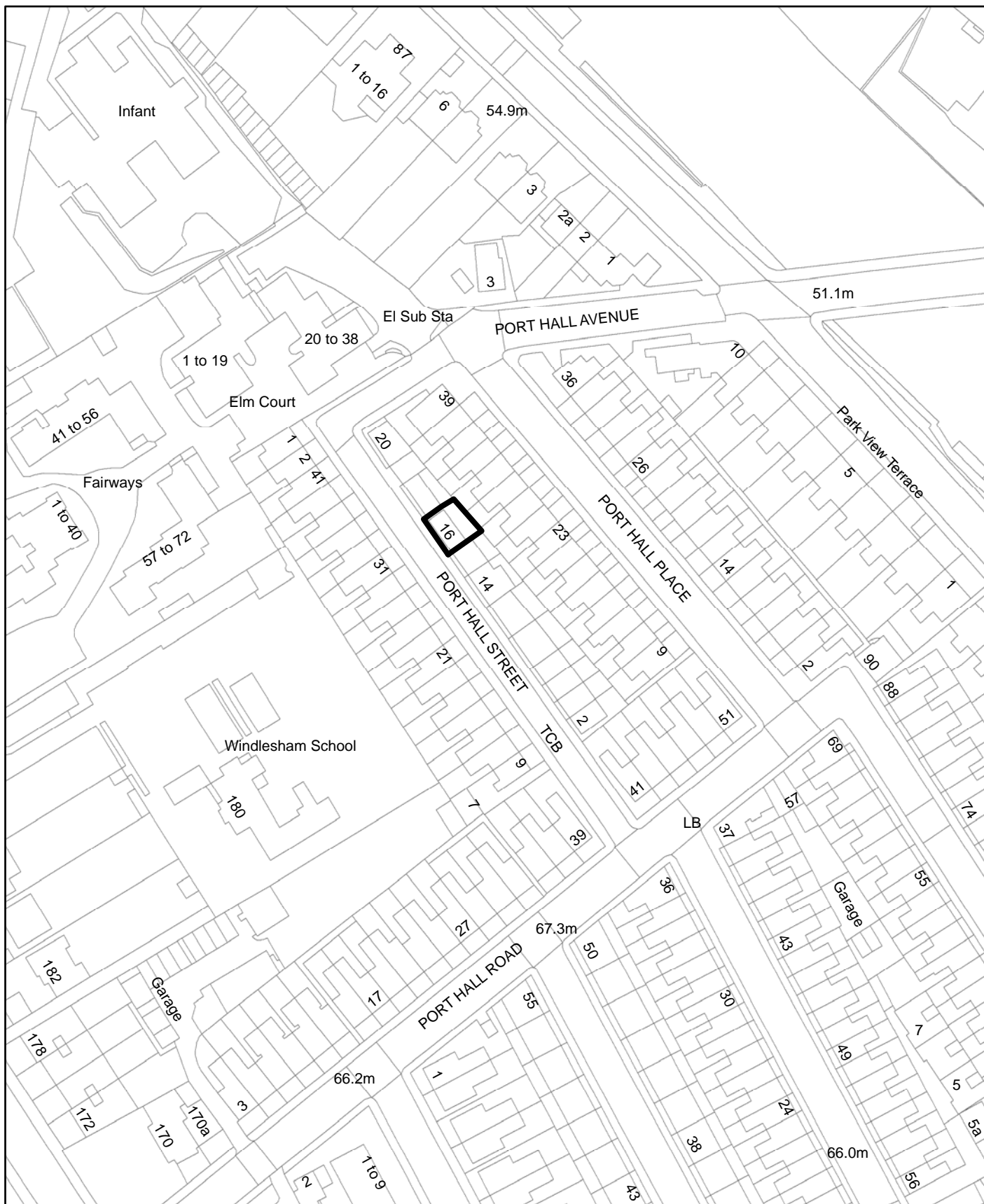


ITEM I

**16 Port Hall Street, Brighton
BH2016 / 01558
Household Planning Consent**

13 July 2016

BH2016/01588 16 Port Hall Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/01558	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	16 Port Hall Street Brighton		
<u>Proposal:</u>	Erection of two storey rear extension with associated alterations.		
<u>Officer:</u>	Justine Latemore Tel 292138	<u>Valid Date:</u>	04/05/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Grange Designs, 126 Hollingdean Terrace Brighton BN1 7HE		
<u>Applicant:</u>	Ms Maggie Peake, 16 Port Hall Street Brighton BN1 5PJ		

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 relates to a symmetrically double fronted dwelling house on the northern side of Port Hall Street, nearing the corner junction to Port Hall Avenue. The street has a combination of rendered uniform three storey terraces, brick two storey terraces and double fronted properties; all with bay window fenestration with sash windows.

The host property has no alterations visible from the public street scene, there is a small lean-to structure and a detached outbuilding alongside the east boundary. The rear garden is positioned on the ground floor level and paved/decked in entirety, only accessible via a footbridge, providing more outdoor amenity space on the lower ground floor, visible through two voids either side of the footbridge.

3 RELEVANT HISTORY

- 3.1 **BH2016/01687** - Certificate of Lawfulness for proposed loft conversion with front roof lights and rear dormer, single storey rear extension and installation of French doors at first floor front elevation. Under Consideration.
- 3.2 **BH2016/00812** - Erection of part one, part two storey rear extension. Withdrawn 29/04/2016.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two storey rear extension with associated alterations. The extension will involve the enclosure of the voids within the rear garden to create a platform on the ground level for the construction of the centrally aligned extension. The extension measures 2m in depth from the rear wall, 2.7m in width and will have a mono pitched roof sited just below the eaves of the host property.

