




Brighton & Hove
City Council

Planning Committee

Title:	Planning Committee
Date:	9 May 2018
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Platts Co-opted Members: Conservation Advisory Group Representative
Contact:	Penny Jennings Democratic Services Officer 01273 29-1065 planning.committee@brighton-hove.gov.uk

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AGENDA

128 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

129 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 4 April 2018 (copy attached)

PLANNING COMMITTEE

130 CHAIR'S COMMUNICATIONS

131 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 3 May 2018.

132 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

133 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MINOR APPLICATIONS

- | | | |
|----------|--|----------------|
| A | BH2017/04070,8 Lloyd Road, Hove - Full Planning | 25 - 44 |
| | Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.
RECOMMENDATION – GRANT
<i>Ward Affected: Hove Park</i> | |
| B | BH2017/04051, Land to the rear of 35 Brunswick Place Hove - Full Planning | 45 - 60 |
| | Demolition of existing garden wall & erection of 1no. three bedroom dwelling (C3).
RECOMMENDATION – GRANT
<i>Ward Affected: Brunswick and Adelaide</i> | |
| C | BH2017/04139,9 The Upper Drive, Hove -Full Planning | 61 - 76 |
| | Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level.
RECOMMENDATION – GRANT
<i>Ward Affected: Goldsmid</i> | |
| D | BH2017/03884, Rear Of 74 And 76 Greenways, Brighton - Full Planning | 77 - 96 |
| | Erection of 2no four bedroom detached dwellings with associated landscaping and new access. Creation of new vehicle crossover to 74 Greenways.
RECOMMENDATION – GRANT
<i>Ward Affected: Rottingdean Coastal</i> | |

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- E BH2018/00865,31 Harrington Road Brighton- Householder Planning Consent 97 - 106**
Hip to gable roof extension, creation of rear dormer, installation of rooflights, windows and removal of chimney.
RECOMMENDATION – GRANT
Ward Affected: Withdean
- F BH2017/03863,Hove Business Centre Fonthill Road,Hove- Full Planning 107 - 124**
Creation of additional floor to provide 4no office units (B1) with associated works.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Goldsmid

134 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

INFORMATION ITEMS

- 135 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 125 - 128**
(copy attached).
- 136 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 129 - 132**
(copy attached).
- 137 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 133 - 134**
(copy attached).
- 138 APPEAL DECISIONS 135 - 144**
(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

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noon on the fifth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 1 May 2018

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 4 APRIL 2018****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Littman, Miller, Moonan, Morris and Platts

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor) Stewart Glassar (Principal Planning Officer), David Farnham (Transport Officer) and Tom McColgan (Clerk)

PART ONE**116 PROCEDURAL BUSINESS****116a Declarations of substitutes**

116.1 There were none.

116b Declarations of interests

116.2 The Chair declared that she had previously represented the applicant for the two items on the agenda associated with 33 Oriental Place. She confirmed that during consideration of items 121 E and 121 F she would leave the room and the Deputy Chair would chair the meeting.

116c Exclusion of the press and public

116.3 There were no Part Two items.

116d Use of mobile phones and tablets

116.4 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

117 MINUTES OF THE PREVIOUS MEETING

117.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 March 2018 and the redacted minutes of the meeting on 7 February 2018 as a correct record.

118 CHAIR'S COMMUNICATIONS

118.1 The Chair welcomed Councillor Platts to her first Planning Committee meeting following her election in February 2018.

119 PUBLIC QUESTIONS

120.1 The Chair Invited Mr Hawtree to ask his question:

“Would Councillor Cattell please tell us why Planning Application BH2017/03940, about the ground floor of Hove’s Carnegie Library, was decided under Delegated Powers?”

120.2 The Chair Responded:

“The planning application for listed building consent for Hove Library was decided under delegated powers in accordance with the Scheme of Delegation which is set out in the Constitution of the Council. To ensure there is consistency of approach between applications there is not scope for flexibility in how the Scheme of Delegation is applied.

In the case of this application, only 4 objections were received within the consultation period. The Scheme of Delegation requires receipt of 5 or more written objections within the consultation period, which is 21 days, to trigger a referral to committee. The consultation period for this application actually ran for 28 Days. There were an additional nine objections received but outside the consultation period.

One of the 9 later letters was from a ward councillor requesting the application be determined by Planning Committee. The Scheme of Delegation also requires requests from ward councillors to be received within the 21 day consultation period.

Members and residents can be assured that the application was given careful consideration and was supported by the Heritage Experts at the city council.”

120.3 Mr Hawtree asked if the Chair would ask for the application to be brought to the Planning Committee for decision as it had been a complex application and in his opinion the full impact of the application had not been made clear to interested parties until after the consultation period had closed.

- 120.4 The Chair responded that the decision had been taken by Officers in line with the Constitution and if the report came to Committee it would just be for information.
- 120.5 Councillor Miller raised a point of order as he had received an email from a Planning Officer that suggested the public notice was only displayed from 29 December 2017.
- 120.6 The Planning Manager confirmed that the consultation period began on 8 December 2017 when the public notice was displayed and ended on 5 January 2018.
- 120.7 Councillor Mac Cafferty stated that the Planning Team usually seemed more flexible in taking late objections into account; especially as only one additional objection would have been needed to require the application to come to the Planning Committee.
- 120.8 The Legal Adviser responded that there were two separate processes for objections. When the application was out to consultation only in time objections counted towards the number required to refer an application to Planning Committee.. If an application was referred to the Planning Committee, the committee could take into account any late representations made up until the date of the committee.
- 120.9 The Chair stated that the additional late objections were made some time after the consultation period ended; they were not simply a matter of hours or days late.
- 120.10 Councillor Mac Cafferty asked why the planning register listed the application for Hove Library as still under consideration.
- 120.11 The Chair responded that the application in the planning register was a separate application for listed building consent.
- 120.12 Councillor Theobald stated that she felt that as the building was such a valuable public asset it should have automatically been considered by committee.
- 120.13 The Legal adviser stated that the Constitution did not distinguish between council owned and private properties in the planning delegations. The Planning Committee Working Group may wish to raise this at their next meeting.

120 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 121.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2017/04139 9 The Upper Drive, Hove	Councillor Hyde

121 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- A BH2017/03299, 82 Southover Street, Brighton - Full Planning**
Change of use from three bedroom dwelling (C3) to five bedroom small house in multiple occupation (HMO) (C4) (Retrospective)

Officers Introduction

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. Reference was also made to the request received from Councillor Gibson that the application be determined by the Committee and to the letters of objection received from Councillors Gibson and Page.
- (2) The main considerations in determining the application related to the principle of the change of use, the standard of accommodation which the use would provide, the impact upon the neighbouring amenity and transport issues. The application was for a retrospective change of use from a C3 dwelling to a C4 HMO which would provide accommodation for up to 5 unrelated individuals. The five bedrooms in the property were of adequate size but the kitchen could only accommodate one or two occupants at a time and while the living room could accommodate up to 5 people there would be limited circulation space.
- (3) It was explained that during the mapping exercise that there were 96 residential properties within a 50m radius. 5.3% of these properties were currently HMOs. Five further properties were identified as being potentially in use as HMOs and these were being investigated by the Planning Enforcement Team. At least one of the five additional HMOs had since returned to a single dwelling house. If all 9 properties were in use as HMOs the total within a 50m radius would be 9.37%.
- (4) The Planning Officer also noted a late representation made by Councillor Page in relation to the application.

Questions to the Planning Officer

- (5) Councillor Platts asked how confident the Planning Officer was in the calculation of current HMO numbers within 50m of the address given the concern in the area about HMOs and the apparent existence of 4 unlicensed HMOs.
- (6) The Planning Officer responded that there was robust methodology for investigating HMOs which meant that he could be confident that the number of HMOs identified in the report was representative of the actual number in the area. The Planning Officer stated that although the concern about HMOs in the area expressed in objections was noted Planning Policy allowed 10% of residences within a 50m radius and that the fact that granting the application would increase the total percentage to slightly over 10% would not be grounds for refusal.
- (7) Councillor Littman stated that he felt the Planning Policy on HMOs allowing for areas to increase above 10% was a sign that the policy was not functioning as intended.
- (8) In response to Councillor Platts the Transport Planning Officer stated that while a car free condition could be placed on the permission there was currently no waiting list for the permits in the parking control zone so he did not consider it necessary.
- (9) Councillor Gilbey was concerned by the lack of communal space in the property; the kitchen could only accommodate one or two people and the common areas included an outside courtyard which could not be used year round.

- (10) The Planning Officer stated that the adopted policies did not include any requirements for communal areas. He stated that the bedrooms and communal areas could average out so a larger bedroom could compensate for less communal areas and vice versa.
- (11) In response to Councillor Morris, the Planning Officer stated that there was no photo of the bathroom available but there was two bathrooms; one with a WC, sink and bath and another with just a WC and sink.

Debate and decision making process

- (12) A vote was taken and on a vote of 8 For, 1 Against and 2 Abstentions planning permission was granted.

121.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives and for the reasons set out in the report.

B BH2017/04139, 9 The Upper Drive, Hove - Full Planning

121.2 The consideration of this application was deferred pending a site visit.

C BH29018/00210, Flat 51, 4 Grand Avenue, Hove - Listed Building Consent Installation of glass balustrading to existing balcony railings

- (1) The Planning Officer presented BH2018/00210 jointly with application BH2018/00209 which was an application for Full Planning Permission for the same address.
- (2) A vote was taken and on a vote of 6 For, 4 Against and 1 Abstentions listed building consent was granted.

121.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** listed building consent for the reasons set out in the report.

D BH2018/00209, Flat 51, 4 Grand Avenue, Hove - Full Planning Installation of glass balustrading to existing balcony railings

Officer Introduction

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and the accompanying listed building application BH2018/00210 and gave a presentation by reference to plans, visualisations and photographs.

- (2) The main considerations of this application relate to the impact of the proposed development on the appearance and character of the Grade II Listed Building. The applications were revised applications of BH2015/00406 and BH2015/00407, with an amended placement for fixing for the balustrade. It was considered that the new balustrade was likely to cause some harm to a heritage asset but its 8th floor position would limit its visibility. The harm would be further offset by the removal of the existing non-original balustrade and the increased safety of the new balustrade.

Public Speakers

- (3) Mr de Silva and Mr Friel spoke on behalf of the Building Management Board enfranchised by the leaseholders of the building and laid out their objection to the application. The proposed balustrade would form a visual focal point around the building. It was a steel frame block and there were already issues with corrosion below the balcony. Granting planning permission would create a precedent for the numerous other front facing balconies in the building.
- (4) Dr Murray, the applicant, spoke in support of the application. A similar project was approved three years ago and had only not commenced as he had not been able to agree a design with the Building Management Board. Dr Murray had explored alternative options for making the balcony safe for his four grandchildren including installing temporary screens which could be removed when the balcony was not in use. Temporary screens would not provide the same protection as the proposed glass screen and would be more visible from the street. Other aspects of the building had been changed to meet modern health and safety concerns such as the windows in the lobby and the front doors of all the flats to be consistent with fire regulations.
- (5) In response to Councillor Miller, Dr Murray stated that the glass would go all the way around the balcony and would reach from the floor of the balcony to several centimetres over the top of the existing balustrade.
- (6) In response to Councillor Mac Cafferty, Dr Murray stated that there was a gap between the glass and the railings to allow for the front of the glass to be cleaned from inside the balcony.

Questions to the Planning Officer

- (7) Councillor Morris asked where the railings and glazing would be attached and if a condition could be added to ensure that the material used would be rust resistant.
- (8) The Planning Officer stated that the new balustrade would be attached to the sides of the balcony rather than being fixed vertically to avoid damaging the waterproofing on the floor of the balcony which was the ceiling of the flat below. There was currently no condition on the types of materials used but the Committee could include an additional condition.

