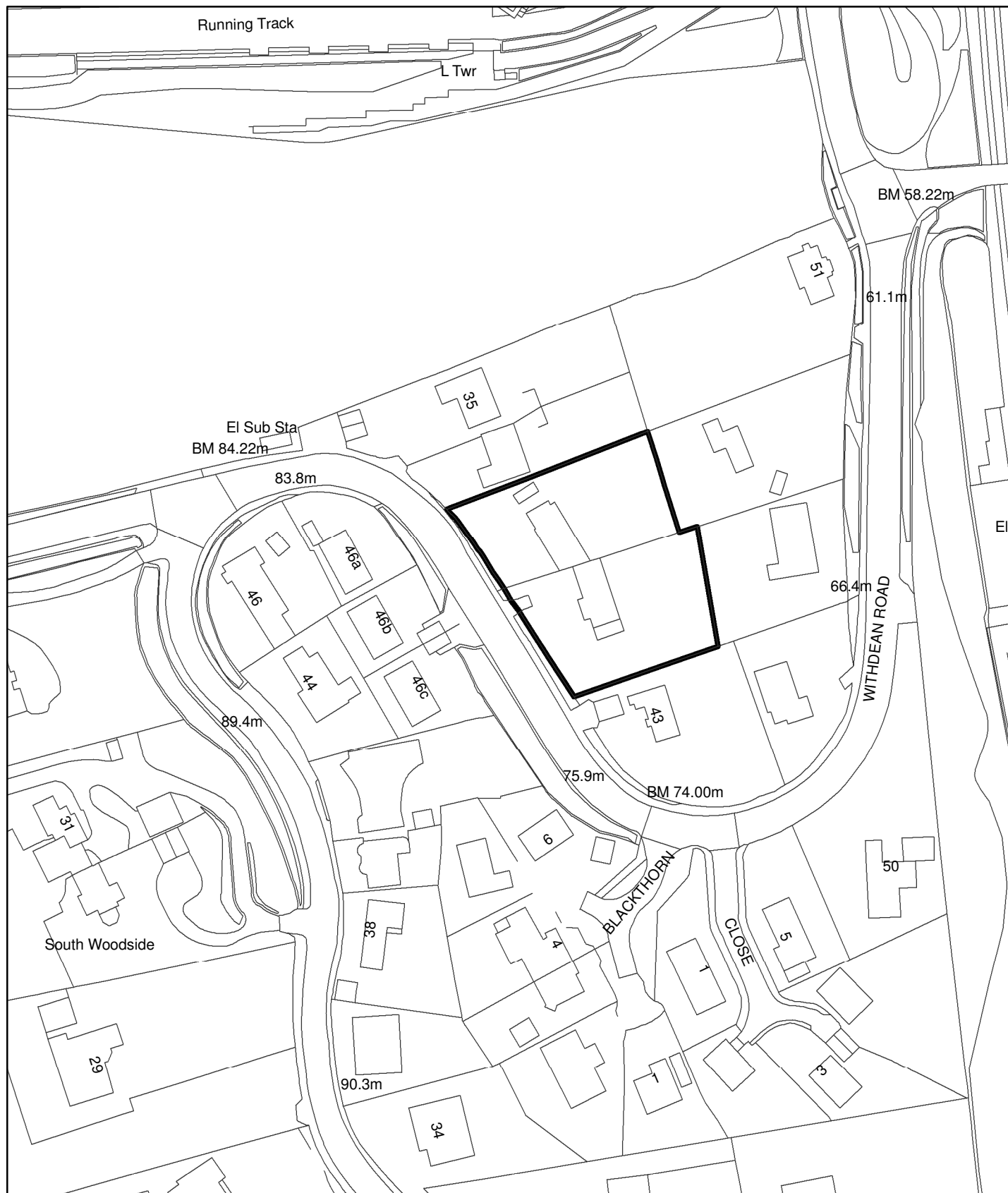


ITEM C

**39-41 Withdean Road, Brighton
BH2015/03868
Full Planning**

08 June 2016

BH2015/03868 39-41 Withdean Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03868	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39-41 Withdean Road Brighton		
<u>Proposal:</u>	Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.		
<u>Officer:</u>	Maria Seale Tel 292175	<u>Valid Date:</u>	15/12/2015
<u>Con Area:</u>	N/A	<u>EOT Date:</u>	10 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Baobab Developments, c/o agent		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The development site is located on the eastern side of Withdean Road and forms part of a larger site where previous residential properties were demolished. Unit 2 is the middle property of 3 new houses currently being built and the development is nearing completion. The area is predominantly residential in character with large detached properties of varying design set in mature landscaping. The site slopes down from north to south and also from west to east.

