

# **ITEM F**

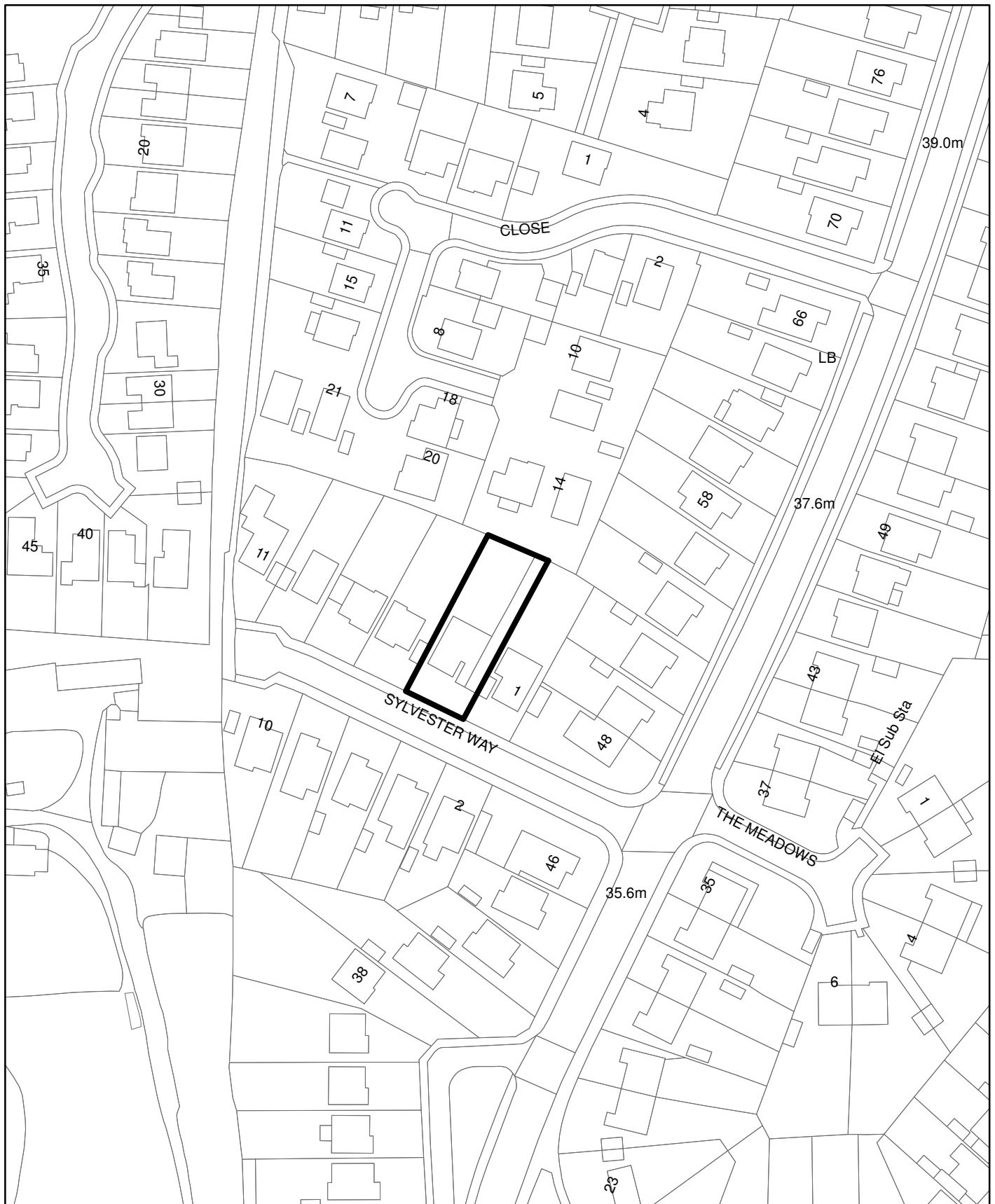
**3 Sylvester Way, Hove**

**BH2015/01291**

**Householder planning consent**

**15 JULY 2015**

# BH2015/01291 3 Sylvester Way, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01291</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>3 Sylvester Way Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey front, side and rear extension.</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	05 May 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	30 June 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Tony Rogers Building Consultants, 40 Dawn Crescent, Upper Beeding, West Sussex BN44 3WH		
<b><u>Applicant:</u></b>	Miss A Linkman, 3 Sylvester Way, Hove BN3 8AR		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in section 11 and the policies and guidance in section 11.1 resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a detached bungalow located to the north of Sylvester Way. The property consists of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow has been altered in the past and includes a flat roof L-shaped extension that extends to the rear of the garage along the eastern side of the boundary and wraps around to the rear.
- 2.2 The existing side garage when measured from the land level at the eastern side of the property measures 2.8m in height and the wrap around extension measures 3.8m in height. The property includes a rear garden and a 3.1m strip of land to the east of the building that sits approximately 1m lower than the floor level of the building and separates the property from the boundary fence.