- (9) Councillor Gilbey asked how convinced officers were that the health and safety benefits of the scheme would overcome the harm to the Grade II Listed Building.
- (10) The Planning Officer stated that alterations to listed buildings fell into two categories substantial harm or less than substantial harm. When considering a scheme which did less than substantial harm to a building public safety was one of the balancing factors which should be taken into account.
- (11) Councillor Moonan asked if the existing railings had planning permission.
- (12) The Planning Officer responded that the existing railing did not have planning permission and the benefit of its removal had been taken into account when Planning Officers had granted permission for a similar scheme three years ago. Removal of the railing as part of this scheme would save the public from the expense of pursuing enforcement action to have the railing removed.
- (13) Councillor Mac Cafferty stated that he was concerned that the precedent set by granting approval would lead to the building being negatively impacted in the same way Sussex Heights had been by mismatched work on balconies. He asked if the Council could set out guidance for the rest of the building.
- (14) The Planning Officer responded that the Local Authority would have to be consistent in its decision making and that any decision made would be used by applicants in the future to challenge the Council. However the location of the balcony, the health and safety concerns and the removal of the existing non-original railings were all unique to this flat in the building and so would limit the impact of this decision on future applications.
- (15) The Planning Manager stated that as 4 Grand Avenue was a listed building in a conservation area any alterations to the balconies would always need permission.
- (16) Councillor Littman stated that he was surprised that the Heritage Officer had placed so much emphasis on the removal of the existing railing when in other parts of the report this was seen as a minor consideration.
- (17) The Planning Officer responded that in heritage terms the removal of the existing non-original railing which did not have planning permission was important but in a wider planning context the railings could be removed through enforcement action.
- (18) The Planning Manager stated that various departments were consulted by the Planning Officer who then weighed up their feedback to produce the final report.
- (19) In response to Councillor Theobald, the Planning Officer stated that while there was a significant history of applications for Flat 51 there was not for the building as whole.

- (20) Councillor Theobald asked the Planning Officer how much reflection there would be from the glass on the balcony.
- (21) The Planning Officer responded that while there would be some reflection from the additional glass there was already a large amount of glazing on the front of the building.
- (22) Councillor Morris asked how much weight the decision on the previous application had on officer's recommendation to grant permission.
- (23) The Planning Officer stated that the previous decision had impacted the recommendations as there had to be a consistency with decision making. There would have had to have been significant variation in the application for officers to be able to go against their previous decision in the recommendations but it was always open to the Committee to go against officer recommendations.
- (24) Councillor Miller asked where the letters of support had come from as if they had come from other residents in the block it may suggest similar schemes were being considered. He also asked the Planning Officer to confirm that the glass used would be clear and not tinted.
- (25) The Planning Officer stated that the Committee could add a condition to ensure that only clear glazing could be used.
- (26) The Planning Manager confirmed that the letters of support had not come from other residents in the building and were likely from the Applicant's friends and family as they were from outside of Brighton & Hove.
- (27) Councillor Gilbey asked the officer to confirm that the previous planning permission had only expired a matter of days before the meeting.
- (28) The Planning Manager confirmed that the permission had expired in the week before the meeting. She also stated that although the Local Authority had granted planning permission it was not the building manager and any scheme would have to be agreed with the management board.

Debate and Decision Making Process

- (29) Councillor Mac Cafferty stated that he would not be supporting the application; the building was designed to have harmonious balconies as part of its façade. He stated that his overriding concern was with the precedent that this decision would set and the potential harm alterations to other balconies could cause.

- (30) Councillor Morris stated that he was sympathetic to Councillor Mac Cafferty's concerns and felt that there was a need for stronger regulations around the alterations of balconies as had been introduced in other parts of Europe.
- (31) Councillor Littman stated that while he understood the motivation behind the application he would not be supporting the officer recommendations. He felt that the heritage comments were not as strong as they could have been and that the Committee needed to be mindful of its role in preventing harm to listed buildings.
- (32) Councillor Miller agreed with Councillor Littman that the harm to a listed building was understated by the report and he was concerned by the potential precedent set by granting permission and would not be supporting the officer recommendations.
- (33) Councillor Gilbey stated that she supported the officer recommendations. The report noted the unique attributes of the balcony which would limit the precedent set by the decision and the benefits of the scheme to public safety and heritage.
- (34) The Chair stated that she would be supporting the recommendations as the heritage officers did not recognise significant harm.
- (35) A vote was taken and on a vote of 7 For, 3 Against and 1 Abstentions planning permission was granted with the additional conditions for the material used in fixings to be as resistant to rust as possible and for the glazing to be clear.

121.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report with the additional conditions for the materials to be submitted and the fixings to be as resistant to rust as possible.

E BH2018/00294, 33 Oriental Place, Brighton - Full Planning

Internal and external alterations incorporating new mansard roof to create additional floor with associated alterations to layout and other works

- (1) Councillor Cattell left the room during consideration of items 121E and 121F and Councillor Gilbey chaired the meeting.

Officer Introduction

- (2) The Principal Planning Officer, Stewart Glassar, gave a presentation introduced the application and the accompanying listed building application BH2018/00295 by reference to plans, elevational drawings, photographs and floor plans.
- (3) The main considerations of the applications relate to the impact of the proposed development on the appearance and character of the grade II listed building and the wider conservation area, and the impacts on the residential amenity of neighbouring

properties. Previous applications to extend to the roof of the property to create additional accommodation had been refused on the grounds that they would harm the significance of the heritage site. One of the schemes went to appeal and was dismissed. The current applications had been altered from previous applications by including an 'M' shaped roof which matched the original roof shape. The applications were similar to the roof extensions on neighbouring properties but this was not considered to set a precedent to allow for further inappropriate extensions.

- (4) The financial considerations and offer to reinstate balconies on the neighbouring building were dismissed by the Planning Officer as they were not relevant to the Committee's considerations. The potential harm to the listed building from converting it to other uses which had been raised by the applicant was also questioned as a similar property on the same road had been successfully converted into residential use following a previously unsuccessful planning application.

Public Speakers

- (5) Councillor Phillips spoke in favour of the application. The building was used as a backpackers' hostel which provided an important service for the city allowing people travelling to stay in the centre. Councillor Phillips stated that the streetscene was a bit higgledy-piggledy with a variety of roof types. The application would have improved this as the new roof was to be built to match the style and height of the two neighbouring buildings.
- (6) Councillor Morris asked if the extension would replace the existing roof. Councillor Morris also stated that his understanding was that the type of mansard roof in the scheme was deemed unacceptable and that the two existing ones on either side of number 33 predated the listed building status which is why they were allowed to remain.
- (7) Councillor Phillips responded that it would plug the ugly gap which would be seen in the pictures of the building. She also stated that while the other mansard roofs had been in place for some time they were still modern to the original buildings.
- (8) Ms Lucraft, the applicant, spoke in favour of the application. The hostel had traded for over 30 years and had been a lodging house since the 1850s and provided a very important service to this city. The previous owner had underinvested in the facilities and the applicant had made improvements but estimated she would need to invest a further £150,000. Costs had increased and business rates had risen from £4000 to £44,000 per annum. In order to remain a viable business the hostel would need to increase its capacity. The proposed roof would match the ones on either side and would fill in a gap in the streetscene which currently existed. The mansard on the roof of the neighbouring buildings had been in place since the 1850s and so was part of the historic features of the street. Surveys of the roof commissioned following the previous refused application have shown that the current roof was non-original having been entirely replaced through the buildings' life.

- (9) In response to Councillor Miller; Ms Lucraft stated that if the scheme was granted permission the façade would be restored at the same time as the roof.
- (10) In response to Councillor Morris, the Legal Adviser stated that the financial implications of the scheme could only be considered by the Committee when potential revenue would be enabling development. This was not the case with this application.
- (11) In response to Councillor Moonan, Ms Lucraft confirmed that in the course of development both the balconies of both number 33 and 35 would be restored to their original appearance.
- (12) Councillor Mac Cafferty ask what discussions had taken place between Ms Lucraft and the Local Authority before putting in this application as the advice seemed to be that developing historical roofs was a very difficult thing to do.
- (13) Ms Lucraft responded that there had been multiple applications since 2013 which had been altered to meet the requirements of the Local Authority. The hostel needed to expand to remain viable and creating more space in the roof was the only option.

Questions to the Planning Officer

- (14) Councillor Theobald asked the Planning Officer to clarify the position around restoring the balconies of 33 and 35 Oriental Place in relation to the application.
- (15) The Planning Officer responded that the Committee should not take the offer of restoring the balconies into account as the work would be required with or without permission being granted as the buildings were listed.
- (16) In response to Councillor Moonan, the Planning Officer stated that it was difficult to pre-judge the effect of the Committee's decision on other applications on the road but it would certainly be cited if applications for mansard roofs on other buildings were refused. If the Committee were minded to limit the precedent by focusing on filling the gaps between the existing mansard roofs they would have to be mindful of the Planning Inspector's comments dismissing this justification following the applicant's appeal for a previous scheme.
- (17) In response to Councillor Platts, the Planning Officer stated that while he acknowledged the applicant had worked to alter the design of the mansard roof these changes did not address the fundamental issue which was with the structure as a whole.
- (18) The representative from the Conservation Advisory Group stated that the two sides of the street were virtually symmetrical and there were no mansards on the east side of the street. There had been no additions since 1952.

- (19) Councillor Platts asked if the Planning Officer could confirm when the two neighbouring mansard roofs had been constructed and if they predated the listing were they included as part of the listed feature.
- (20) The Planning Officer stated that it was hard to determine exactly when the extensions had been constructed but it appeared that the one on number 35 had been there since at least the 1860s. He stated that they were not entirely successful additions and the two existing mansard roofs did not match so any addition in the middle would not be able to unify all three roofs.

Debate and Decision Making Process

- (21) Councillor Hyde stated that the most pertinent issue was that the building was Grade II* Listed and the scheme would create three ugly buildings rather than a unified block.
- (22) Councillor Theobald stated that she agreed with Councillor Hyde and would be supporting the officer recommendation. There were strong objections from heritage officers and the Conservation Advisory Group, it would go against planning policy to grant permission and it would set a harmful precedent.
- (23) Councillor Mac Cafferty stated that he understood that the rate review had placed the applicant in a difficult position but that was immaterial to the Committee's decision. National legislation placed a lot of importance on the roofs of listed buildings. He stated that buildings were not listed without thought and they needed to be cared for and passed on to future generations.
- (24) Councillor Moonan stated that she had a certain amount of sympathy for the applicant's argument that the scheme would fill the gap between the two existing roof but the risk of setting a precedent was too great to be able to go against officer recommendations.
- (25) Councillor Morris stated that he agreed with other members of the Committee that the precedent set would be damaging for the city if permission was granted.
- (26) Councillor Miller stated that he did not support the officer recommendation as he felt filling in the gap between the two existing mansard roofs would create an element of uniformity which did not exist. He felt that the nature of the scheme being an infill meant that the scheme would only create a limited precedent. The terrace was already not uniform and mansard roofs had been a feature of the road since at least the 1850s.
- (27) Councillor Bennett stated that she would not be supporting the officer recommendation and agreed with Councillor Miller about the limited precedent and the benefit from having a uniform appearance.

- (28) Councillor Littman stated that he had initially planned to vote against the officer recommendations on the grounds that the scheme was an infill but had decided that the risk of creating a precedent for similar developments was too great.
- (29) Councillor Platts stated that she felt that the benefit from filling in the gap had been understated in the report but accepted the comments about the dangers of setting a precedent and would be supporting the recommendations.
- (30) The Chair stated that she too was concerned about the potential precedent and would be supporting the recommendations.
- (31) A vote was taken and on a vote of 8 For, 2 Against and 0 Abstentions planning permission was refused.

