Expiry: 22/7

Development Management - Delegated Officer Report

Application Number: NOTICE/0010/24 Recommendation – Prior Approval Required and Refused

Site: 17 Buckingham Mews, Shoreham-By-Sea

Proposal: Householder application for permitted development for prior approval for enlargement of a dwellinghouse by construction of an additional storey to a height of 2.46m above the existing ridge, with roof lights to the rear

Date of site visit: 19/6

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a mid terrace pitched roofed two storey house in Buckingham Mews, a cul de sac off Ravensbourne Avenue. The terrace steps up in height from south to north with the end house, No. 18, gable fronted and representing an end stop where the terrace meets Ravensbourne Gardens.

This is not a conservation area and is not a listed building.

No. 15 has added an additional floor under Prior Approval, NOTICE/0018/20 refers.

The application is proposing to construct an additional storey on No.17 as development permitted by Schedule 2, Part 1, Class AA of the GPDO, as amended in 2020.

The new floor will raise the ridge height 2.46m above existing.

Class AA permits:

The enlargement of a dwellinghouse consisting of the construction of
(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
(b) one additional storey, where the existing dwellinghouse consists of one storey,
immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted
AA.1. Development is not permitted by Class AA if—

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(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
Response: It has not.

(b) the dwellinghouse is located on—
(i) article 2(3) land; or
(ii) a site of special scientific interest;
Response: It is not.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
Response: It was not.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
Response: It has not.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
Response: It will not.

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
Response: It will not.

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
Response: It will not.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower
of—
(i) 3 metres; or
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
Response: The applicant confirms it will not.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;
Response: It is not.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development;

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Response: It will not.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.
Response: It will not.

Conditions
AA.2.—(1)Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
Response: The application confirms materials of a similar appearance will be used.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
Response: No side windows are proposed.

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;
Response: The proposed roof pitch matches the existing house.

And

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
Response: The application confirms use as a dwellinghouse will continue after development.

(3) The conditions in this sub-paragraph are as follows—
(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;
(iii) air traffic and defence asset impacts of the development; and
(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;
(b) before beginning the development, the developer must provide the local planning authority with a plan for the management of the construction of the

development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration, and traffic on adjoining owners or occupiers will be mitigated;
(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
(e) that notification must be in writing and include—
(i) the name of the developer;
(ii) the address of the dwellinghouse; and
(iii) the date of completion.

Procedure for applications for prior approval
AA.3.—(1)The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by—
(a) a written description of the proposed development, including details of any works proposed;
(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
(c) a plan which is drawn to an identified scale and shows—
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.

(3) The local planning authority may refuse an application where, in its opinion—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act45, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
(a) describes the proposed development, including the maximum height of the proposed additional storeys;
(b) provides the address of the proposed development; and
(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

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(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 201947; and
(c) details of proposed building or other operations.

(12) The local planning authority must, when determining an application—
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(14) The development must be carried out in accordance with the details approved by the local planning authority.

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Relevant Planning History

None

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Consultations

Brighton City Airport:

'I refer to your consultation email dated 18th June 2024. The airport safeguarding team has assessed the proposal in accordance with the CAA CAP 168 and we have no aerodrome safeguarding objection to the proposal.

However, we would like to draw your attention to the following:

Crane advice:
Due to the site being within 6km of Brighton City Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system.

For notification, please follow the link via CAA website:
Crane notification I Civil Aviation Authority (caa.co.uk)

Once crane notification has been received from the CAA, Brighton City Airport safeguarding team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.

Specific CAA guidance for crane lighting/marking is given in CAP1096: Guidance to crane users on the crane notification process and obstacle lighting and marking (caa.co.uk)

Any changes to the information provided will generate a new assessment. If you require further assistance, please do not hesitate to contact me.'

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

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Planning Assessment

The application meets the criteria set out in Class AA and is therefore subject to the considerations for prior approval.

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

The additional storey will contain windows at second floor at the front and rear which have the potential to increase overlooking at a distance of approximately 19.5m from the rear of 20 The Drive. Overlooking already occurs from existing first floor windows and there is a significant tree/shrub screen on the shared boundary.

It is not considered that significant increased overlooking will occur.

No significant loss of light will occur to any neighbour.

(ii) the external appearance of the dwellinghouse, including the design and architectural features of —
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;

Cab Housing Limited v Secretary of State for Levelling Up, Housing and Communities, and Broxbourne Borough Council [2022] EWHC 208 (Admin) (3 February 2022) states that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

The extension is drawn to match the style and appearance of the existing dwelling in terms of materials and window size and positioning.

The scale of the additional floor, however, is entirely above the ridgeline of No.18 and higher than all ridgelines to the south including at No. 15 where an additional floor has been added. No. 15 is on lower ground and down the hill into the cul de sac and not so visible from Ravensbourne Avenue. The additional floor now proposed will tower above No. 18 when viewed from the junction with Ravensbourne Avenue. No. 18's gabled roof form differs from the rest of the terrace and is designed as such to form a punctuating end stop to the terrace. The purpose of this design feature will be lost were this extension to go ahead to the detriment of the terrace and to the wider streetscene.

The resultant eaves and roofline proposed would obtrusively project above that of the adjoining houses and appear too prominent and incongruous in this terrace and in the strestscene from Ravensbourne Avenue. The result would not constitute a good standard of design and the proposal would unacceptably harm the character and appearance of the area.

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(iii) air traffic and defence asset impacts of the development;

The overall height of the building will be 9.95m. Brighton City Airport manager does not object but advises that a crane permit will be required.

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State

N/A

Recommendation

REFUSE Prior Approval for the following reasons:

The proposed development by reason of its scale and height within this terrace would introduce a visually dominant and obtrusive form of development culminating in harm to the external appearance of the terrace, the open corner and general visual amenity. The proposal is therefore contrary to Policy DM5, Development Management Standard No.2 'Extensions and Alterations to Dwellings'' and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Is recommendation contrary to letter(s) of representation? N

Case Officer:	MOK	Date: 12/7/24
Authorised by:	Peter Barnett	Date: 12 July 2024