

<b><u>No:</u></b>	<b>BH2022/00428</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>46 Ridgeside Avenue Brighton BN1 8WB</b>		
<b><u>Proposal:</u></b>	<b>Erection of single-storey outbuilding to rear.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	08.02.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.04.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	AUTRE Limited 31 Loder Road Brighton BN1 6PL		
<b><u>Applicant:</u></b>	Mr. Ivan Clarke 46 Ridgeside Avenue Brighton BN1 8WB		

## 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>
Block Plan	P02		8 February 2022
Proposed Drawing	P03		8 February 2022
Proposed Drawing	P04		8 February 2022
Proposed Drawing	P06		8 February 2022
Proposed Drawing	P07		8 February 2022
Proposed Drawing	P08		8 February 2022
Proposed Drawing	P09		8 February 2022
Location Plan	P01		8 February 2022
Existing Drawing	Tree Plan		16 March 2022
Report/Statement	Arboricultural Statement		16 March 2022

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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the retained trees shall be protected in accordance with the arboricultural method statement and tree plan submitted on 16th March 2022. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. Prior to first use of the outbuilding hereby permitted, a landscaping scheme for the planting along the boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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. SITE LOCATION

- 2.1. The application site is a semi-detached two storey property on the southern side of Ridgeside Avenue. The property is not listed or within a conservation area, and there are no Article 4 Directions covering the site that are relevant to the proposed development.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/03395** - Demolition of existing garage and erection of two storey side extension incorporating 2no front rooflights, 1no rear rooflight and insertion of 1no rooflight to existing front roofslope. Withdrawn

## 4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the erection of an outbuilding in the rear garden. The building would be 8.9m in width, 3.5m in depth, and would have a pitched roof with a maximum height of 4.16m. It would be located at the rear (south) of the garden, some 0.6m from the common boundary with 48 and 49 Overhill Gardens.

## 5. REPRESENTATIONS

- 5.1. **Three (3) letters** have been received objecting to the proposed development for the following reasons:
- Appearance and size / height of proposal are not appropriate.
  - Too close to boundary
  - Residential Amenity
  - Drainage from WC and potential land contamination
  - Overdevelopment
  - Restriction of view
  - Overshadowing
  - Building is a fire hazard
  - Use as a workshop would create noise
- 5.2. **Councillor McNair** has objected to the application for the following reasons and requested that the application be determined by the Planning Committee:
- Too close to the boundary with Overhill Gardens
  - The proposed outbuilding will be overbearing to neighbours and affect outlook.
  - The outbuilding would not be sheltered by trees.
  - Light from the rooflights would cause nuisance
  - The structure is too big.
  - Drainage issues.
- 5.3. A copy of Councillor McNair's comments is appended to this report.
- 5.4. A letter from UK Power Networks has been received in relation to this application which provides advice for the applicant about developing in close proximity to an electricity substation.

## 6. CONSULTATIONS

6.1. **Arboriculture: No objection**  
First Comment - 18/02/2022:

The applicant is planning to construct in very close proximity to retained trees. Whilst we do not have any detail on footing construction, piling will minimise root damage. We would want to see a tree protection plan / method statement provided at condition. Although there are concerns regarding the likelihood of damage occurring to trees in close proximity, it is still possible to incorporate them into the design. The trees are not of sufficient quality to justify preservation status and any impact upon them would not be a valid reason to refuse planning permission.

Second Comment - 17/03/2021:

- 6.2. The submitted Arboricultural Statement and Tree Plan is accepted and subject to a suitable condition securing this prior to commencement there is no arboricultural objection.

## 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 JAAP (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. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design

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

QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity

#### 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.

DM20	Protection of Amenity
DM21	Extensions and Alterations
DM22	Landscape Design and Trees

#### Supplementary Planning Documents:

SPD06	Trees and development sites
SPD12	Design guidance for extensions and alterations

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal, the impact of the development on neighbouring amenity and the impact on existing trees.

### **Design and Appearance:**

- 9.2. The proposal is for a large outbuilding in the rear garden, with a floor area of approximately 30.1sqm, located some 0.6m from the rear (southern) boundary of the property. The building would have a large main internal space, with a smaller room with toilet facilities. It would have a timber finish with a tiled, pitched roof. The windows would be in a crittall style with glazed, dark coloured frames. The doors would be timber.
- 9.3. The scale of the outbuilding is such that it would not appear overly dominant in the context of what is a fairly substantial garden. It is considered a suitable addition to the site, that that would not result in any significantly harm to the character and appearance of the existing dwelling or the wider surrounding wider area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP12 of the City Plan Part One.

### **Impact on Amenity:**

- 9.4. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) 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. The impact on the adjacent properties 42 & 48 Ridgeside Avenue and 47, 48 and 49 Overhill Gardens (to the rear), has been fully considered at a site visit in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 9.6. The building would be large, but the pitched roof combined with the set-back of 0.6m from the boundary, and the fact that it would back on to the relatively long gardens of adjacent properties mean that the proposal would not be significantly harmful to neighbouring properties or gardens in respect of overshadowing, overlooking or an overbearing impact.
- 9.7. Accordingly, it is considered that the development would not be significantly harmful to neighbouring amenity and would accord with policy QD27 of the Brighton and Hove Local Plan and policy DM20 of the City Plan Part Two which can be afforded significant weight.

### Trees:

- 9.8. As shown on the plans one tree on the rear boundary is to be removed, it is understood that the applicant has this tree inspected by an arboriculturist who has advised that the tree is damaged. The remaining trees, to the front of the

outbuilding, are to be retained with the notched design of the proposal accommodating one of these trees.

- 9.9. The use of piling foundations which would help to minimise any harm to the retained trees during the construction of the outbuilding. There is no Tree Preservation Order on the site and while the trees have some amenity value, they do not have any specific legal protection.
- 9.10. The applicant has submitted an arboricultural method statement to demonstrate how trees would be protected during construction. The Arboriculturist has reviewed this and confirmed that the measures are suitable to protect the existing trees to be retained. A condition is recommended to ensure that the tree protection is carried out prior to any works commencing.

Other matters:

- 9.11. The drainage for the WC within the proposed structure is not a material planning consideration. However, the structure, if approved, would require an application under Building Regulations and this would consider drainage for the site.

**10. EQUALITIES**

None identified

**11. CLIMATE CHANGE & BIODIVERSITY**

- 11.1. The proposal would provide additional utilities and space on an existing residential site, and new planting is proposed as screening on the boundary.