3 RELEVANT HISTORY

There are number of planning decisions relating to this and adjacent sites however the decision most relevant to this current application is the following: **BH2013/03456** Demolition of existing houses and erection of 3no detached houses with associated landscaping. Approved 9/4/14.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary condition 2 of BH2013/03456 to allow revisions to a dwelling (Unit 2).
- 4.2 The proposal applied for is the addition of an extended stairwell to allow access to a new 'gloriette' timber structure and new terrace area on the top of the main flat roof of Unit 2.
- 4.3 The gloriette is essentially an open timber structure, 1.8m high above parapet level, that covers the width of the roof (5.5m). It covers the length of the stairwell (8.5m) in the middle part of the roof. The new roof top terrace would be bordered by a 1.1m high glass balustrade. An identical structure can be seen on

Unit 1 adjacent. The stairwell extension would increase its height by a further storey (2.3m).

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours:

Twelve (12) letters of representation have been received from **Owner of Unit 1 39-41, 43, 46A, 46C, 46B[x2], 47[x2], 49 [x3], 51 Withdean Road**, objecting to the application for the following reasons:

- Exceeds roof height of original permission and previous development and is effectively another storey
- Out of keeping and adverse impact to natural openness of landscape
- The gloriette at Unit 1 should not set a precedent
- Increased scale, bulk and height means proposal will be overbearing
- Increased noise and disturbance from terrace
- Increased overlooking and loss of privacy
- Loss of light
- Overdevelopment
- Council's previous assessment of original application was flawed
- Lack of floor plans and section plans [Note: floor plans have since been submitted]
- Additional floor plan does not overcome concerns

Cllr Nick Taylor: Objects to the application. See copy of letter at end of report.

5.2 Internal:

Arboriculturalist: No Objection

Environmental Health: No response

Sustainable Transport: No Objection

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 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 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) is a material consideration.

- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of developing the site for 3 houses was established through the original permission and indeed the development is almost complete. The main considerations in the determination of this application relate solely to the impact the extension and terrace structure would have on the character and appearance of the dwelling and that of the wider locality, and impact on amenity of occupiers of nearby residential properties.

Planning Policy Context:

- 8.2 City Plan policy CP12 seeks to ensure all new development is built to a high quality standard.
- 8.3 Retained Local Plan policy QD14 states that extensions to buildings must be well designed, sited and detailed in relation to the main property, adjoining properties and the surrounding area and should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Proposals should take into account the existing space around buildings and the character of the area and use materials sympathetic to the parent building. When considering whether to grant permission for extensions 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 Retained Local Plan Policy QD27 states that planning permission for any development 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.

Design:

- 8.5 The character and appearance of the locality is very mixed and made up of large detached properties of varying architectural styles. There are examples of some very large, tall buildings and examples of balconies and roof terraces. Unit 1 within the development has the same 'gloriette' structure and terrace as is now proposed for Unit 2.
- 8.6 In this context, there is no objection in visual terms to the proposal. The extension itself and the timber structure are relatively modest in scale and are located back from the main street frontage in the centre of the building, thus limiting their impact. Unit 2 still remains lower than Unit 1 and respects the topography and all 3 new dwellings still step down the hill sympathetically.
- 8.7 The proposal is well designed in relation to the existing building, it is a contemporary feature which respects the contemporary design of the main building and uses the same brick type. The timber and glass materials are sympathetic.

8.8 Impact on Amenity:

- Whilst additional information (a section plan through showing relationship with 49 Withdean Road and proposed block plan) has been repeatedly requested from the applicant to aid assessment, this has not been forthcoming. It is however considered that the application contains sufficient information to enable assessment of the proposal. A thorough site visit has been carried out and given that the building is nearing construction this has helped assess the impact of the proposal. A section plan through to no.47 Withdean Road is provided which also helps.
- 8.9 The existing dwelling is already quite large and tall, however, the proposed extension is quite small in scale, being to the stairwell only and is in the centre of the building so it is considered to have limited impact to amenity of nearby occupiers. The proposal would not increase the overall bulk or mass of the development unduly or result in it being more overbearing for adjacent residents. Given its siting and height and distance from adjacent properties it would not cause undue loss of light.
- 8.10 Unit 2 is in the centre of 3 new dwellings so the nearest properties to it that could potentially be affected are those to the rear, no.s 49 & 47 Withdean Road (as well properties directly opposite, no.s 46a/b/c). The gloriette is an open terrace structure and does not extend the full length of the property, limiting its impact. There is another terrace at first floor level nearer to the boundary of no. 49 than the current proposal. The proposed terrace would be set so high up, and no.s 49 and 47 set significantly lower, that very limited or no views directly downwards could be afforded. Any views out would be above neighbouring roof level or higher. There is also substantial mature screening on the boundary. An additional terrace would not give rise to undue extra noise or disturbance above the general domestic activities associated with the existing terrace and garden at the dwelling.

