

<b><u>No:</u></b>	<b>BH2020/02305</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Dental Surgery 4 New Barn Road Rottingdean Brighton BN2 7FN</b>		
<b><u>Proposal:</u></b>	<b>Erection of first floor extension.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	27.08.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	22.10.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Deans Dental Care 4 New Barn Road Rottingdean Brighton BN2 7FN		

## 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 **REFUSE** planning permission for the following reasons:

- The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
- The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development, with detrimental outlook and overbearing effects on number 4 New Barn Road. The development is considered contrary to policy QD27 of the Brighton and 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 is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	003		19 August 2020
Proposed Drawing	102A		27 August 2020
Proposed Drawing	103		27 August 2020

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site forms a semi-detached, two storey property in use as a dwelling house (planning use class C3), with an adjoining single storey extension to the west, which was allowed at appeal in September 2014 (ref. APP/Q1445/A/14/2220082). The single storey extension, whilst adjoining the host property and having the same address, is entirely separate from the main dwellinghouse. There are no internal connections between the extension and the dwellinghouse, and it is in use as a Dental Surgery (planning use class D1), currently operated by the owner of the adjoining dwellinghouse.
- 2.2. The application seeks planning permission for the erection of first floor, flat roof extension over the existing single storey dental surgery, to provide additional floorspace for the use.
- 2.3. A list of 164 names addresses and telephone numbers has been submitted to the Council by the agent, stating the listed people support the application due to expansion of local business facility and extra capacity created.

## 3. RELEVANT HISTORY

- 3.1. **BH2020/01367** - Erection of first floor flat roof extension to provide additional floorspace for dental surgery (D1) - Refused 17/07/2020 for the following reasons:
  1. The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
  2. The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development, with detrimental outlook and overbearing effects on number 4 New Barn Road. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan."
- 3.2. **BH2019/00861** - Erection of first floor extension with extension of roof above extension. Refused 16/05/2019 and Dismissed at Appeal. Reasons for refusal were;
  1. The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

2. The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development. In addition, by virtue of the inclusion of a window within the northern elevation would result in overlooking and loss of privacy for the current and future occupiers of the parent property. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.3. **BH2016/05903** - Display of non-illuminated fascia sign (Retrospective) - Refused - 06/03/17
- 3.4. **BH2015/00936** - Application for Approval of Details Reserved by Conditions 3 and 6 of application BH2014/00881 (Decided on appeal) - Approved - 11/05/15
- 3.5. **BH2014/03924** - Application for Approval of Details Reserved by Conditions 3, 5 and 6 of application BH2014/00881 - Split decision - 27/01/15
- 3.6. **BH2014/00881** - Part change of use of ground floor from house (C3) to dental surgery (D1) with associated erection of single storey side extension - Refused - 15/05/14 - Appeal Allowed (APP/Q1445/A/14/2220082) - 15/09/14
- 3.7. **BH2013/00909** - Part change of use of ground floor from house to dental surgery (D1) with associated erection of single storey side extension - Refused - 29/05/13

#### 4. REPRESENTATIONS

- 4.1. **Councillor Mears** supports the proposed development. A copy of her representation is attached to this report.

#### 5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection 12/10/2020
- 5.2. **Sustainable Transport:** Verbal comments received 16/09/2020  
No objection:
- 5.3. Proposal is unlikely to generate enough trips to have a significant negative effect on highways. The two existing parking spaces are sufficient. The cycle provision is sufficient. The ramp and bin storage are acceptable.
- 5.4. **Economic Development:** No comment received
- 5.5. **Public Health:** No comment received
- 5.6. **Rottingdean Parish Council:** No comment received

## 6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which is currently underway to 30 October 2020.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP9	Sustainable transport
CP12	Urban design

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of Amenity

#### Supplementary Planning Documents:

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the building and the wider streetscape and the amenities of neighbouring properties, including the amenities of no. 4 New Barn Road.
- 8.2. Due to Covid-19, the need to ensure the safety of Council staff and the Public through minimisation of contact and potential spreading has been paramount. To help meet this objective the Planning Department has only been undertaking site visits if no other way to access the impacts of an application can be determined from available/supplied information. This application has not had a site visit as a substantial photographic and written record from previous similar applications and appeals exists, in conjunction with street view and satellite data. This information has been sufficient to determine and fully assess the impacts of the proposed works.
- 8.3. The application property is a semi-detached two-storey house with a single-storey flat roofed side extension providing accommodation for a dental surgery. It is located on the corner of New Barn Road and Falmer Road. The pair of dwellings formed by 2 and 4 New Barn Road (Nos. 2 and 4) are angled to accommodate their corner position and mirror a similar pair of dwellings on the opposite side of the far entrance to this small planned residential estate of semi-detached houses. The overall character of the area is a spacious and open one, with pairs of dwellings set behind front gardens, supplemented by the presence of green verges.
- 8.4. The current application is materially the same as application BH2020/01367 which was refused under delegated powers in July 2020, as noted above. Since that refusal, the applicant has made minor amendments to the proposed extension, to reduce the width of the existing front ground floor window, and indicating that the proposed first floor rear window is to be obscure glazed.
- 8.5. A previous application BH2019/00861, which was refused and subsequently dismissed on appeal, was for a similar form of development, with erection of an additional storey onto the existing ground floor extension. However the roof form was different from the current application and that recently refused in application BH2020/01367, with a dual pitched hipped design that mirrored the host property. The history section above set out the reasons for refusal of this earlier application.