121.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

F BH2018/00295, 33 Oriental Place, Brighton - Listed Building Consent

Internal and external alterations incorporating new mansard roof to create additional floor with associated alterations to layout and other works

- (1) The Planning Officer presented BH2018/00295 jointly with application BH2018/00294 which was an application for Full Planning Permission for the same address.
- (2) A vote was taken and on a vote of 8 For, 2 Against and 0 Abstentions listed building consent was refused.

121.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** listed building consent for the reasons set out in the report.

G BH2017/03076, 2-4 Sackville Road, Hove - Full Planning Permission

Conversion of care home (C2) into residential apartment building comprising 4no flats at 2 Sackville Road and a nine bedroom house in multiple occupation (Sui Generis) at 4 Sackville Road with associated alterations including infilling of window to northern elevation and installation of sliding doors to western elevation.

Introduction from Planning Officer

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, photographs and floor plans.
- (2) The main considerations in the determination of this application related to the loss of the existing use, principle of the proposed uses, the impact upon neighbouring amenity, the

standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area. A previous application (BH2009/00677) had been refused on the grounds that the site was providing a valuable service to the city as a care home which was still receiving residents from the city council. The care home had closed due to high vacancy rates in 2017.

- (3) A mapping exercise showed that 0.93% of the residential buildings in a 50m radius were currently in use as HMOs. There was to be only minor alterations to the building's appearance. The proposed accommodation would meet the Government's space guidelines.
- (4) The Planning Officer noted that four additional representations from residents objecting to the application had been received following re-consultation and that Condition 6 in the report should refer to drawing numbers 599/05B and 559/04B.

Questions to the Planning Officer

- (5) In response to Councillor Hyde, the Planning Officer stated that the HMO was conditioned to have a maximum of 7 tenants.
- (6) Councillor Miller asked why Permitted Development (PD) rights were not being removed from the HMO as was usually done when a HMO was approved.
- (7) The Planning Manager responded that the PD rights for large HMOs was currently being addressed with the Planning Inspector as a recent decision suggested that large HMOs would not have PD rights but the Planning Team were asking for clarification. If the Planning Inspector clarified that large HMOs would have PD rights Officers could add an additional condition to the application to remove them from the HMO.
- (8) Councillor Miller stated that planning policy asked for large home conversions to provide affordable accommodation and for conversions of care facilities to provide units for people with special needs.
- (9) The Planning Officer stated that the application was not classified as a large home conversion and the number of units provided was below the minimum required for the Local Authority to require a proportion of affordable units. While the HMO would contribute to the city's housing stock they were not C3 dwellings and were not counted as individual units.
- (10) In response to Councillor Morris, the Planning Officer stated that the four flats had a communal entrance and the HMO had two entrances on the opposite side of the building.

- (11) In response to Councillor Theobald, the Planning Officer stated that the final location of the outside cycle store was to be confirmed.
- (12) In response to the Chair, the Transport Planning Officer stated that the ambulance bay outside of the property could be removed to extend the general parking area.
- (13) In response to Councillor Moonan, the Planning Officer stated that the HMO would have communal outside space.
- (14) In response to Councillor Moonan, the Planning Officer stated that the only alterations to the outside of the property were at the rear so the front door would remain as an unused front door.
- (15) Councillor Moonan asked whether a bedroom in the middle of the common area would be suitable and if there would be any sound proofing.
- (16) The Planning Officer responded that this would be covered by building regulations.
- (17) Councillor Mac Cafferty stated that the Committee had placed conditions on new builds around acoustically proofing walls.
- (18) The Legal Adviser responded that where conditions have been placed on applications in the past it was supported by Environmental Health's response to the application. A condition placed on this application would not be supported by evidence and may not stand up to appeal.
- (19) Councillor Mac Cafferty asked that if there was a further conversation between officers and the applicant could the officers consider a further condition on acoustically proofing the walls.
- (20) The Legal Adviser suggested that the Committee could agree to be minded to grant subject to officers considering an additional condition of acoustic insulation for the ground floor bedroom in the HMO.

Debate and Decision Making Process

- (21) Councillor Miller stated that he would not vote for the officer recommendation as he believed the application did not comply with planning policy.
- (22) A vote was taken and on a vote of 10 For, 1 Against and 0 Abstentions planning permission was minded to grant subject to officers considering the additional conditions suggested by the Committee.

121.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT**

planning permission for the reasons set out in the report subject to officers considering the additional conditions of acoustic insulation for the ground floor bedroom in the HMO and the removal of PD rights from the HMO.

122 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

122.1 There were none.

123 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

123.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

124 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

124.1 The Committee noted the large number of appeals against the removal of telephone boxes. It was noted that telephone boxes were being kept in place to be exploited for advertising revenue rather than as a utility. Councillors Morris and Mac Cafferty reported that telephone boxes had been used a meeting point for drug sales in their wards.

124.2 **RESOLVED** – That the Committee noted the new appeals that had been lodged as set out in the planning agenda.

125 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

125.1 **RESOLVED** – That the Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

126 APPEAL DECISIONS

126.1 **RESOLVED** – That the Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

127 NON-PUBLIC MINUTES

127.1 **RESOLVED** – That the Committee agreed the minutes to be a correct record of the PART 2 proceedings on 7 March 2018 and 7 February 2018.

The meeting concluded at 5.30pm

Signed

Chair

Dated this

day of

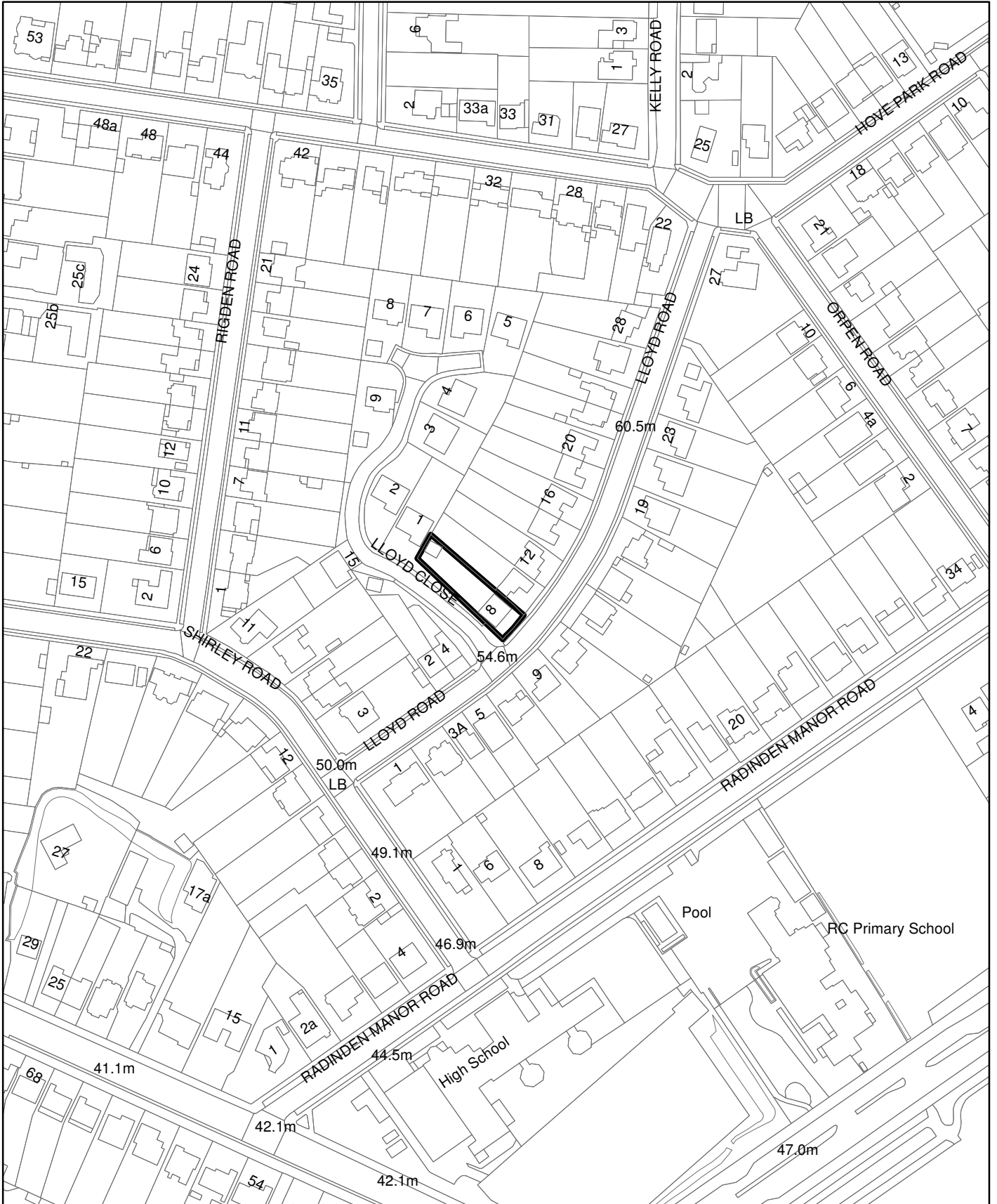
ITEM A

8 Lloyd Road Hove

**BH2017/04070
Full Planning**

DATE OF COMMITTEE: 9th May 2018

BH2017/04070 8 Lloyd Road Hove



Scale: 1:2,094

<u>No:</u>	BH2017/04070	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Lloyd Road Hove BN3 6NL		
<u>Proposal:</u>	Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	11.12.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05.02.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Simon Bareham Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<u>Applicant:</u>	Ms N Mutawa C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Brown has requested that this application is determined at Planning Committee.

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 Plan	01	f	11 December 2017
Site Layout Plan	10	a	11 December 2017
Elevations Proposed	11	a	11 December 2017
Floor Plans Proposed	12	a	11 December 2017
Floor Plans Proposed	13	a	11 December 2017
Elevations Proposed	14	a	11 December 2017
Sections Proposed	15	c	11 December 2017
Sections Proposed	16	c	11 December 2017
Elevations Proposed	17	e	11 December 2017
Sections Proposed	18	f	11 December 2017
Floor Plans Proposed	19	a	11 December 2017
Sections Proposed	20	a	11 December 2017
Arboricultural Report			11 December 2017

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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) 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 policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard and soft surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting to all communal areas including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

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

6. No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted arboricultural method statement received on 11 December 2017. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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.

7. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E 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 policy QD14 and QD27 of the Brighton & Hove Local Plan.

8. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

9. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.
11. The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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.
12. The dwelling hereby permitted shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
14. The dwelling hereby permitted shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. 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.
16. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

17. a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then:
 - b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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 & APPLICATION DESCRIPTION

- 2.1 The application relates to a portion of the rear garden of 8 Lloyd Road which faces onto Lloyd Close in Hove.
- 2.2 Lloyd Road is characterised by the semi-detached and detached dwellings set within largely standardised plots sizes, with some variation depending upon type of building and location of the plot. The properties are set back from the street with front garden areas and driveways. Lloyd Close is a small cul-de-sac comprising 9 properties of similar architectural style within a sweeping street and turning spur. The application seeks the demolition of an existing garage to the rear of number 8 Lloyd Close, and the erection of a two bedroom residential dwelling with associated alterations.

4. RELEVANT HISTORY

BH2016/05174: Demolition of garage and erection of 3 bedroom residential dwelling (C3) to rear and associated alterations. Refused 24/02/17 for the following reasons:

1. *The subdivision of the existing garden to form an additional building plot is considered to be in distinct contrast to the existing layout of plots in this area. A house in this location would be in stark contrast to undeveloped neighbouring gardens and detrimental to the open garden character of the area. Furthermore the full two-storey mass of the development, in conjunction with its inappropriate siting within the plot, is considered to be a poor design which would have a harmful impact upon the character and appearance of the area which is predominantly formed of chalet bungalows within spacious plots set back from the*

street. The development would therefore be contrary to policies CP12 and QD14 of the Brighton & Hove Local Plan.

