

<u>No:</u>	BH2019/02871	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	21 Tumulus Road Saltdean Brighton BN2 8FR		
<u>Proposal:</u>	Erection of summer house in rear garden. (Part retrospective)		
<u>Officer:</u>	Nick Salt, tel:	<u>Valid Date:</u>	25.09.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	PB Plans Ltd 26 Windermere Road Coulsdon CR5 2JA		
<u>Applicant:</u>	Tom Hall 21 Tumulus Road Saltdean Brighton BN2 8FR		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to GRANT planning permission subject to the following Conditions and Informatives:

Conditions:

1. 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	PBP1217/02		25 September 2019
Block Plan	PBP1217/03		25 September 2019
Proposed Drawing	PBP1217/01	A2	26 November 2019

2. 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.

3. The windows in the western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The outbuilding hereby approved shall only be used as accommodation incidental to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

Reason: To ensure the use of the development hereby permitted it appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies 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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition

2. RELEVANT HISTORY

- 2.1. **BH2019/02655** - Roof alterations incorporating hip to gable extensions with 2no side facing windows, rear dormer and 2no front rooflights. Erection of single storey extension to side and rear elevations, with new garage at lower level, new balcony to front elevation, new stairs and other associated works. Approved - 24.10.2019.

3. CONSULTATIONS

None received.

4. REPRESENTATIONS

- 4.1. Eleven (11) letters have been received in objection to the development, for the following reasons:
 - Too close to the boundary;
 - Too tall;
 - Galvanised roof would reflect sunlight;
 - Potential uses;
 - Boundary distances incorrect;
 - Out of scale for a summerhouse;
 - Loss of light;
 - Out of character with neighbourhood;
 - Drainage;
 - Fire risk;
 - Noise nuisance;
 - Detrimental effect on property value;
 - Inappropriate height of development;
 - Overlooking;
 - Discharge of waste.
- 4.2. Cllr Mears objects to the proposal, a copy of the letter is attached to the report.

5. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

6. CONSIDERATIONS & ASSESSMENT

- 6.1. The application site relates to a single storey detached property located to the north side of Tumulus Road. As existing the property has a hipped roof with an adjoining single storey flat roof garage to the east side of the main building. To the rear is a partially completed timber summerhouse building close to the rear boundary. During the site visit the structure was seen in shell form (the exterior materials had not yet been installed) this application therefore seeks part-retrospective planning approval for the summerhouse.
- 6.2. The proposal building is 9m long and 4m wide, with a height of 4m to the pitched roof ridge and 2.2m to the eaves. The building would sit approximately 2m off the northern boundary and between 1.7m and 3m from the western boundary. The finish is timber on the elevations with 3 upvc windows on the front elevation facing south, and a patio door, in addition to a patio door on the east elevation and two windows on the west elevation - one a W.C. window. With exception of the W.C. (toilet and sink only) the floorspace would be open plan. The roof would overhang at the east gable. Following comments received, the applicant has amended the proposed roof from galvanised metal sheet roofing to be painted anthracite grey metal sheeting with plastic coating - attempting to reduce the likelihood of reflection of sunlight.

Design and Appearance:

- 6.3. SPD12 (Design Guidance) states that "detached outbuildings can have a cluttering and visually harmful effect on a neighbourhood if they are excessively scaled or not sited sympathetically. Such buildings should be located in the rear garden or down the side of the main building where they have less visual impact." The building in question is set well back from the dwelling on the site and would not be readily visible from the surrounding streets.
- 6.4. The building proposed is large, and in many cases would be unacceptable due to the effect of its scale on the surrounding buildings. In this case however, the properties are detached and have, for the most part, substantial rear gardens which provide good outlook to the rear. The building would not be so large as to be an unacceptably obtrusive feature in the rear garden of the site due to its design and positioning, utilising timber and a dark coloured roof to retain a subservient appearance to the surrounding dwellings.

- 6.5. In respect of design and appearance, the proposal is considered to be acceptable and would accord with the design guidance and would respect the site context.

Neighbour amenity:

- 6.6. 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.
- 6.7. It is not considered that the building would be close enough to neighbouring dwellings or boundaries to result in unacceptable overshadowing or loss of light into or onto those properties. Similarly, the height and scale of the building relative to its surrounding context, and at the rear part of the garden of the application site, would not result in it being significantly overbearing when viewed from the main areas of neighbouring properties - particularly the dwellings themselves which would retain acceptable levels of outlook.
- 6.8. In relation to overlooking, this is most likely to be a cause for concern given the windows and doors proposed on three of the elevations. The side windows to the west should be obscure glazed (secured via condition) to reduce any risk of overlooking onto the rear garden of No.17. The building would be a sufficient distance from the boundary with the garden of No.23 so as to not cause concern of significant overlooking onto its garden from the patio door on the east elevation.
- 6.9. The main fenestration would be on the front elevation as noted. Due to the alignment of the respective surrounding properties, the property considered most at risk of overlooking from the summerhouse is No.19 to the immediate west of the site. The rear of this neighbouring dwelling sits lower than the summerhouse in terms of ground level which could exacerbate any overlooking. The distance however, between the rear elevation of No.19 and the front elevation and windows on the summerhouse would be over 30 metres. Despite the slight ground level differences, this distance, combined with some planting as existing along the boundary, would limit overlooking inasmuch as to result in a proposal which is considered acceptable in terms of amenity impact and in accordance with QD27 of the Local Plan.

Other Matters:

- 6.10. Concern has been raised about potential precedent of such a structure, however as each planning application is considered on its own merits, this is not considered to be a reason for refusal. Similarly, impact on property value is not a material planning consideration. It is not considered that fire risk would necessarily be greater than that for any similar outbuilding and therefore this is not a reason for refusal. The design of the roof and the surrounding garden should ensure that there is adequate surface drainage so as to prevent significant runoff into neighbouring gardens.

- 6.11. The applicant has confirmed that the summerhouse would be used for purposes incidental to the enjoyment and use of the residential dwelling on the site and not as living accommodation. Whilst concerns have been raised to the contrary, it is not considered that from the height or size of the building and the provision of a WC it can be reasonably asserted that the applicant seeks to use it as living accommodation. This application has been assessed based on a site visit and the information included with the submitted drawings and information. Nevertheless, a condition should be added to any approval ensuring that the use remains incidental to the existing dwelling on the site.

7. CONCLUSION

- 7.1. Whilst the objections to this development and the concerns raised are noted, for the reasons discussed above, it is considered that the proposed summerhouse would not have an unacceptable amenity or visual impact which would be contrary to planning policy or material considerations.

8. EQUALITIES

None identified.

