

<b><u>No:</u></b>	<b>BH2021/01800</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>3 Tumulus Road Saltdean Brighton BN2 8FR</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional storey incorporating rear Juliet balconies.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel:	<b><u>Valid Date:</u></b>	14.05.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	09.07.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mohsin Cooper Limited 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<b><u>Applicant:</u></b>	Ms Ashleigh Phare 3 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	0384-P04		20 July 2021
Proposed Drawing	0384-P01	A	20 July 2021
Proposed Drawing	0384-P02	A	20 July 2021
Proposed Drawing	0384-P03	B	20 July 2021
Location and block plan	0384-S01		14 May 2021

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. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

### 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## 2. SITE LOCATION

- 2.1. The application relates to a detached two storey property, located on the western side of Tumulus Road. It is not within a conservation area and does not have any Article 4 directions in force which remove 'permitted development' rights, apart from the city-wide restriction on conversions of dwellings to C4 Houses in Multiple Occupation.
- 2.2. The area has an eclectic mix of styles and sizes of housing, comprising modest, single-storey bungalows, and two-storey houses. The land slopes significantly downwards from north to south in the area, so that to the north of the application site lies No.5 Tumulus Road, a two-storey, detached house on a significantly higher ground level. To the south are the rear gardens of No.1 Tumulus Road and 26 Goldstone Drive, both of which front Goldstone Drive and are located significantly lower than the application site. To the west (rear) are the rear gardens of two-and one storey detached properties which front onto Falmer Avenue.

## 3. RELEVANT HISTORY

- 3.1. PRE2021/00043 - Pre-application advice regarding householder development comprising new, second-floor extension to the existing detached two storey house, to create four bedrooms and bathroom and new roof. Issued 12.04.2021
- 3.2. The advice highlighted that the height and form of the extension would be key to its acceptability. Mitigating harm to the streetscene and host property would be key, while ensuring that the rhythm of dropping ridge lines is maintained. The impacts on neighbours, particularly at No.1 Tumulus Road, was a concern and side windows were unlikely to be acceptable in any elevated extension. Care was also needed to ensure the extended side elevations did not adversely affect the outlook of No.1 Tumulus Road.
- 3.3. The advice concluded: **The principle of the second-floor extension may be acceptable, subject to overall design and informed by the comments and suggestions in this pre application advice.**

## 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the formation of an additional storey incorporating rear Juliet balconies.

- 4.2. The plans have been amended during the course of the application to lower the proposed roof, and to remove proposed south side facing dormers. This was done to meet officer concerns regarding adverse harm to southern neighbours from overlooking, and appearance of the host property in the streetscene.

## **5. REPRESENTATIONS**

- 5.1. **Six** (6) unique letters objecting to the proposed development on the following grounds:

- Height
- Impact on property value
- Overshadowing
- Overdevelopment
- Would affect views
- Poor design
- Too close to boundary
- Retaining walls insufficient to take weight
- Traffic generation and parking

Note: these objection letters related to the original plans, which had a higher roof and side elevations, with side dormers facing south.

## **6. CONSULTATIONS**

None

## **7. MATERIAL CONSIDERATIONS**

- 7.1. 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

- 7.2. 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 Joint Area Action Plan (adopted October 2019);

- 7.3. 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.

## **8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of Amenity
CP10	Biodiversity

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD11	Nature Conservation & Development

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and the wider area; and the impact on the amenities of adjacent occupiers.

Design and Appearance

- 9.2. The addition of the extra storey to the existing dwelling would increase its height and massing, but not footprint. The property currently comprises a rectangular footprint with two storeys fronting onto the highway. Due to a change in levels, it appears single storey when viewed from the rear. The existing roof form is a shallow dual pitch roof with gable ends at the front and rear.
- 9.3. The proposed additional floor would retain the gable roof form and the pitch. This is considered an acceptable design as it would cause the least disruption to the existing streetscene and host property. The proposed works would not extend the building any further towards the site boundaries or closer, therefore, to neighbouring properties.