- 2. The design of the property would fail to provide adequate outdoor amenity space and outlook from a habitable room. The development would therefore be contrary to Policies HO5 and QD27 of the Brighton & Hove Local Plan.*
- 3. The proposed development, by virtue of its bulk in close proximity to the neighbouring boundaries, results in an excessive and un-neighbourly form of development which would be intrusive, overbearing and would cause a sense of enclosure to the occupiers of numbers 8 and 10 Lloyd Road, contrary to policies CP12 and QD27 of the Brighton & Hove Local Plan.*
- 4. The proposed removal of several trees and shrubbery on the plot would detract from the character of the area and would harm the public realm contrary to Policy QD16 of the Brighton & Hove Local Plan.*

This decision was taken to appeal; the appeal was dismissed on the 2nd of October 2017.

The Inspector sets out in their report that they considered the design of the proposed dwelling to be inappropriate and out of keeping with the immediate surrounding development, and furthermore than one bedroom and the garden areas proposed would not provide an adequate standard of accommodation.

The Inspector considered that neighbouring amenity would not be harmed, and that the removal of trees and the proposed landscaping would have been acceptable subject to further details being secured by planning condition.

In summary the Inspector took the following view on the Council's reasons for refusal:

- Reason 1 (design) supported by the Inspector in part in regard to the dwelling design proposed.
- Reason 2 (standard of accommodation / garden provision) supported by the Inspector.
- Reason 3 (impact on neighbouring amenity) not supported by the Inspector.
- Reason 4 (removal of trees and planting) not supported by the Inspector.

BH2013/03809: Erection of 1no two storey dwelling to rear of existing house with associated landscaping and car parking. Refused 03/01/14.

BH2008/01929: Replacement of an existing single storey rear extension with a new 2 storey extension and conversion of an existing garage into a childrens playroom. Approved 22/08/08.

BH2007/04406: Replacement of side and rear single storey extension with two storey extension incorporating roof terrace. Decking and spa to rear of property. Refused 11/02/08.

BH2006/01660: Demolition of existing side and rear single storey extension, proposed replacement extension and other alterations including; rear decking area and outdoor jacuzzi, alterations to side and front windows, and other external alterations to front elevation. Approved 26/06/06.

4. REPRESENTATIONS

4.1 Six (6) letters of objection have been received raising the following points:

- The siting of the development would be out of keeping with the surrounding street scene and would appear cramped and unwelcoming
- The design of the property is out of keeping with surrounding properties, particularly the eaves height and proximity to the front boundary
- The dwelling will cause overshadowing and a loss of privacy to neighbouring properties
- There would be increased noise and disturbance
- The development is contrary to the aims of the National Planning Policy Framework which seeks to ensure good design and reinforce local distinctiveness
- The proposal to remove trees would have a significantly adverse impact on the character and appearance of the area
- The applicant is not intending to re-plant any trees
- The loss of off-street parking spaces would exacerbate parking issues in the area
- The proposed driveway to the front of no. 8 Lloyd Close is inadequately sized for a family car
- Part of the site is not within the ownership of the developer and the proposed trees to be removed are not in the developer's control

4.2 Two (2) letters have been received commenting on the application as follows:

- No objection subject to there being no additional windows being added to the north facing elevation
- No objection subject to the new parking space for no. 8 Lloyd Close being implemented

4.3 **Councillor Brown** objects to the application and this letter is appended.

5. CONSULTATIONS

5.1 **Arboriculture:** Object.

This site does not contain any trees protected by Tree Preservation Orders nor does it lie within any Conservation Area. The local area has quite good tree cover benefiting by virtue of the larger garden sizes in the locality. The proposal is to build in the rear garden of number 8 Lloyd Road, a corner property that flanks onto Lloyd Close.

The proposed dwelling is on a level site that would front onto Lloyd Close, a small estate of 9 dwellings built on land that was the former Borough of Hove Council Parks department nursery. Where the proposed property would access and front on to is just in from the entrance of Lloyd Close. The proposal involves splitting off part of the rear garden of number 8 and constructing a new dwelling on much of rear garden and garage area. This would require the removal of 4 good quality birch trees on the frontage along with a large multi stem Goat Willow tree. In addition to this, from within the existing garden a large Garrya (shrub) requires removing along with a young yew and an apple tree.

The Arboricultural team recognise and agrees with the arboricultural consultant's advice with regard to the willow tree, in that this would be best remove, regardless of any development. However, there is disagreement with much of the other recommendations contained in the consultant's report. The 4 birch trees along with some shrubs were once part of the landscaping planting of public land at the start of the estate and contribute to the local street scene and entrance to the close. Within the plot the further removals of, all be it, rather small specimens will further denude the area of greenery.

Whilst individually the trees and shrubs both within the garden and the open area at the front are not of the highest public amenity they do collectively contribute much to the leafy nature of the local area. This loss and the resulting two small garden areas will have a negative effect on the area and for these reasons the Arboricultural Team would recommend that consent is refused to this application.

5.2 Sustainable Transport: Comment.

Cycle Parking

SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 2 residential units with 2 and 3 plus beds the minimum cycle parking standard is 3 cycle parking spaces in total (3 for residential units and 0 visitor spaces). The applicant has kindly offered to install 4 cycle parking spaces for the proposed new dwelling and cycle parking in a store area in the existing dwelling in their supporting evidence however further than that there is a lack of detail therefore cycle parking is requested by condition.

Vehicular Access

The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway from the existing garage and is proposing to use again the existing vehicle crossover to the existing dwelling off Lloyd Road. This is deemed acceptable in principle.

Car Parking

SPD14 states that the maximum car parking standard for 2 bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 2 car parking spaces for the new 2 bedroom property and 1 car parking space for the existing dwelling within the Outer Area.

For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (three spaces for the two dwellings) is in line with the maximum standards and is therefore deemed acceptable in this case.

The site is not located within a Controlled Parking Zone (CPZ) and therefore this site should not be made "car free" by restriction of parking permits by the Planning Case Officer as there is no CPZ and waiting list to cause a restriction.

Trip Generation

It is unlikely that there will be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within capacity, the application is therefore deemed acceptable in this regard.

5.3 Environmental Health: Comment

The garage may have been used for motor vehicles and the land may therefore be subject to localised contamination. Furthermore the structure may contain asbestos. Conditions are recommended to address these two issues.

6. MATERIAL CONSIDERATIONS

6.1 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

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity

CP12 Urban design
CP14 Housing density
CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site.
- 8.2 The application seeks to demolish the existing garage to the rear of 8 Lloyd Road and erect a two-storey, two bedroom property with associated off-street car parking and garden area. The existing conservatory at 8 Lloyd Road would be demolished to allow for a larger open garden area to be retained.
- 8.3 As detailed above, application BH2017/05174 was refused by the Council for four reasons. At appeal, of these four reasons, one was partially supported (design of the dwelling), one was fully supported (standard of accommodation / garden provision), and two reasons were not supported (neighbouring amenity and impact upon trees/landscaping).
- 8.4 It is therefore necessary to assess whether the concerns the Inspector did support at appeal have been addressed through the revised proposal now under consideration.

8.5 Principle of development

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a

5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.6 The proposal for a new residential property in a residential area, which would make a contribution to addressing the housing needs of the city is acceptable in principle. Each scheme must however be assessed on its own merits and the benefits of the scheme must be weighed against any harm which would be caused.

8.7 Design and appearance

The proposed dwelling would be situated in the current rear garden of 8 Lloyd Road. Its frontage would face onto Lloyd Close. The proposed dwelling would be two storeys in height with a pitched roof, gable-end feature, two-storey bay and a chimney breast. The dwelling would have brick walls and a clay-tile roof. The height of the building would be approximately 6.9m with an eaves height of 4.8m and a total footprint of approximately 58m². The total plot size for the new dwelling would be 241m² and the remaining plot size for number 8 would be 338m². The proposed building would be situated 4m behind the front boundary (at its closest point) with a garden area to the rear and south side. There would be a driveway and cycle parking area to the front of the property.

8.8 The wider Lloyd Close street scene is formed of detached chalet bungalows in a traditional material palette of brick and clay tiles. The properties feature front driveway areas and good sized rear gardens.

8.9 The design of the proposed dwelling in comparison to that previously proposed has been amended, by reducing the overall form, eaves height, footprint and proximity to front boundary. The ridge height of the new dwelling would sit lower than both 1 Lloyd Close and 8 Lloyd Road on either side and the eaves height has been reduced to allow better integration with the chalet bungalows on Lloyd Close. The siting of the property, which would sit 4m behind the front boundary line, would be in keeping with the surrounding plots and would not appear overly intrusive in the street scene. The gable end feature, pitched roof form and proposed materials are considered to respect the prevailing character of the area.

8.10 It is considered that the revised design addresses the concerns set out by the Inspector at appeal which related to the scale and design of the previous scheme.

8.11 It is acknowledged that the proposed plot size is smaller than other curtilages in the area, however the potential visual harm caused by the plot size is not of a magnitude to warrant refusal of the application in itself, particularly as it has been demonstrated that the proposed design could be successfully incorporated into the street scene and the dwelling could provide an adequate standard of accommodation for future occupants as considered below. On this basis the application is considered to be in accordance with Policy CP12 of the Brighton & Hove City Plan and is recommended for approval.

8.12 Standard of accommodation

The proposed dwelling would have living accommodation at ground and first floor level. The ground floor layout would feature a living room, kitchen, dining area and bathroom. The first floor would consist of two bedrooms and a bathroom.

- 8.13 The Local Planning Authority does not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes based on the number of occupants. This document sets out that a two bedroom property to be occupied by four persons should have a minimum floorspace of 79m². In this case the proposed dwelling would have a total floorspace of 96m² which would provide adequate circulation space for its intended occupancy. Each habitable room would feature a good sized window, allowing for adequate natural light and sufficient outlook. Overall the proposed layout is considered to represent an acceptable standard of accommodation for future occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 8.14 At appeal in relation to the previous scheme the Planning Inspector raised concerns in relation to the limited garden area which would provide inadequate space for play. The previous proposal provided 84m² of garden area. The plot now proposed would allow for approximately 133m² of private garden space to the rear and side (south-east) of the property. The footprint and occupancy of the dwelling has been reduced in comparison to the previous scheme and as such there is a larger garden area, which is considered to provide sufficient open space commensurate to a two-bedroom property in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.15 Impact on neighbouring amenity

The proposed dwelling would be situated approximately 16m from no. 8 Lloyd Road (the host dwelling), 20m from 10 Lloyd Road and 6m from 1 Lloyd Close. The siting of the dwelling in the centre of the proposed plot, in conjunction with its limited height would not have a significantly harmful impact on neighbouring properties by way of overshadowing and it would not cause a sense of enclosure. The revised design is considered to overcome concerns raised by the Local Planning Authority in the previous application in this regard. There are no windows proposed at first floor level on the elevations facing nos. 8 and 10 Lloyd Road and 1 Lloyd Close. As such, no harmful overlooking or loss of privacy would occur.

- 8.16 As detailed above the Inspector at appeal considered that the previous scheme would not have a harmful impact upon neighbouring amenity.

8.17 Impact on trees

The proposal would involve the removal of several trees and shrubbery to the front of the proposed plot. The Local Planning Authority regrets the proposed loss of planting which contributes heavily to the character of the area. The Council's Arboriculturalist has also commented to this effect and the loss of trees was a reason for refusal in the previous application.

