

<u>No:</u>	BH2021/02657	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	44 The Cliff Brighton BN2 5RE		
<u>Proposal:</u>	Revised fenestration at lower ground floor level to include 2no windows to replace existing window (retrospective).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	05.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	30.09.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Dr A Paoella C/O Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		

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 and block plan	TA1356 /01	A	20 July 2021
Existing Drawing	TA1356 /10	B	20 July 2021
Existing Drawing	TA1356 /11	B	20 July 2021
Other	Window Details		5 August 2021

Informatives:

2. 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. SITE LOCATION

- 2.1. The application relates to a two-storey plus lower ground floor detached building on the southern side of The Cliff. The residential building is split into two flats (C3). The site is not listed and is not located within a conservation area, but lies approximately 150m south-east of the South Downs National Park.

3. RELEVANT HISTORY

- 3.1. **BH2019/01183** - Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part Retrospective). Refused, appeal allowed
- 3.2. **89/206/F** - Erection of 3-storey building comprising 4 bedroom maisonette with 3-bedroom 'granny flat' over. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for revised fenestration on the side (east) elevation of the lower ground floor comprising two windows to replace an existing window. The works were carried out towards the end of 2020.

5. REPRESENTATIONS

- 5.1. **Councillor Fishleigh** has objected to the application and asked for it to be determined at planning committee. A copy of the correspondence is attached to this report.

6. CONSULTATIONS

None.

7. MATERIAL CONSIDERATIONS

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

- 7.1. 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);
- 7.2. 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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The considerations in the determination of this application are restricted to the design and appearance of the new windows, and the impact upon neighbouring amenity. No change of use or other development is proposed, and the retrospective nature of the application is not a material consideration.

Design and Appearance:

- 9.2. The revised fenestration that is the subject of this application comprises the removal of a large rectangular horizontal window on the side (east) elevation of the lower ground floor, and the insertion of two smaller windows, one in the same approximate location and the second further to the south on the same elevation. Both new windows are casement opening, with uPVC frames.
- 9.3. No objection is raised to the revised fenestration in design terms. The new windows are similar in colour and frame style to the existing fenestration on the upper floors and as such do not appear out of place on the building. Whilst the proportions of the windows differs from the existing fenestration, this was also the case for the pre-existing window, and in any case the new windows are at

lower ground floor level and as such are largely obscured from view outside of the site by the existing side boundary wall.

Impact on Amenity:

- 9.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part Two (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.
- 9.5. In this case, there are no residential neighbours to the east which would potentially be overlooked by the new windows, with the eastern elevation facing a 'pitch and putt' golf course. The windows are located at lower ground floor level, in the place of a pre-existing window and with a boundary wall largely obscuring outlook from within.
- 9.6. On this basis, the impact of the development on the amenity of surrounding residents is considered to be acceptable.

10. **EQUALITIES**
None identified