- 9.4. The raising of the ridge height, together with the increase in the bulk of the roof, would increase the prominence of the building in the streetscene. The overall height would increase by approximately 1.8 metres, but would remain lower than the ridge height of No.5 Tumulus Road to the north, and would maintain the rhythm of decreasing roof heights from north to south. The eaves would be raised to be higher than No.5 Tumulus, but the differing property designs in the road means that there are already significant differences between eaves height and forms of neighbouring properties so this would not be overly incongruous.
- 9.5. The new elevations, matching the existing in overall design and materials, are considered acceptable. The area has no predominant design style and form, with an eclectic mix of one and two storey properties with varying forms of roof, facade material and colour. The new storey would have cladding as the finishing material, therefore bringing relief to the extended front and side elevation, breaking up what could otherwise be a large brick facade on the southern elevation facing No.1 Tumulus Road.
- 9.6. The amount of fenestration would increase substantially over the existing, with the provision of rear Juliet balconies and new front facing windows. The windows at the front would replicate the style of the existing and are located above the existing first floor windows. However they would not entirely align as the lower windows are installed unevenly in the front elevation, with differing forms. The proposed evenly-spaced design is considered preferable to aligning with the existing windows, despite not fully meeting SPD12 guidance.
- 9.7. The rear Juliet balconies would be evenly spaced in the rear elevation. The existing rear elevation has limited and unevenly spaced fenestration, so aligning the balconies with this would again be seen less favourably. The design of the rear Juliet balconies are considered appropriate, with little, if any impact on the appearance of the building from the public realm.
- 9.8. The proposed works would be constructed in brick with white painted render and areas of timber cladding. The new roof would be finished in concrete tiles, and the new fenestration would be uPVC, with a new rooflight low in profile. The materials are considered acceptable and would not appear incongruous as they would be matching existing on the host property. The surrounding area has a mixture of material finishes and styles with the use of brick, timber and render for elevations, of varying colours from white to black. The surrounding roof finishes are predominantly tiled, with brown, red and grey colours. The fenestration in the streetscene are varied with a white, brown and black uPVC of mixed styles. The proposed works materials and form would therefore complement the existing varied streetscene and cause no disruption.
- 9.9. The existing building has limited architectural merit so its retention as existing is not considered beneficial. The extended property would not appear incongruous or disruptive through design or form in the existing varied streetscene. The proposal is not considered to be out of keeping of development in the wider area.
- 9.10. Therefore, the proposed works are considered to be a suitable addition to the building that would not significantly harm its appearance or that of the wider area,

in accordance with policy QD14 of the Brighton & Hove Local Plan, CP12 of City Plan Part One, policies DM18 and DM21 of City Plan Part Two (the former can be given limited weight and the latter significant weight), and SPD12 guidance.

Impact on Amenity

- 9.11. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) both state 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.
- 9.12. A recent site visit has been carried out by the case officer to fully assess the impact of the proposed works.
- 9.13. It is considered that although the scheme would increase the amount of fenestration, it would not lead to substantially increased overlooking or adverse harm to the privacy of neighbouring properties. The new, front-facing fenestration would only overlook front gardens and open space of nearby properties, limiting any adverse harm to private amenity. The new rooflight on the north elevation would provide only skyward views.
- 9.14. The rear Juliet balcony, although increasing the amount of glazing in this area substantially, are not considered to provide vantages and overlooking in excess of what would normally be expected and exists in relation to residential gardens in this area. As they would serve only bedrooms, and would have no external space, the level of overlooking is considered minimal. Views to the rear (west) would be screened by existing foliage, and the distance to the common boundary in excess of 20metres, with a further 16 metres to the rear elevation of No.21 Falmer Avenue (total 36 metres).
- 9.15. Views and overlooking to the south would be partially screened by the existing foliage, and would be oblique in relation to No.26 Bishopstone Drive. No increase in views or overlooking would occur to No.1 Tumulus Road.
- 9.16. Views to the north, towards No.5 Tumulus Road, would increase due to the elevated position of the windows, but would be mitigated and partially screened by existing foliage and the changes in land level, being higher to the north. No.5 already has an elevated window so a degree of mutual overlooking exists.
- 9.17. Considering the above, the degree of adverse harm to amenity through increased overlooking from the rear fenestration is considered limited and not significant enough to warrant refusal.
- 9.18. The raising of the roof height and new form would lead to a reduction in the view from the properties at No.1 Tumulus Road and No.26 Bishopstone Drive. However a right to and retention of a view is not a material consideration in the determination of planning applications.

- 9.19. The proposed works would have no overbearing or overshadowing effects to the properties to the rear (west) and front (east), due to the distances involved. The neighbouring property to the south, No.1 Tumulus Road, would see an increase in the bulk and massing to their northern boundary, from the raised roof and increased side elevation. However, there is 12 metres between the properties, so it is not considered the scheme would have an overbearing impact.
- 9.20. No.5, to the north, is not considered to suffer significantly from overbearing effects as the works take place on the side elevation of their property and it is set higher than No.3. Overshadowing effects from the works would appear to be limited, only affecting No.5 at midday, if at all.
- 9.21. Therefore, it is not considered that the proposed extension and works would cause any significant harm to amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 of CPP2 (which can be given significant weight).

#### Other Matters

- 9.22. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.23. Objection letters have raised the ability of the existing walls to support the proposed structure. This is not a planning matter and would need to be assessed by the applicant's agents and contractors prior to commencement. The works would also fall within the remit of Building Control.

#### **Conclusion:**

- 9.24. The proposed development is considered acceptable in terms of its impact on streetscene and wider area, and would cause no significant harm to neighbouring amenity. Approval is therefore recommended.

## **10. EQUALITIES**

None identified