- 8.18 The proposed tree report is the same scheme submitted under the previous application. The Planning Inspector for the previous application did not support the Council's concerns in this regard, stating:

'It is proposed to remove a number of trees and planting along the boundary and within the rear garden of No 8. I note that the trees relate to the former use of the site. However, I note that the trees are not of the highest quality.'

'There would be a small area of hedgerow proposed at the front of the dwelling and some planting along the boundary towards No 8. Although it would be some time before this would mature it would make a small contribution to the verdant quality of the area. Were other matters acceptable, landscaping could be controlled by a suitably worded condition. The loss of trees and planting would not cause significant harm to the character and appearance of the area.'

- 8.19 In light of the above, the loss of trees and landscaping is not objected to and it is recommended that a landscaping and planting scheme to mitigate the loss of greenery be secured by planning condition.

8.20 Impact on the host property

The proposed subdivision of the plot to provide one new dwelling would reduce the garden space at the donor plot, 8 Lloyd Road. The proposal would involve removing the existing conservatory at no. 8 to allow for more garden space and as such it is considered that sufficient space would remain for the occupiers of the host property in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.21 Transport

The proposed scheme would allow for an off-street parking space in front of the new dwelling, and the off-street parking space for no. 8 Lloyd Road would be reinstated in front of the host property. The Transport Officer has confirmed that the proposed parking spaces are sufficient for the intended occupancy and that the development is acceptable in transport terms subject to a cycle parking condition.

- 8.22 It is noted that the property is not within a Controlled Parking Zone and it is not therefore necessary to make the development car-free.

8.23 Sustainability

City Plan Policy CP8 seeks sustainable design features in all new development particularly in respect of use of energy and water. It is recommended that these standards be secured by planning condition.

8.24 Environmental Health

The garage may have been used for motor vehicles and the land may therefore be subject to localised contamination. Furthermore the structure may contain asbestos. Conditions are recommended to address these two issues.

8.25 Other matters

Concerns have been raised in relation to land ownership. The agent for the application has confirmed in the submitted application form that the appellant is in full ownership of the plot. Notwithstanding this point land ownership is a civil matter between private parties and is not a consideration for the Local Planning Authority.

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8.26 Conclusion

The concerns raised by the Inspector at appeal in regard to the dwelling design and standard of accommodation / garden area have been successfully addressed. The proposed dwelling would make a welcome contribution to the housing needs of the city. Approval is therefore recommended subject to the planning conditions set out above.

9. EQUALITIES

It is recommended that optional Building Regulations standards for accessibility be secured by condition.

BH2017/04070 67 8 Lloyd Road Hove
Councillor Vanessa Brown

As a Councillor for Hove Park Ward I wish to object to this application.

This proposed building would front onto Lloyd Close. The design is not in keeping with the other houses in the Close and would detract from the character of the area. The existing houses have large sloping roofs, dormer windows and gables. This proposed house would damage the street scene.

The adjacent property at 1 Lloyd Close is 12.8 metres from the kerb edge but this house would only be set back 6 metres from the kerb and would have an overbearing effect as you enter the Close. The plans for a wall and gates would further detract from the open feel of the Close.

This Close is also characterised by its trees. This application is to remove 5 street trees fronting the Close, 4 silver birches and a goat willow.. There are similar trees on the other side of the Close. The removal of these trees would damage the street scene.

If this proposal should receive a recommendation to be passed I would like it to go before the Planning Committee for decision.

ITEM B

Land to the rear of 35 Brunswick Place Hove

BH2017/04051

Full Planning

DATE OF COMMITTEE: 9th May 2018

BH2017/04051 Land to the Rear of 35 Brunswick Place Hove



Scale: 1:1,250

<u>No:</u>	BH2017/04051	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear Of 35 Brunswick Place Hove BN3 1ND		
<u>Proposal:</u>	Demolition of existing garden wall & erection of 1no. three bedroom dwelling (C3).		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	12.12.2017
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	06.02.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ZST Architects 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr H Alexander and J Hagger C/o ZST Architects 3 Dorset Place Brighton BN2 1ST		

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	17027-P-001		8 December 2017
Floor plans and elevations proposed	17027-P-110	b	7 February 2018
Sections Proposed	17027-P-112	b	7 February 2018
Boundary treatments	17027-P-200	a	7 February 2018

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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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):
- samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - samples of all hard surfacing materials
 - details of the proposed window, door and balcony treatments

e) 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E 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 HE3 and QD27 of the Brighton & Hove Local Plan.

5. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

6. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. No development above ground floor slab level shall take place until full details of all new window(s) and their reveals and cills and doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. No development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained,

repaired and stabilised during and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

10. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate the external street elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

11. The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

13. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning

Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 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 & APPLICATION DESCRIPTION

- 2.1 The application site relates to a plot of land to the rear of 35 Brunswick Place. The site adjoins the garden of 35 Brunswick Place to the rear, the flank elevation of 54 Farm Road to the south and a single storey garage structure to the north.
- 2.2 The site is located within the Brunswick Town Conservation Area. The properties located to the east of the site, including the adjoining property no. 35 Brunswick Place, are listed buildings.
- 2.3 Planning permission is sought for the erection of a two-storey, three bedroom dwelling with associated works. The property would front onto Farm Road.
- 2.4 Historically the eastern side of Farm Road comprised mainly garages and the rear boundary walls of properties fronting Brunswick Place. However many of these plots have been developed in piecemeal fashion by way of small two storey houses fronting straight onto the road. The western side of Farm Road is different in character to the west, which comprises mostly three storey Victorian terraced houses.

3. RELEVANT HISTORY

35 Brunswick Place Hove

BH2007/04331: Removal of Condition 7 of BH2007/01458 to remove obligation to enter into a S106 Agreement to ensure residents of the development are not eligible for parking permits and requiring a scheme for sustainable transport & infrastructure. Approved 21/04/2008.

BH2007/02537: Insertion of window to front, creation of two new windows to rear, and installation of satellite dish to roof. Approved 19/11/2007.

BH2007/02534: Insertion of window to front, creation of two new windows to rear and installation of satellite dish to roof. Approved 19/11/2007.

BH2007/01438: Conversion of student accommodation (C1) to 7 self-contained flats. Approved 07/06/2007.

BH2007/01458: Conversion of student accommodation (C1) to 7 self-contained flats. Approved 29/06/2007.

Land to rear of 31 & 33 Brunswick Place Hove

BH2014/03838: Demolition of existing garages and erection of 2no two storey houses. Approved 16/01/2015.

BH2014/02267: Demolition of existing garages and erection of 2no two storey houses. Approved 17/10/2014.

Land to rear of 29 Brunswick Place Hove

BH2017/03407: Erection of 1no two storey three bedroom dwelling (C3). Under consideration.

Land to rear of 41 Brunswick Place Hove

BH2007/02505: Demolition of two single storey garages & erection of a two storey two bed roomed dwelling house. Appeal dismissed 18/09/2008.

Land to rear of 43 Brunswick Place Hove

BH2016/05598: Demolition of 2no existing garages and erection of 1no two bedroom dwelling (C3). Approved 13/11/2017.

Land to rear of 45 Brunswick Place Hove

BH2016/01089: Demolition of garages and erection of 1no two bedroom dwelling (C3). Refused 18/05/2016. Appeal dismissed 21/02/2017.

BH2015/03232: Demolition of garages and erection of 1no two bedroom dwelling (C3). Refused 15/03/2016.

4. REPRESENTATIONS

4.1 Ten (10) letters of objection have been received raising the following points:

- The proposed dwelling is of poor design that would be out of keeping with the surrounding Conservation Area
- The structure will cause overlooking and overshadowing to the flats behind, particularly at basement level
- The building would cause significant harm to the Conservation Area and listed buildings
- The property would be dangerous in highways terms
- The development will have a harmful impact on biodiversity
- The over-intensification of the area will put a strain on local services and parking
- The building works will cause disruption to neighbouring properties
- There could be access issues around fire escapes
- The development would threaten the viability of the adjacent public house by virtue of noise and other disturbances, contrary to the National Planning Policy Framework

5. CONSULTATIONS

5.1 **Conservation Advisory Group:** No objection

5.2 **Heritage:** Comment.

Original comments (22/01/18):

Statement of Significance:

This is a grade II listed building in the Brunswick Town Conservation Area. It is part of a formal Regency style terrace typical of this conservation area, in which the properties retain many original architectural features.

The subject site is on the East side of Farm Road which until recent years was mostly garaging and the rear walls of properties behind in Brunswick Place, however many of these plots have been developed piecemeal with small two storey houses fronting straight on to the road. This side of the road is very different from the West side which is mostly three storey Victorian terraced housing.

The Proposal and Potential Impacts:

The proposal is for the demolition of the flint garden boundary wall (adjoining number 37 Brunswick Place) and the erection of a two storey three bedroom dwelling.

The flint wall along the northern boundary is attached to the listed building and is considered to be curtilage listed. Curtilage listed structures include any pre-1948 building/structure that was in the curtilage of the principal building at the date of listing provided it is fixed to the land and ancillary to the principal building. The partial demolition of this flint wall will cause harm to the listed building, and no clear and convincing justification for this loss has been provided. The proposal thus fails to comply with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and local policies HE1 and HE6.

The proposal to develop the site for housing is acceptable in principle, and the general scale is appropriate, however there are elements of design and detailing that would be at odds with the conservation area that require amending.

It is considered that rustication of the render on the ground floor is a useful means of relieving such a plain design, and is also the approach taken on most of the similar properties on this side of the road, therefore this proposal should be amended accordingly with care taken to use traditionally proportioned rustication bands (the ones at No.30 are too deep).

The size of the roof light to the bathroom on the front elevation appears excessive. A smaller roof light in this location would be supported.

The use of natural slate is encouraged for the roof cladding, however if artificial slates are proposed, they must have a riven surface and dressed edge that closely resembles natural slate.

The current proposal will harm the curtilage listed flint wall, and does not comply with the NPPF, HE1 and supplementary planning guidance.

Mitigations and Conditions required:

The proposal must ensure the retention of the flint wall along the northern boundary. Detailed sections are required to demonstrate how the flint wall will be retained.

Further comments following the submission of amended drawings (08/02/18):

The revised plans have addressed all of the concerns raised in the initial heritage comments. Importantly, the revised plans show the retention of the bungaroosh boundary wall running along the northern boundary. A condition requiring engineer's drawings for the bungaroosh wall retention should be included on the consent.

The other changes in the amended plans are welcomed including the reduced size of the skylight and the rustication to the ground floor.

5.3 Sustainable Transport: No objection.

Pedestrian & Mobility & Visually Impaired Access

The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Cycle Parking

For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces) to comply with SPD14. Cycle storage is proposed at the rear of the site in their supporting evidence however there is a lack of numbers and detail therefore cycle parking is requested by condition.

Disabled Parking

There are opportunities in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

Vehicular Access

The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Car Parking

SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case.

The site is located within a Controlled Parking Zone. Taking into account the relevant factors as described in the Car Free Housing chapter of SPD14 Parking

Standards, this site should not be made "car free" by restriction of parking permits by the Planning Case Officer as there is no waiting list for permits.

Trip Generation - Vehicles and Highway Impact

It is unlikely that there will be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within capacity.

