

<u>No:</u>	BH2022/01606	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	25 Chailey Avenue Rottingdean Brighton BN2 7GH		
<u>Proposal:</u>	Creation of additional storey with balcony and erection of porch to front with revised fenestration.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	12.05.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	07.07.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.08.2022
Agent:	Graham Johnson Designs 134 Hollingbury Road Brighton BN1 7JD		
Applicant:	Mr And Mrs Michael And Debi Fillery 25 Chailey Avenue Rottingdean Brighton BN2 7GH		

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	43152/1	B	12 May 2022
Proposed Drawing	43152/10	A	12 May 2022
Proposed Drawing	43152/11	C	12 May 2022
Proposed Drawing	43152/12	B	12 May 2022
Proposed Drawing	43152/13	B	12 May 2022
Proposed Drawing	43152/15	A	12 May 2022
Proposed Drawing	43152/8	A	12 May 2022
Proposed Drawing	43152/9	B	12 May 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. The dormer window in the northern side elevation of the development hereby permitted shall be obscure glazed, and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

4. No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM20 and DM21 of the Brighton & Hove Proposed Submission City Plan Part Two.

5. No development shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of all hard surfacing materials
- c) details of the proposed window, door and balcony treatments
- d) details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and DM21 of the Brighton & Hove Proposed Submission City Plan Part Two.

6. 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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 3
3. 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 bungalow located on the western side of Chailey Avenue, with a large, single storey, flat-roofed extension to the rear. The property has a paved front driveway and a later side extension infilling to the northern boundary. It is finished in white render, timber beam detailing, brown plain tile and white uPVC fenestration.
- 2.2. The road, Chailey Avenue, has a lack of uniformity in the design, style, scale of properties and plot sizes, with a mix of one and two storey residential houses. However, the majority are low level with accommodation in the gables/roof.

3. RELEVANT HISTORY

- 3.1. BH2022/00568 - Erection of porch at front of property and first floor extension to create additional floor incorporating revised fenestration, roof alterations and associated works. Refused for the following reason:
"The proposal by reason of its design, scale, the excessive height of the extensions, overall bulk and massing at roof level and to the front of the site, would result in a development which would appear over extended and fail to respect the scale, continuity, roofline and general appearance of the existing streetscene. It would appear overly dominant and have an adverse visual impact on the appearance and existing character of the property and wider area. The proposal is therefore contrary to policies QD14 of the Brighton and Hove Local Plan, DM21 of the emerging Brighton and Hove City Plan Part Two, and SPD12 of the Brighton and Hove Local Plan."
- 3.2. BH2021/02510 - Erection of porch at front of property and first floor extension to create additional floor incorporating revised fenestration, roof alterations and associated works. Refused for the following reason:
The proposal by reason of its design, scale, the excessive height of the extensions, overall bulk and massing at roof level and the front of the site, would result in a development which would appear over extended and fail to respect the scale, continuity, roofline and general appearance of the existing streetscene. It would appear overly dominant and have an adverse visual impact on the appearance and existing character of the property and wider area. The proposal is therefore contrary to policies QD14 and SPD12 of the Brighton and Hove Local Plan.
- 3.3. BH2004/00676/FP - Removal of garage and erection of single storey side (north) extension. Approved.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to extensively remodel the existing house incorporating the erection of a porch at the front of property and first floor

extensions to create an additional floor incorporating revised fenestration, roof alterations and a recessed balcony.

- 4.2. The application seeks to overcome the reasons for refusal in relation to BH2022/00568, as set out above.

5. REPRESENTATIONS

- 5.1. **Nine** (9) unique letters, two (2) repeat letters and one (1) discounted through distance letters have been received objecting to the proposed development on the following grounds:
- Height
 - Amenity harm
 - Overshadowing
 - Overdevelopment
 - Would affect views
 - Poor design
 - Bulk and Massing
 - Traffic generation
 - Proximity to boundary

6. CONSULTATIONS

- 6.1. Rottingdean Parish Council: Comment 16/06/2022
- More in keeping with streetscene and less bulky than previously refused scheme.
 - Concerned balcony may have some amenity impact but have not been able to arrive at a conclusive view.
 - For this reason while having no other objections to the application, RPC will not be taking a definitive view.

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

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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

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

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 remodelling of the existing bungalow would see a change in form, creating a larger property that is increased in height with dual gables. It is recognised, and has been pointed out in various objections, that the bulk and massing would increase over the existing dwelling.