### **Design and Appearance:**

- 8.6. The current application, although having been altered from application BH2019/00861 by the removal of the hipped roof, would still add significant bulk to the building, and have an awkward and contrived appearance, at odds with the main building and the wider streetscene. The design with the flat roof further

emphasises and contrasts the extension from the majority of the surrounding properties and creates an incongruous roofscape which has substantial detrimental harm to the appearance of the host property, the attached semi and neighbouring properties.

- 8.7. In addition, the extension would further disrupt the semi-detached pair, with a loss of symmetry between the corner pairs of the properties which frame the entrance of New Barn Road. It would infill the existing gap and separation between numbers 4 and 6 New Barn Road at first floor level, leading to a diminution in the openness of the estate and a disruptive pattern of development.
- 8.8. These concerns are mirrored to a large extent by the appeal Inspector in their dismissal of the previous first floor extension application BH2019/00861 (appeal ref. APP/Q1445/W/19/3231864): "*However, as an addition to a prominent corner property, it would be widely visible from the street, despite being screened in some views by a tree in the front garden of No. 4. There would also be some limited views of the rear from the public realm, including from Falmer Road. It would lead to a loss of symmetry between the corner pairs of semi-detached properties on the entrance to the residential estate. It would also fill the gap at first floor level between Nos. 4 and 6. This would harm the existing pattern of development and open character of the estate.*"
- 8.9. The Inspector further noted: "*The existing single-storey extension is relatively unobtrusive in the street scene. The proposed extension, by contrast, would significantly increase the bulk of the building and it would be visually more prominent due to its height.*"
- 8.10. The inspector concluded in relation to character and appearance "*that the proposed extension would significantly harm the character and appearance of the host property and surrounding area.*"
- 8.11. Despite amendments having been made since the earlier appeal dismissal and refused applications, it is still considered that the proposed extension, by virtue of its design, form and bulk, would result in a visually intrusive and bulky addition to the side of the existing property which would be unsympathetic to the design of the existing dwelling. The proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene, and the wider area, contrary to Policy QD14.

**Impact on Amenity:**

- 8.12. The Council's Environmental Health Officer has raised no objections to the proposal.
- 8.13. Whilst it is noted that the occupier of the dental practice is currently the owner of the parent property, number 4, this may not always be the case and policy QD27 seeks to protect the amenity of both existing and future residents/occupiers.
- 8.14. The proposed extension would project substantially beyond the rear elevation of number 4, and due to its height and length would have a detrimental effect on the amenity of those residents, due to an enclosing effect on the host property,

a reduction in the outlook from rear windows and a substantial overbearing effect on the existing conservatory in particular. This would bring harm to the living conditions of current and future occupiers.

- 8.15. The appeal Inspector again highlights the above issues in their dismissal (APP/Q1445/W/19/3231864), stating: *"The proposed extension would project beyond the rear elevation of the building. Due to its length and height, this would have an enclosing effect on the host property. The proximity of the extension to a first-floor window in the rear elevation of the property would reduce outlook from this window. There is also a conservatory adjacent to the existing single-storey extension. The increase in height of the building directly adjacent to the conservatory would have an overbearing impact on this room. There would be harm to the living conditions of the occupants of No. 4 arising from this."*
- 8.16. A window is proposed within the north facing elevation of the extension. The earlier application BH2019/00861 was refused on various grounds, including that a window in the northern elevation would result in overlooking and loss of privacy for the current and future occupiers of the parent property. Within the earlier appeal decision, the Inspector however concluded that if the north facing window was obscurely glazed and non-openable up to 1.7, above internal floor level then the harm would be mitigated. The window in question is now detailed as obscure glazed and if the scheme was considered otherwise acceptable its retention as such could be secured by condition.
- 8.17. The Inspector also stated that a condition could be attached to ensure that only persons living in the parent property could work in the dental surgery. The Inspector concluded in relation to living conditions *"that the proposed development would cause material harm to the living conditions of occupants of 4 New Barn Road, with regard to outlook but not with regard to privacy."*
- 8.18. Overall, it is considered that the proposal would have substantial detrimental impact to outlook and be overbearing to the occupants of No. 4 New Barn Road by reason of its projection and increased bulk beyond the rear elevation of the host property. This would result in an unneighbourly development contrary to policy QD27 of the Brighton and Hove Local Plan.

**Sustainable Transport:**

- 8.19. It is not considered that the proposal is likely to create significant additional trip generation to a level which would cause a negative highway impact.
- 8.20. The two existing off-street parking spaces would be retained. The level of parking proposed for the new dental surgery is deemed acceptable, particularly as there is ample, free, on-street parking in the vicinity.
- 8.21. The cycle parking provision would be increased to 3 spaces due to the extra consulting room, to meet sustainable transportation standards. Space is allocated for the storage of bins at the front for collection to ensure that they do not interfere with car parking.

8.22. If the scheme were otherwise acceptable, both the car parking spaces, and cycle parking space could be retained by condition.

8.23. Therefore, Highways have confirmed no objection to the proposed development.

**Other matters:**

8.24. The applicant seeks to expand the dental business to increase service provision and safety, both of which are recognised and encouraged. However, the potential public benefits that are sought are not considered to outweigh the substantial visual and amenity harm that the proposed extension would bring to the host property, the wider area and local residents. Other options to meet the applicant's aspirations for the business need to be considered.

8.25. The appeal inspector concluded in their dismissal of (APP/Q1445/W/19/3231864) *"The public benefits arising from the expansion of dentistry services do not outweigh the harm I have identified."*

**9. EQUALITIES**

9.1. The proposed altered access ramp would provide level access and constructed to meet BS8300 standards - Design of buildings and their approaches to meet the needs of disabled people.