6. MATERIAL CONSIDERATIONS

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

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 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP19 Housing mix

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:
SPD14 Parking Standards

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development, the design of the dwelling, the impact of the development on the Brunswick Town Conservation Area and adjacent listed buildings, the standard of accommodation the dwelling would provide, the impact on neighbouring amenity and sustainable transport considerations.
- 8.2 The application relates to a plot of land to the rear of 35 Brunswick Place. Permission is sought for the erection of a two-storey, three bedroom dwelling with associated garden area. The property would adjoin an existing similar new-build dwelling (54 Farm Road) which was granted permission under application BH2014/03838.
- 8.3 The site at present is currently vacant. It adjoins a single storey garage to the north and no. 54 Farm Road to the south. The plot fronts onto the Farm Road street scene. No. 35 Brunswick Place, currently subdivided into flats, adjoins the site to the rear.
- 8.4 The proposed dwelling would measure 6.3m in height from highest ground level, 6.5m in width with a total footprint of approximately 45m. There would be a garden area to the east measuring 17.5m. The rear elevation of the new building would be situated 8m from the rear of 35 Brunswick Place. The subdivision would retain some courtyard space for the host property, measuring approximately 28m². The proposed dwelling would have white render walls, a slate tiled roof, sash windows and alu-timber doors. The flint wall along the northern boundary of the site would be retained.

8.5 Principle of development

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.6 The proposal for a new residential property in a residential area, which would make a contribution to addressing the housing needs of the city is acceptable in principle. Each scheme must however be assessed on its own merits and the benefits of the scheme must be weighed against any harm which would be caused.
- 8.7 Design and appearance / impact upon heritage assets**
The proposed dwelling would have white render walls with a shallow pitched roof and parapet. The property would have a simple façade with five sash windows and a front door. The proposed design is influenced by the other new-build dwellings on Farm Road (as listed in the history section above) which have set an established design precedent along the street. The design would respect the prevailing character of the Farm Road street scene and would not cause harm to the immediate area, the surrounding Brunswick Town Conservation Area or the setting of the listed buildings to the rear of the site.
- 8.8 Concerns were raised in regard to the protection of a historic boundary wall; these concerns have been addressed and full details of measures to protect the wall are recommended to be secured by planning condition.
- 8.9 The application is therefore considered to be in accordance with Policies CP12 and CP15 of the Brighton & Hove City Plan and Policies HE6 and HE3 of the Brighton & Hove Local Plan.
- 8.10 Standard of accommodation**
The proposed dwelling would have living accommodation at ground and first floor level. The ground floor layout would feature a living room, kitchen, dining area, study room and bathroom. The first floor would consist of three bedrooms and a bathroom.
- 8.11 The Council does not have adopted standards on minimum unit sizes and room sizes, in the absence of such standards Government's 'Nationally Described Space Standards' provide a useful indication of acceptable sizes. This document sets out that a three bedroom property to be occupied by four persons should have a minimum floorspace of 84m². In this case the proposed dwelling would have a total floorspace of 90m² which would provide adequate circulation space for its intended occupancy. Each habitable room would feature a window, allowing for adequate natural light and sufficient outlook.
- 8.12 Overall the proposed layout is considered to represent an acceptable standard of accommodation for future occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 8.13 The proposed site layout would allow for a rear garden area measuring 17.5m². Whilst somewhat limited, this area would provide circulation space to sit out and for children's play. Given the character and density of built form in the area the amount of private amenity space is considered to be acceptable in this instance and typical of the surrounding area, in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.14 Impact on neighbouring amenity

The rear elevation of the proposed dwelling would be situated roughly 8m from the rear elevation of 35 Brunswick Place, and 9.5m from the rear elevations of 33 and 37 Brunswick Place. It is noted similar distances have previously been considered acceptable in the immediate locality (including the property immediately adjoining the site to the south; BH2014/02267 Land to Rear of 31 & 33 Brunswick Place and BH2016/05598 Land to the rear of 43 Brunswick Place).

8.15 A separation distance of 5m was not accepted on the site to the north (BH2015/03232 Land to rear of 45 Brunswick Place) due to its overbearing impact - this decision was upheld at appeal. The current application however is more comparable to those applications considered acceptable under applications BH2014/02267 and BH2016/05598 and provides a greater distance than that which was considered unacceptable at 45 Brunswick Place.

8.16 It is acknowledged that the proposal would introduce further bulk to the rear of properties along Brunswick Place, particularly at basement and ground floor level. However, the height of the building at 6.3m combined with a separation distance of at least 8m means that the dwelling would not have a significantly overbearing impact on the occupiers of these properties, nor would it result in a loss of daylight of a magnitude to warrant refusal of the application. It is again of note that similar resultant relationships between properties have been accepted in the recent past. It is accepted that there will be an increased sense of enclosure to the garden area at 35 Brunswick Place, however this impact is not of a magnitude which warrants refusal of planning permission.

8.17 Due to the location and size of the rear windows at first floor level, harmful overlooking between properties would not occur. Suitable boundary treatments are secured by condition to ensure appropriate screening between properties at ground floor level.

8.18 Transport

The Transport team have not raised any objection to the proposed development subject to the imposition of a condition securing cycle parking facilities. The property is however within a Controlled Parking Zone (Zone M) where demand is high. It is noted that there is no waiting list in Zone M however the fact that there may be capacity across the zone as a whole does not demonstrate the level of capacity within easy walking distance of the site. The potential for localised parking pressures within the zone therefore remains.

8.19 No parking survey has been submitted to demonstrate that there is available capacity within easy walking distance of the site to accommodate increased demand without harm being caused. This is a requirement set out in SPD14. In the absence of evidence that additional demand can be accommodated, it is recommended that future residents' rights to parking permits be restricted by planning condition.

8.20 Sustainability

City Plan Policy CP8 seeks sustainable design features in all new development particularly in respect of use of energy and water. It is recommended that optional Buildings Regulations standards for energy and water consumption be secured by planning condition to address these requirements.

8.21 Other matters

Concerns have been raised in relation to the potential conflict between an existing public house adjacent to the site and the proposed residential unit, by way of noise nuisance and other disturbances associated with a drinking establishment. Whilst these comments are noted, the public house is already surrounded by residential development and occupants of these dwellings could potentially raise complaint against noisy activity. It is considered the introduction of an additional residential unit would not significantly increase the potential for noise complaints and therefore the proposed development is in itself unlikely to result in unreasonable restrictions being put on the operation of the public house in the future.

- 8.22 This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8.23 Conclusion

The proposed dwelling is of an appropriate design that is sympathetic to the prevailing character of the area and would not cause harm to the Brunswick Town Conservation Area. The proposed layout would provide a good standard of accommodation for future occupants, would contribute to the City's housing supply and would have an acceptable impact on the highways network. It is for these reasons that the application is considered to be in accordance with Policies CP12 and CP15 of the Brighton & Hove City Plan and Policies QD27, HO5, HE3, HE6 and SU10 of the Brighton & Hove Local Plan and is therefore recommended for approval.

9. EQUALITIES

9. It is recommended that optional Building Regulations standards for accessibility be secured by condition.

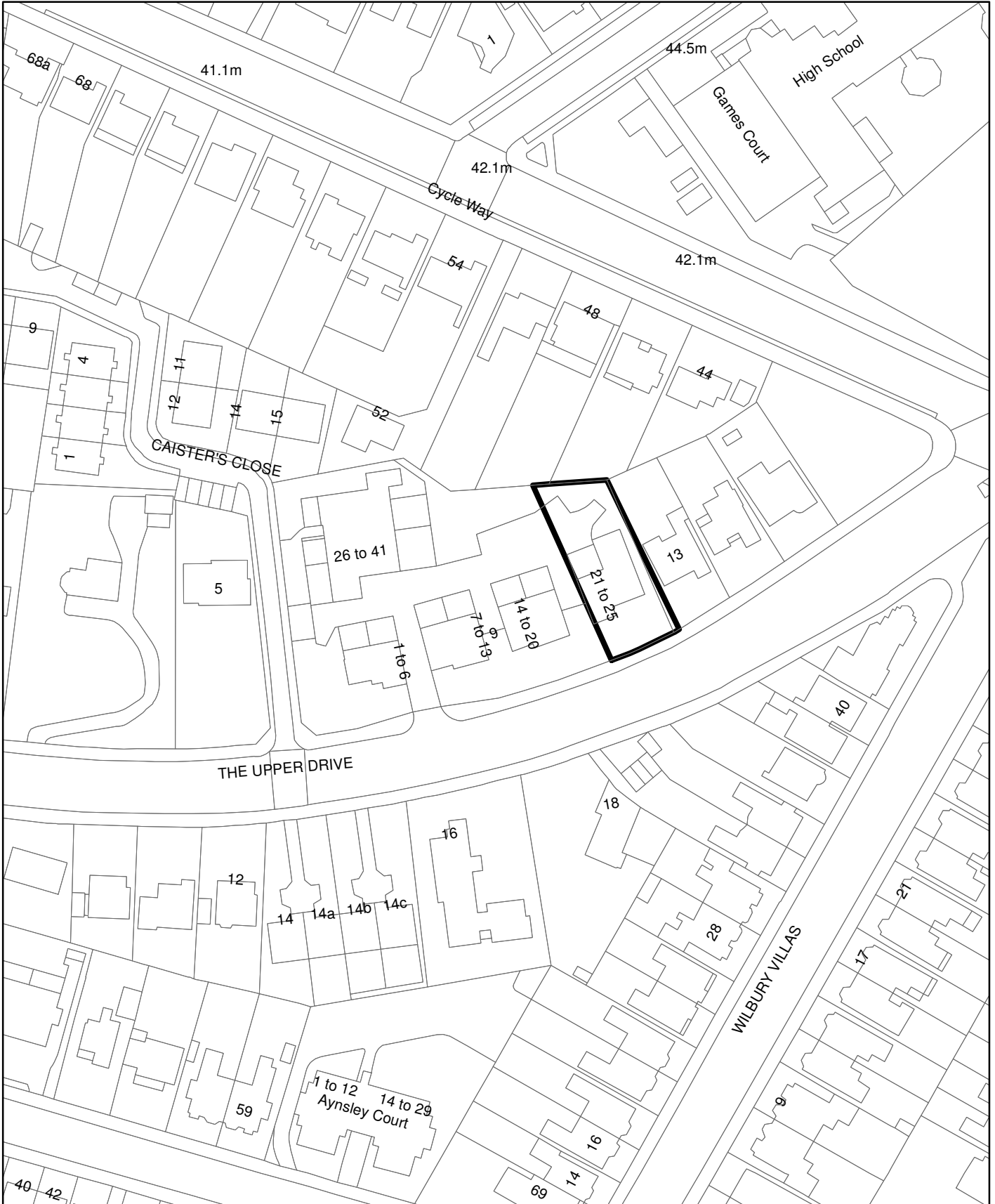
ITEM C

9 The Upper Drive Hove

**BH2017/04139
Full Planning**

DATE OF COMMITTEE: 9th May 2018

BH2017/04139 9 The Upper Drive Hove



Scale: 1:1,250

<u>No:</u>	BH2017/04139	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	15.12.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	09.02.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Copsemill Properties Ltd C/o DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

This application has been deferred from the Planning Committee meeting of 4 April 2018 pending a site visit.

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
Existing Floor Plans	01		15 December 2017
Existing Floor Plans	02		15 December 2017
Existing Floor Plans	03		15 December 2017
Existing Floor Plans	04		15 December 2017
Existing Floor Plans	05	Roof plan	15 December 2017
Existing Elevations	06		15 December 2017
Existing Elevations	07		15 December 2017
Existing Elevations	08		15 December 2017
Existing Elevations	09		15 December 2017
Floor Plans Proposed	11		15 December 2017
Floor Plans Proposed	12		15 December 2017
Floor Plans Proposed	13		15 December 2017

Floor Plans Proposed	14		15 December 2017
Floor Plans Proposed	15		15 December 2017
Elevations Proposed	16		15 December 2017
Elevations Proposed	17		15 December 2017
Elevations Proposed	18		15 December 2017
Elevations Proposed	19		15 December 2017
Roof Plan Proposed	20		15 December 2017
Site Layout Plan	21		15 December 2017
Location Plan	23		15 December 2017
Streetscene elevation proposed	22		15 December 2017
Site Layout Plan	09		15 eceember 2017

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The three windows in the eastern 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.
5. Access to the flat roof area to the rear of the gated third floor roof terrace (indicated on drawing no. 15 received on 15 December 2017) hereby approved shall be for maintenance or emergency purposes only and the flat roof 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.
6. The vehicle parking area 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.
7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been 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.