## 3 RELEVANT HISTORY

**BH2014/02616** - Erection of a single storey front side and rear extension. Appeal Dismissed 21/03/2015.

## 4 THE APPLICATION

- 4.1 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would extend the existing wrap-around extension to the side of the property by approximately 2.7m and would also include a 3m wide, 2.7m deep projection to the rear at the eastern corner. The proposal would also extend the gable roof of the property to the rear over the existing

wrap around extension. The main side and rear element of the extension would have a ridge height of 4.5m. The existing garage would be demolished and a new garage would be constructed projecting forward of the proposed extension of the property.

4.2 The application follows a previous refusal (see BH2014/02616). The previous application was refused for the following reasons:

1. The proposed development, by reason of the excessive scale, unbalanced proportions and varying forms, would not be appropriately designed, detailed or sited in relation to the recipient dwelling and would, as a result, detract from the character and appearance of the building and have a harmful visual impact on the wider street scene. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document 12, Design Guide for Extensions and Alterations.
2. The proposed development, by reason of its bulk and siting in relation to large windows to the side elevation of the adjoining property to the east (1 Sylvester Way), would impact on the neighbouring property through loss of light and outlook. The proposal would therefore result in significant harm to neighbouring amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4.3 The applicant appealed this decision (see APP/Q1445/D/14/2228178) that was dismissed by the inspector. The inspector's report provided the following conclusion:

- I have found that the proposed development would not cause unacceptable harm to the character and appearance of the site and the surrounding area. However this would not outweigh the unacceptable harm that I have found would be caused to the living conditions of the occupiers of 1 Sylvester Way in respect of sunlight, daylight and outlook.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External:

**Neighbours: Five (5)** letters of representation have been received from the occupiers of **1, 2, 4 and 6 Sylvester Way; 46 Hangleton Valley Drive** objecting to the proposal based on the following grounds:

- Not in keeping with rest of the close.
- No. 1 next door will definitely suffer overshadowing.
- Overpowering and unsightly to view.
- The work proposed would greatly increase the danger of what can be a blind spot.
- Would alter the character of the property.
- Would overshadow the adjacent bungalow.

- Would cause much disruption, noise, dust and dirt to our property.
- Building right up to a neighbour's fence would look unsightly.
- Contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
- Significant loss of light to our kitchen and sunroom from overshadowing.
- A great sense of enclosure being hemmed in due to the closeness of the build to our boundary and height of the proposed extension.
- Will cause a tunnel effect down the side of our property and will have a terrace effect.
- Bungalows by their nature are built in less densely populated areas, the proposed development is only 400mm from our boundary
- It already has the largest extension in the road which has greatly impacted us.
- Will lead to a precedent of neighbouring properties being overbuilt in the same way.
- It is dominant and overbearing in terms of the host building of the site and is out of character to the surrounding properties in the neighbourhood and on the landscape.
- We do not feel the amendments go far enough regarding our loss of amenity in relation to sunlight, daylight or outlook.

**Councillor Janio** supports the application (comments attached).

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5

The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- QD14 Extensions and alterations  
QD27 Protection of Amenity

#### Supplementary Planning Guidance:

- SPD12 Design Guide for Extensions and Alterations

#### Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties.

### **8.2 Design and Appearance**

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

- 8.4 SPD12 states that *'as a general rule, extensions should not dominate or detract from the original building or the character of an area, but should instead play a subordinate 'supporting role' that respects the design, scale and proportions of the host building'*.
- 8.5 More specifically SPD12 states that *'side extensions, if poorly designed, can harm the appearance of the street scene by excessively infilling the rhythm of spaces between buildings to create a 'terracing' effect, removing the continuity within a street scene, or by over-extending buildings in a disproportionate and unbalanced manner'*.
- 8.6 The previous application was refused for the following reason relating to design:
- 8.7 *The proposed development, by reason of the excessive scale, unbalanced proportions and varying forms, would not be appropriately designed, detailed or sited in relation to the recipient dwelling and would, as a result, detract from the character and appearance of the building and have a harmful visual impact on the wider street scene. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document 12, Design Guide for Extensions and Alterations.*
- 8.8 The original form of the building consists of a bungalow with a north-south gable end roof. The property has been altered substantially in the past and includes a single storey flat roofed extension that projects from the rear of an existing garage and wraps around the full width of the rear elevation. The property currently retains a 3.1m gap to the east boundary.
- 8.9 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would include demolition of the existing garage and the construction of side extension. A new attached garage would be constructed to the south-east corner of the site. The garage would include a pitched roof with a 2.9m ridge height and would project 0.3m from the front elevation of the building. On the site of the existing garage a new porch would be constructed.
- 8.10 The main element of the extension would consist of a side and rear extension that would result in a wrap-around design. The side element would project approximately 6.85m from the side of the original building (2.7m from the existing extension). The rear wrap around element of the extension would be constructed on different ground levels. The section to the north-east corner of the building would be set into the ground and would maintain the existing footprint with an additional 2.7m projection to the rear resulting in a 'L' shaped form. The rear extension to the north-west corner would retain the existing footprint and would extend the existing gable end roof form by 2.15m.
- 8.11 The side extension would include a hipped roof that would have a ridge height