- 9.3. The property currently has an L-shaped hipped form of roof with a gable to the front and a gable dormer in the front roofslope. It is considered that the proposed gable roof extension would improve the appearance of the host building, offering a more integrated design in the streetscape. There are gable-ended properties in close proximity with similar pitches, such as neighbouring No.23 & No.27 Chailey Avenue to each side, and with differing pitch on the opposite side of the road at No.22 & No.24 Chailey Avenue, and No.7 & No.14 Knole Road. The proposed works would slightly extend the building footprint to accommodate the new front porch and gables, but the building line would not extend any further towards the rear or front boundary in comparison to the current situation.
- 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. The overall height of the ridge would increase by approximately 1.4 metres to the highest point on the new front Sussex hipped gable, but in doing so, it would be of a comparable height to neighbouring properties at No.23 & No.27, so is considered to be in keeping.
- 9.5. The new elevations, although increasing in size, are taking cues from the existing elevations and the forms of development in the area, which exhibit gable ends with timber detailing and Sussex hips as a common feature of development in Chailey Avenue and Knole Road. The rear elevation would see reduced bulk from the front elevation, with the setting down of the ridge and one wider gable. Recessed within the gable would be a balcony serving proposed bedrooms 3 & 4.
- 9.6. The proposed side dormer, while not necessarily considered an enhancement to the design, would be similar to other dwellings in the area, and would not cause harm to the appearance of the proposed building, as it would match in material and style. The dormer window, which would serve a dressing room and a bathroom, has been detailed as being obscurely glazed which would be secured by condition.
- 9.7. The proposed works would be constructed in brick with white/cream painted render to match. The new roof would be finished with concrete tiles of a dark grey colour. The new fenestration would be matching white uPVC. The materials are considered acceptable and would not appear incongruous. The surrounding area has a mixture of material finishes and styles with the use of brick, flint, timber and render for elevations, of varying colours. The surrounding roof finishes are predominantly tiled, with brown, red and grey colours. The fenestrations in the streetscene are varied with a white, brown and black upvc of mixed styles and the occasional black timber leaded window. The proposed works materials and colour would therefore complement the existing varied streetscene and cause no disruption.
- 9.8. The design has been completely altered from that previously refused, most recently under BH2022/00568. The form appears less bulky at roof level with differing gable forms and ridge heights adding architectural interest and reflecting and respecting the existing designs in the streetscene. The proposed development now sits comfortably within in the plot and rather than standing out as incongruous and prominent addition to the streetscape, as the previously

refused scheme did, it would appear a more natural part of the residential character of the area. The proposed scheme has taken note of the previous reasons for refusal and translated these into a more complimentary design which meets the demands of local policy.

- 9.9. The existing building, although not unattractive, offers little architectural merit and its retention as existing is not considered necessary.
- 9.10. Therefore, the proposed extensions and works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan, Policy DM21 of CPP2, and SPD12 guidance.

Impact on Amenity

- 9.11. Policy QD27 of the Brighton & Hove Local Plan, as updated through Policy DM20 of City Plan Part 2 (which can be given significant weight) 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.
- 9.12. The form of the extension extending to the front, side and rear, with revisions to the roof, is not considered to substantially harm neighbouring amenity. The remodelled property would remain set in from the side boundaries, with the roof design reducing any potential overbearing and overshadowing effects, particularly with regard to No.23 & 27 Chailey Avenue. Any overshadowing effects would appear to be contained to midday with morning and afternoon largely unaffected, from an assessment of the plans, and therefore not considered to cause such harm as to warrant refusal. The properties to the west in Newlands rise and Knole road to the north are sufficiently distant that no overshadowing or overbearing impacts would occur.
- 9.13. It is acknowledged by Officers that the revised form and scale of the property would increase its visibility to some neighbours. However, despite objections concerning the loss of views and outlook, it is noted that a right to a view and retention of the same is not a material consideration in the determination of planning applications and the impact of the scheme is not considered to be significant in the current context with properties of similar design to each side. It is not considered that the neighbours' outlook would be so impacted as to warrant refusal, especially given the separation distances or the degree of interruption that is involved.
- 9.14. The new rear façade would increase the amount of glazing at first floor levels with the provision of a recessed balcony, and therefore the potential for overlooking at the upper level. The proposed first floor windows would be some 60m from the elevations of the dwellings to the rear (Newlands Road) with minimal loss of privacy at this distance. There would be increased potential for the overlooking of neighbouring gardens, but other properties already have rear facing windows or balconies at first floor height so a degree of mutual

overlooking of rear amenity areas currently exists. The degree of harm to amenity is not, in this context, considered so significant to warrant refusal.

- 9.15. The new front facing fenestration would overlook front gardens and highway, limiting any harm to private amenity. It is recognised that the views towards the properties on Knole Road to the east increase, but with a distance of approximately 24 metres to the elevations of these properties and that a high degree of mutual overlooking already exists, the increase in overlooking is considered acceptable. The new side dormer would be obscure glazed to prevent any overlooking to adjacent properties.
- 9.16. Therefore, it is not considered that the proposed extensions 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.

Other Matters

- 9.17. 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.
- 9.18. To ensure that the appearance of the host property is maintained and to limit any potential impacts on amenity, permitted development rights for additions and alterations to the roof would be removed (Classes B & C), which would enable the LPA to fully assess and control any further works to the roof. A condition would be attached to that effect.

Conclusion:

- 9.19. The proposed development is considered to enhance the host property and bring improvements to the streetscene. No significant harm to neighbouring amenity is identified. Approval is therefore recommended.

10. EQUALITIES None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The existing dwelling would be extended, making increased use of a site, where otherwise a new dwelling may have been required. A bee brick would be secured by condition to improve biodiversity.