8. 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.
9. None of the new residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. None of the new residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Caisters Close with The Upper Drive.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan and CP9 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. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of

4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 12.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a part two, part three storey block of 4no. two-bed flats and 1no. one-bed flat on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks vary in height between three and four storeys. The three blocks to the west of the application site are finished in a mix of render and timber cladding. The application building is finished in mainly painted render with some minor timber clad detailing.
- 2.2 This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.
- 2.3 The application seeks permission for the creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level, 1 no. two bed flat at second floor level, and 1 no. three-bed flat at third floor level, with off-street car and cycle parking.

3. RELEVANT HISTORY

3.1 9 and 11 The Upper Drive

BH2004/01708/FP 41 New residential apartments within 5 blocks with undercroft parking. Approved 04.04.2005.

BH2003/02082/FP Demolition of 9 and 11 The Upper Drive and development of 4 blocks of 25 private flats and 1 block providing 16 affordable homes. Single access drive from The Upper Drive and four pedestrian gates. Refused 13.04.2004

3.2 13 The Upper Drive

BH2011/00455 Application to extend time limit for previous approval

BH2008/00278 for demolition of existing house and erection of no. 7 self contained flats. Approved 07.04.2011

BH2008/00278 Demolition of existing house and erection of no. 7 self contained flats. Approved 07.05.2008.

3.3 15 The Upper Drive

BH2016/01393 Demolition of existing dwelling and erection of 3no one bedroom flats, 2no two bedroom flats and 1no three bedroom flat (C3). Minded to Grant pending s106 legal agreement.

BH2015/03228 Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3). Refused 11.11.2015.

4. REPRESENTATIONS

4.1 Sixteen (16) letters has been received objecting to the proposed development. The main grounds for objection are as follows:

- Height
- Overdevelopment of site
- Design out of keeping with houses
- Boxy design
- Change in character of area
- Loss of privacy
- Loss of light
- Overshadowing
- Parking issues
- Increased traffic and congestion
- Highway safety concerns
- Increased noise and disturbance
- Building work noise, dust, pollution detrimental to health
- Building works affect driveway
- Buildings unfinished and remedial work required
- Previous developer left suppliers in debt
- Impact on property values
- Set a precedent for further development
- Potential impact on wildlife
- No investment in infrastructure to support more housing
- Previous scheme prohibited building above second floor
- Discrimination against disabled person
- Original planning permission conditions not complied with
- No affordable housing proposed
- Misleading statements in submission documents
- Timing of the application submission

4.2 **Hove Civic Society:** Objects to the proposal on the grounds of overdevelopment of the site and impact upon the adjacent property.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection. Given the likely increase in child, adult

and visually impaired pedestrian movements that the development will generate, and in the interests of ensuring that it is accessible to all, we request a Grampian condition (plus informative) requiring dropped kerbs and blister tactile paving to be added to either side of Caisters Close at its junction with The Upper Drive.

5.2 Environmental Health: No comment received.

5.3 Private Sector Housing: No comment received.

6. MATERIAL CONSIDERATIONS

6.1 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

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP14 Housing density
CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:
SPGBH4 Parking Standards

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability issues.
- 8.2 Matters relating to the timing of the submission of the application, impact on property values, potential inconvenience to nearby residents during the build and the behaviour of the previous developers towards suppliers are not material planning considerations.
- 8.3 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.4 Design and Appearance:**
The proposed new units would be sited on Block D to the far east of the wider site; this block is currently lower in height than the two neighbouring blocks to the west. The reason for this part of the building being lower was due to potential concerns regarding neighbouring amenity rather than there being an objection to the visual amenity of the street of there being a taller building.
- 8.5 The proposed extensions to accommodate the additional two units would result in a block which would now be almost identical in terms of scale and appearance to the adjoining blocks to the west. Given the distances between the application site and its neighbours, it is considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing streetscene. It is noted that in recent years this stretch of the Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.
- 8.6 The proposed works would match the design and appearance of Block D and a condition is recommended to ensure that the proposed materials match the existing property.

- 8.7 Accordingly, it is considered that the works are appropriate in terms of the impact upon the host building and the wider streetscene.
- 8.8 Standard of accommodation:**
Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015.
- 8.9 Whilst the Council does not seek to enforce these standards, they do clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.10 Apartment no. 23 on the first floor would be extended from a one-bed to a two-bed flat. As a point of reference, Government's minimum size for a two-bedroom four-person unit is 70m² and the proposed unit would measure 84m², well in excess of this standard.
- 8.11 The proposed two-bed Apartment 26 on the second floor would measure 86m² and the proposed three bed Apartment 27 on the third floor would measure 139m². Again the size of these units would be well in excess of Government's minimum size for a two-bedroom four-person unit of 70m² and for a three-bedroom six-person unit of 95m². The individual bedrooms all meet the government's minimum standards too.
- 8.12 All three units would benefit from a good standard of light and circulation space and all have provision of private amenity space in the form of a front balcony. Unit 27 additionally has a good size outside terrace area which is considered appropriate for a three bed family unit.
- 8.13 The two new units would use the existing refuse/ recycling storage area which is located in adjacent Block C.
- 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 Impact on no. 13 The Upper Drive
The property most likely to be affected by the development is no. 13 The Upper Drive to the east, a two storey traditional dwellinghouse. An objection has been raised that the proposed development would impact on the glazed conservatory

room to the rear, in terms of loss of privacy and light. This room is used as a therapy room for the objector's adult son who is mentally disabled. It was noted on site that the blinds to the western side elevation of the conservatory are in place and can be drawn.

8.16 It is acknowledged that the original approved design took account of the relationship with no. 13 and, at that time, a cautious approach was taken with regard to the height of the block, by virtue of the potential loss of amenity to the neighbouring property.

8.17 With the benefit of the development now being in situ, the relationship with this neighbour and the height of the proposed development has been re-evaluated as outlined below.

8.18 *Privacy and overlooking*

As verified on site, there are two small windows to the eastern side of the existing development; these are secondary windows that serve the kitchen areas of open plan living space, and give only the most oblique views into the side of the neighbouring conservatory. An additional three windows are proposed to the eastern elevation. It is considered that again these would only give very oblique views into the side windows of the conservatory.

8.19 No conditions relating to obscure glazing were deemed necessary to the original permission. However it is understood that there could certainly be a perception of increased overlooking; therefore it is recommended that, as the proposed windows serve kitchens and bathrooms, they should be obscure glazed.

8.20 The proposed windows to the rear would provide similar views of the garden at no. 13 as the existing windows. It is also noted that there is dense high level foliage in place between the properties, which is under the control of no.13, which would help to mitigate any increased overlooking.

8.21 A roof terrace is proposed to the third floor flat. The usable space of the terrace is to the front of the building. The flat roof area to the rear would be for repair and maintenance purposes only; this can be secured by condition. An etched glass 1.75 metre height privacy screen is proposed to the side elevation. This would protect the occupants of no. 13 from significant overlooking. Given the siting of the proposed terrace, it is not considered that there would be significant overlooking of the garden of no. 13. Additionally given its height, there would be no adverse overlooking of the side windows of the conservatory at no. 13, or significant noise and disturbance issues.

8.22 *Light*

In terms of light to the conservatory, as mentioned previously, it is noted that the blinds to the western window can be drawn to protect privacy. The objector has advised that the blinds impact on light to the room. With regard to potential loss of light a 'Daylight Statement' has been submitted with the application with assesses the impact of the development on the lights levels of the neighbouring conservatory, utilising the methods outlined in the BRE publication "Site Layout

Planning for Daylight & Sunlight - A guide to good practice" Second Edition published in 2011 (the "BRE Guide").

- 8.23 The report concludes that excellent levels of daylight within the room will be maintained for daylight distribution and that the room will also remain a 'well daylit space'. Whilst it is evident that Vertical Sky Component (VSC) reduction exceeds 20% to the 3 No 'side/secondary' windows which face towards the site proposal, the average VSC in consideration for all windows serving the room, meet the target criteria and as submitted (re. daylight distribution and Average Daylight Factor), good daylighting levels within the room would continue in the proposed scenario.
- 8.24 From the officer site visit, there was no reason to disagree with the findings in the report. The room is a conservatory and has full height glazing on three elevations. Even with the blinds drawn, the room has plenty of light coming in from the north aspect overlooking the garden.
- 8.25 There are no further windows to the side of no. 13 that would be affected by loss of light from the increased height of the structure
- 8.26 Other neighbouring properties
There is no significant impact on other neighbours from the proposed scale and massing of the development. The neighbours at the rear in Old Shoreham Road are some distance away and are heavily screened from the site by evergreen trees. There have been objections from residents in Wilbury Villas, whose rear gardens face the development site. Whilst the development's front windows and outside amenity space would provide marginally enhanced views of these rear gardens, given the distances involved and the existing level of mutual overlooking in the area, this is not considered to warrant refusal of the application.
- 8.27 There is not considered to be a significant impact on the existing flats in the block or the wider site. The development in general, including the proposed windows to the western elevation, is a sufficient distance from the nearest windows in the adjoining block to limit undue harm. The potential noise and disturbance created by two additional units is not considered to be unacceptable, subject to submission of a soundproofing scheme which can be secured by condition.
- 8.28 Sustainable Transport:**
It is proposed to provide 2 no. dedicated off street parking spaces which are currently unallocated within the wider site; this is acceptable. The site is not within a controlled parking zone however the proposal would limit undue on-street parking pressure from additional resident parking. Cycle parking would be provided in the existing secure cycle store within the block.
- 8.29 There may be a small uplift in trip generation however, given that only two new units are proposed, this is not considered to be unacceptable or warrant refusal of the application.

- 8.30 Given the likely increase in child, adult and visually impaired pedestrian movements that the development will generate, and in the interests of ensuring that it is accessible to all, the Council's Highways Team have recommended that dropped kerbs and blister tactile paving are added to either side of Caisters Close at its junction with The Upper Drive. This can be secured by condition.
- 8.32 **Sustainability:**
Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.
- 8.33 **Other Matters:**
An objector has referred to the proposed lack of affordable housing provision. The original scheme of 41 dwellings provided for 16 affordable housing units. Planning policies at the time required 40% of units on developments comprising 10 dwellings or more to be affordable. This would have been 16.4 units on the wider site. Therefore given that affordable housing was provided at the time at almost 40%, it is not considered reasonable to revisit this issue when only two further dwellings are being proposed and, given the timescales involved with this application, cannot be seen as part of a wider development proposal for the whole site.
- 8.34 This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.
- 8.35 **Conclusion:**
Given the prevailing character of the streetscene on this stretch of The Upper Drive, it is considered that the development would not appear out of character with the surroundings. It is acknowledged that the original approved design was mindful of the relationship with the adjacent property to the east, no. 13 The Upper Drive. However, given that the approved scheme has now been built and can be viewed in situ, it is considered that the proposed extension would not have an overbearing impact on its neighbour and has been carefully designed to take account of overlooking and loss of privacy issues. Subject to conditions it is considered that the development is appropriate in terms of design, scale and impact on amenity, and would provide two new dwellings for the City, of an acceptable size and standard.
- 9. EQUALITIES**
- 9.1 It is noted that an occupant of an adjacent property has mental disabilities and this is taken account of in the consideration of the application.
- 9.2 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the extension is not achievable due to the proposed units being on upper floors.