The palette of materials includes painted render walls; timber framed windows, concrete roof tiles and a velux roof light. The first floor window will be obscure glazed and fixed shut as it services a bathroom.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Seven (7) letters of representation have been received from **18 Port Hall Street, 27 Port Hall Place, 29 Port Hall Place (x3), 31 Port Hall Place (x2)** objecting to the application for the following reasons:

- Due to the slope of the hill the proposed extension would overshadow and create loss of privacy to the rear neighbours
- The extension will overshadow the sunlight into the rear garden, patio, kitchen and rear lounge of the rear adjoining property
- In conjunction with the Lawful Development Certificate the extension will be an overdevelopment of the site
- The proposed window to the rear elevation will impact the privacy to the rear properties in Port Hall Place
- The extension is unsuitable in appearance and an overdevelopment of the host property, as well as setting a precedent for the wider area
- The extension would change the original form of the building
- The enclosure of the voids would lead to poorly ventilated space with no natural light servicing the lower ground floor rooms
- The height of the extension will result in loss of outlook

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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
CP10 Biodiversity

Brighton & Hove Local Plan (retained policies March 2016):

- QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to the current application for a certificate of lawfulness are not material planning considerations to the determination of this application. The main considerations in the determination of this application relate to the design and appearance of the proposed two storey development and the impact of the extension on the residential amenity of neighbouring properties.

8.2 Design:

The proposal will enclose the open void and remove the associated footbridge to provide a platform for the small scale two storey additions, intended to facilitate a utility room and bathroom. The existing lean –to and garden shed will be removed to create more outdoor amenity space around the proposed structure, and accessed by new bi-folding doors at ground floor level from the kitchen/diner.

The measurements of the structure exhibit a small scale development that is centrally aligned within the rear elevation of the host property and set well back from the boundary walls and public realm. In regards to best practice extension guidance within Supplementary Planning Document 12 (SPD12), the proposed works meet all the requirements of roof form and pitch to match the host property, materials to match the existing appearance, and set back from

boundary walls. The extension would appear as a subservient addition to the dwelling and is considered appropriate.

The windows proposed are necessary for natural light intake with the second floor window confirmed by the agent to be obscurely glazed as it serves a bathroom; this is also secured by condition 4. All fenestration is aligned centrally and match appropriately with the existing architectural features of the building.

The enclosure of the lower ground floor will facilitate appropriate use of the ground floor amenity space for the occupiers. The lower ground floor rear window and door will experience some loss of natural light however this is not considered sufficient to justify refusal of the application.

8.3 **Impact on Amenity:**

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.

The concern expressed by surrounding neighbouring occupiers at no.18 Port Hall Street, 27, 29 & 31 Port Hall Place have been strongly considered in the assessment of the planning application. It is noted that from a site visit the application site is highly overlooked from rear dormers of some of these neighbours and at present there are no high level windows or structures on the host property including the lack of first floor windows altogether.

The structure is sited a minimum 3.3m from each side boundary and 5m from the closest adjacent rear elevation. The extension is not overbearing by reason of its small measurements and central alignment within the application site – as far away as possible to neighbouring shared boundaries in a highly constrained rear garden.

The 45' degree rule has been performed on the proposed rear elevation plans to measure the level of likely overshadowing to side adjacent properties no. 14 and 18 Port Hall Street. The test proved that any overshadowing will be kept entirely within the curtilage of the application site. No additional overshadowing is likely to occur to rear adjacent properties nos. 27, 29 and 31 Port Hall Place, as the extension is contained within the height and width of the existing rear elevation.

In regards to the privacy of the occupiers of the surrounding properties, there are no side facing windows proposed and therefore nos. 14 and 18 will not experience any overlooking. The roof light proposed is for natural light intake and above eye level, the first floor window is entirely obscure glazed and fixed shut, therefore there is no ability for outlook but rather to light the bathroom. The window on ground floor level is below the height of the surrounding boundary walls so no rear adjoining properties will experience adverse effects to amenity.

8.4 Other Considerations:

A lawful development certificate for the application site is currently under consideration with the local planning authority. The certificate highlights intentions for a rear box dormer, front roof lights, a single storey ground floor rear extension and associate vent/soil pipe work. It is noted that this will increase the amount of development to the rear elevation and that the dormer is particularly a concern for surrounding neighbours. These elements will be appropriately considered under Schedule 2, Part 1, Classes A, B, C & G of the General Permitted Development Order (GPDO) 2015, as the application site retains dwelling house status. Policies such as SPD12 and QD27 do not apply in the assessment of permitted development.

9 CONCLUSION

9.1 The proposed rear extension to facilitate a utility room and bathroom for the existing principle rooms of the host property have been designed in alignment with SPD12 guidance and sympathetically in regards to the surrounding occupiers in a north sloping, highly dense residential environment. The design supported by materials to match the host property is an improvement to the existing structure on site, and will not give rise to adverse impacts on neighbouring amenity.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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
BLOCK PLAN & SITE LOCATION PLAN	P162-001	A	04 May 2016
LOWER GROUND & 1ST FLOOR PLANS & FRONT ELEVATIONS	P162-002	A	04 May 2016
GROUND FLOOR PLAN & ELEVATION & SECTION A1-A1	P162-003	-	04 May 2016
PROPOSED LOWER GROUND FLOOR PLAN	P162-104	-	04 May 2016
PROPOSED GROUND FLOOR PLAN	P162-105	-	04 May 2016
PROPOSED 1ST FLOOR PLAN	P162-106	-	04 May 2016
PROPOSED ELEVATION & SECTIONS A2-A2 & B-B	P162-107	-	04 May 2016

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- 3) 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.
- 4) The first floor window in the rear elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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:
 - (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 development is of an acceptable design, and would not be detrimental to the host property or Port Hall Street scene. There would be no significant impact on residential amenity of neighbouring occupiers.