- 8.11 Objections have been received from the new owners of Unit 1 (which was yet to be occupied) which has a roof level terrace and ‘gloriette’, however, that dwelling would be screened from the proposal by the extended stairwell. That property is set higher and the extension is relatively modest, and any potential impact is considered very limited and acceptable to that property given its distance from the proposal. Any impact to Unit 3 would be limited given the difference in height between the 2 properties and Unit 3 has no accommodation at roof level.
- 8.12 A condition can ensure the new terrace is limited only to the area shown within the glass balustrade to limit potential use of the remaining roof.

9 CONCLUSION

- 9.1 The proposal is well designed in relation to the existing building and is in keeping with the character and appearance of the locality, which is very mixed and made up of large detached properties of varying architectural styles. Given the location of the extension and terrace in the centre of the building, and its height and distance away, it would have limited impact to the amenity of nearby properties.

10 EQUALITIES

- 10.1 The new terrace would only be accessible by the stairwell. The overall development meets Lifetime Homes standards as per condition 16 of the original permission.

11 CONDITIONS / INFORMATIVES

- 1) Not used.
- 2) 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
House 2 Proposed Elevations	1310/401		23/10/15
House 2 Previously Consented & Proposed Plans	1310/200		19/01/16
House 2 previously Consented Elevations	1310/200		23/10/15
Site Plan & Site Location Plan	1310/100		23/10/15
Existing Site Plan	1310-004_13.09.09		9/3/16
Site elevations & section	1310/030	P1	23/10/15
Tree Protection Plan	Wd13.03.06		23/10/15
Outline Site Proposal	Wd13.03.05		23/10/15
Unit 1 Plans	1310_003_P		16/10/2013
Unit 1 Elevations	1310_004_P		10/10/2013
Unit 3 Plans	1310_007_P	A	17/03/2014
Unit 3 Elevations	1310_008_	B	17/03/2014

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Existing Sections/Elevations	1310-016_13.09.09		16/10/2013
Existing Sections/Elevations	1310-017_13.09.09		16/10/2013
Tree Plan	J37.79/02		05/11/2013

- 3) No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, 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 for this reason would wish to control any future development to comply with policy CP12 of the Brighton & Hove City Plan Part One and policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those agreed under application BH2014/01361 approved on 28/7/14. Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
- 5) The boundary treatments shall be provided in accordance with the details approved under application BH2014/01361 on 28/7/14 before the buildings are first occupied and shall be retained as such thereafter. Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policies QD15 and QD27 of the Brighton & Hove Local Plan.
- 6) Other than the stairwell extension hereby permitted, the height of the development including finished floor levels shall be in accordance with the details agreed under permission BH2014/01361 approved on 28/7/14. Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
- 8) All construction works in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be carried out in accordance with the approved Arboricultural Method Statement for tree protection agreed under permission BH2014/01361 on 28/7/14. No development or other operations shall take place except in complete

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- accordance with the approved details. Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
- 9) The landscaping of the site shall be carried out in accordance with the implementation programme approved under permission BH2014/01361 on 28/7/14. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with retained policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton and Hove City Plan Part One.
- 10) Not Used.
- 11) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 12) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 13) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
- 14) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

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- 16) The accessible measures incorporated within the buildings to meet Lifetime Homes standards shall be retained. Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 17) Access to the remaining flat roofs of the development that are not explicitly annotated to be used as roof terraces on the approved drawings (including the second floor roof terrace at Unit 2 bordered by glass balustrading), shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area. Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.18

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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal is well designed in relation to the existing building and is in keeping with the character and appearance of the locality, which is very mixed and made up of large detached properties of varying architectural styles. Given the location of the extension and terrace in the centre of the building, and its height and distance away, it would have limited impact to the amenity of nearby properties.

1st February 2016

Dear Ms Walsh,

RE: OBJECTION TO APPLICATION BH2015/03868

I am writing to you to register an objection to the above planning applications on behalf of residents of Withdean Road in Withdean ward.

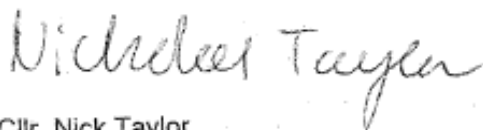
I am very concerned with this application to amend the existing planning applications to allow the addition of a fourth storey "gloriette" on the three properties under construction. The additional storey constitutes a gross invasion of privacy for residents on Withdean Road. The developments are no more than 20 feet away from the property at 49 Withdean Road and therefore affords them no privacy.

The previous plans that have been granted planning permission are more in keeping with the overall height of the other developments in the road. In addition, the height of the hill makes a fourth storey all the more difficult to adapt for local residents.

If the officer recommendation is to approve, I would ask that this matter be referred to the full Planning Committee for consideration.

I very much hope that my objections and those of local residents will be taken into account and appropriate mitigation strategies may be developed as appropriate.

With kind regards,



Cllr. Nick Taylor