of 4.5m. The front porch element of the building would include a dummy pitched roof that would project from the existing roof slope and proposed hipped roof. The rear 'L' shaped section of the extension would consist of a dummy pitched roof that would project from the rear of the proposed hipped roof and would include a skylight above.

8.12 It is considered that the proposed extension would add considerable bulk to property and would result in a substantial addition that would alter the form and character of the host property considerably.

8.13 Notwithstanding these issues the Inspector's report for the previous application holds considerable weight. The Inspector concluded that the proposed development would not result in an unacceptable harm to the character an appearance of the host property. Although the current proposal would differ from the previous submission, the majority of the layout and form would be similar in character. A refusal based on design issues would therefore be considered unreasonable in this case.

8.14 **Impact on Amenity**

Policy QD27 of the Brighton & Hove Local Plan 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.

8.15 The property most affected by the proposal would be the adjacent property to the east, no. 1 Sylvester Way. The boundary treatment between the two properties currently consists of a 1.8m closeboard timber fence. The eastern side elevation of no. 3 is currently set back from the boundary by 3.1m. The eastern elevation currently consists of the 2.8m tall side wall of the garage that steps up to the 3.8m tall side wall of the kitchen measuring 2.8m in height.

8.16 Due to the topography of the area no. 1 Sylvester Way sits considerably lower than the application site. No. 1 includes a side habitable room and kitchen, both with limited outlook to the rear that receive the majority of their light and outlook from the western facing windows. The existing extension at no. 3 Sylvester Way is currently highly visible from the windows due to its height in relation to the boundary treatment and differing land levels.

8.17 The Inspector's report stated the following relating to the impact on amenity of the previous application:

8.18 *The proposed side extension to No 3 would be very close to the side boundary and significantly higher than the boundary fence, and it would also be of significant length, extending to beyond the rear elevation of No 1. As such, it would significantly impede vision of the sky from within those rooms of No 1 referred to above and would have an overbearing and significantly enclosing effect. Its height and close proximity to the side habitable room of No 1 would*



*also be likely to result in a significant loss of sunlight and daylight to that room, whilst the limited existing daylight to the kitchen would be further reduced. The rooms concerned would therefore become darker and less pleasant spaces, below a standard that the residents of No 1 could reasonably expect.*

- 8.19 Although the current application has been reduced in height it would still be set close to the shared boundary with a gap of 0.4m and would protrude considerably to the rear. The proposal would also increase the height of the extension to 4m and would have an eaves height of 2.5m, measuring 0.7m taller than the existing boundary treatment. It is considered that, although the reduction in height would reduce the impact, the proposed extension would still result in a significant loss of light and overbearing effect on the western side windows of no. 1 Sylvester Way and therefore fails to address the issues set out within the Inspector's report and previous refusal.

## **9 CONCLUSION**

- 9.1 The proposed development is not considered to result in significant harm on the character and appearance of the host property or surrounding area. Furthermore it is considered that the proposal would result in significant overshadowing, enclosing effects and loss of light to no. 1 Sylvester Way. As such the proposal is considered contrary to policies QD14 and QD27 of the Local Plan and SPD12 "Design Guidance for Extensions and Alterations".

## **10 EQUALITIES**

- 10.1 None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### **11.1 Reasons for Refusal:**

1. The proposed extension by reason of its height, length and close proximity to the shared boundary would result in a significant loss of light and overbearing impact on the eastern side facing kitchen and living room windows of no. 1 Sylvester Way, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the guidance within supplementary Planning Document 12, A Design Guide For Extensions and Alterations.

### **11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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:

PLANNING COMMITTEE LIST- 15 JULY 2015

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	13/04/2015
Block Plan	-	-	05/05/2015
Existing Plans	14/941/01	-	13/04/2015
Proposed Plans	14/941/02	-	13/04/2015



PLANNING COMMITTEE LIST  
15 JULY 2015

COUNCILLOR REPRESENTATION

**From:** Tony Janio  
**To:** Luke Austin  
**Subject:** RE: Application BH2015/01291- 3 Sylvester Way

Luke,

The NPPF clearly supports 'Sustainable Development' and I think that the extension should be allowed- i.e I support it. If folks extend, they don't need to 'move up'. This is clearly stated in many government pronouncements- if not primary legislation.

So sustainable development is about positive growth- making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay- a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.

Rgds

Tony Janio