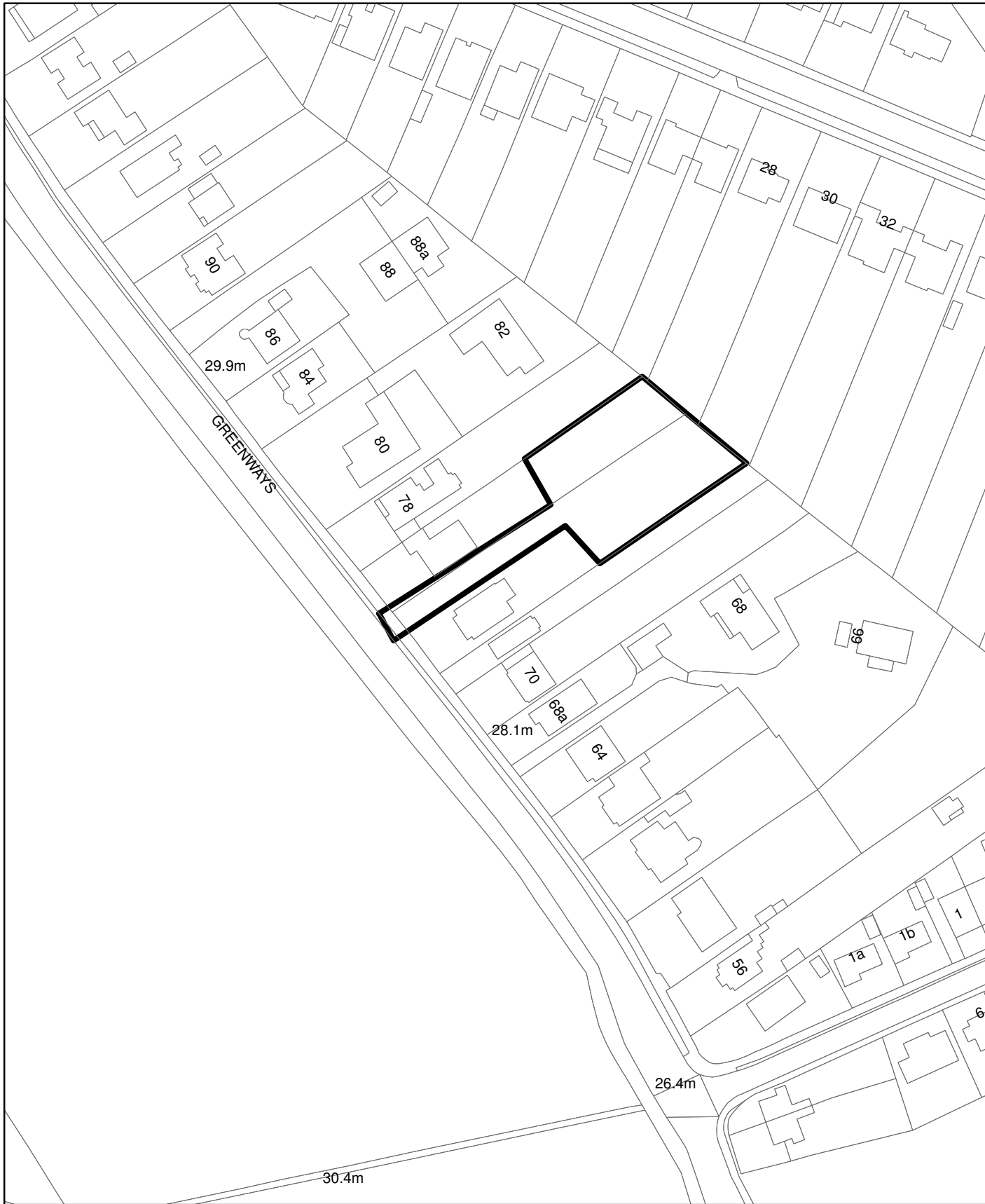
ITEM D

Rear of 74 And 76 Greenways Brighton

**BH2017/03884
Full Planning**

DATE OF COMMITTEE: 9th May 2018

BH2017/03884 Rear of 74 and 76 Greenways Brighton



Scale: 1:1,250

<u>No:</u>	BH2017/03884	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rear Of 74 And 76 Greenways Brighton BN2 7BL		
<u>Proposal:</u>	Erection of 2no four bedroom detached dwellings with associated landscaping and new access. Creation of new vehicle crossover to 74 Greenways.		
<u>Officer:</u>	Charlotte Bush, 292193	tel:	<u>Valid Date:</u> 29.11.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.01.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Morgan Carn Partnership Brighton BN1 6FA	Blakers House	79 Stanford Avenue
<u>Applicant:</u>	Mr A Smith c/o agent		

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	1635-P-300		24 November 2017
Site Layout Plan	1635-P302 A		7 February 2018
Elevations Proposed	1635-P-306 A		7 February 2018
Other	ARTIST IMPRESSION 1635-P-309		24 November 2017
Elevations Proposed	1635-P-307		24 November 2017
Elevations Proposed	1635-P-305		24 November 2017
Floor Plans Proposed	1635-P-304		24 November 2017
Floor Plans Proposed	1635-P-303		24 November 2017
Ecology Report	PRELIMINARY ECOLOGICAL APPRAISAL	and Badger Survey Report	24 November 2017

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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples 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.

4. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

5. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

8. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

9. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. Reason: To protect the trees, shrubs and hedges which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies CP12 of the Brighton & Hove City Plan Part One and QD16 of the Brighton & Hove Local Plan.

10. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of any proposed trees, including number and species and planting method of any trees
- d. details of the green roof

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.

11. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A to E 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.

12. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of Supplementary Planning Document 11 'Nature Conservation and Development' and shall be implemented in full prior to the first occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. Mitigation measures and recommendations as described in 'Section 4: Potential impact and Recommendations' section of 'Preliminary Ecological Appraisal and Badger Survey Report' submitted on the 24 Nov 2017 shall be carried out in full.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. Should any protected species be discovered during construction, all works on site are to stop immediately. An Ecological Design Strategy (EDS) addressing the rescue and protection of all protected species must be submitted to and approved in writing by the Local Planning Authority before works can recommence on site. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve the stated objectives;
 - d) extent and location/area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of aftercare and long terms maintenance;
 - i) details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and timetable agreed under (f) above and all features shall be retained in that manner thereafter.
Reason: To ensure that any adverse impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and QD18 of the Brighton & Hove City Plan Part One.
15. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the parking spaces including

run-over strips and surrounding walls is submitted and approved by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One

16. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP1, CP9, CP12, CP13 and CP15 of the 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. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
6. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

7. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a plot of land behind two neighbouring properties located on the eastern side of Greenways in Ovingdean. Both properties are of a detached form although no. 76 is connected to no. 78 via side garages relating to each property. Both properties within the application site have been previously extended by way of side/rear extensions.
- 2.2 The wider area comprises bungalows and two storey properties set in deep plots, apart from a few exceptions in which the plots have been subdivided and backland developments constructed. The properties within the vicinity of the site along Greenways have prominent pitched or hipped roof forms.
- 2.3 The land rises from the highway to the rear boundaries of the site and continues to rise to the properties located on Ainsworth Avenue to the rear of the site.
- 2.4 A boundary of the South Downs National Park is located opposite the site on the western side of Greenways, and surrounds the built up area of Ovingdean. The site is not within a conservation area.

3. RELEVANT HISTORY

BH2017/01199 - Erection of 4no semi-detached dwellings with associated new access driveway and parking. Appeal APP/Q1445/VV/17/3179143 for non-determination Dismissed 02/11/2017.

BH2016/05006 - Erection of 4no semi-detached dwellings with associated new access driveway and parking. Refused 17/08/2016

BH2013/04327 - Demolition of existing dwellings and erection of 2no four bed dwellings and 2no 3 bed dwellings. (Amended Scheme). Approved 16/12/2014

BH2013/01213 - Erection of 2no five bedroom detached dwellings with associated landscaping and new access. Refused 21/06/2013

4. REPRESENTATIONS

4.1 Eight (8) letters have been received objecting to the proposed development for the following reasons:

- Over development of the site
- Overshadowing, overlooking and loss of privacy to neighbouring residents as well as increased disturbance
- Increased traffic
- Rear garden development adversely affects the semi-rural nature of the Ovingdean triangle
- Appearance is not in-keeping with the existing properties and proposed properties are still fairly large in comparison to the properties at the front
- roof gives the impression of 3 stories rather than 2
- The distant views impact of looking into the village will be significant
- The proposed properties would deplete the green space overlooked by the South Downs National Park
- This will set a precedent for other back garden development
- An appeal for 4 houses on this site was recently dismissed because of the impact on neighbours. There have been several other applications for this site that have been refused
- Increased parking demand
- Scheme doesn't reflect existing character of spaces between properties
- Previous approved scheme has now expired and is therefore invalid
- Other refused applications for similar scheme in the near vicinity
- No pathways along the driveway
- Disturbance from construction

4.2 Ovingdean Residents & Preservation Society (ORPS)

- The site has already been cleared of all vegetation so the ecological report is meaningless
- Application won't make a significant dent in the housing target
- Previous approval made no mention of how the development would affect the character of the area which has been mentioned in recent appeal dismissals
- The proposed development would have an adverse effect on all the adjoining properties with consequent loss of privacy and overlooking.

4.3 **Wealden District Council**

The proposed development may have an adverse impact on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

Footways in the vicinity of the site have been improved but there are still footways and bus stops along Greenways that for the applicant's benefit need footway improvements to extend the transport network. Developer obligations

should be sought for installing dropped kerbs and Kassel kerbs at the northbound bus stop opposite Beacon Hill to make the footway and bus stop accessible. This is to improve access to and from the site to the various land uses in the vicinity of the site.

The proposed includes 2 secure cycle parking spaces for each dwelling, which is considered acceptable, however further details on the proposed facilities are required.

The site is outside of a controlled parking zone so there is free on-street parking available as well as free on-street disabled parking bays in the vicinity of the site. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.

The applicant is not proposing any significant alteration to their current servicing and delivery arrangements.

The applicant is proposing changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle. The New/extended crossover condition and informative must be attached to any permission granted regarding the existing and proposed vehicle crossovers as the existing crossover will require extending. Further details of the driveway/hardstanding including the proposed surface water drainage details are required as there are concerns regarding the vertical alignments of the proposed access road particularly as it will be a shared surface as there is no separate footway and request that the longitudinal alignment is not steeper than 8% (1 in 12) (the latest proposal is still for a steeper 1: 10) and the cross fall (to deal with intensive rain) is between 1.5% (1 in 75) and 2.5% (1 in 40) at least for the benefit of wheelchair users. Amendments are required to the design of the proposed access road to achieve the aforementioned gradients and supply of surface water drainage details demonstrating that surface water will not flow off the site and onto the adopted (public) highway to avoid refusal.

The applicant is proposing 2 car parking spaces for each 3 plus bedroom property within the Outer Area. For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (four spaces) is not in line with the maximum standards however as the proposed dwellings are set back from the nearest on-street parking spaces on Greenways and up a hill this 1 extra space is deemed acceptable.

The car parking spaces have items alongside them and would recommend that if the wall between the side of the spaces and the dwellings is not essential that it is replaced by a run-over strip to ease parking, ease getting in and out of the vehicle, reduce the risk of the vehicle hitting the wall when manoeuvring.

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal

and developer contributions for carriageway related improvements will not be sought.

Further Sustainable Transport comments received on the 08/02/2018 in response to revised plans and design and access statements submitted by the agent on the 07/02/2018.

The revisions that the applicant has sent through regarding the longitudinal gradient, the cross-fall and the surface water drainage are considered acceptable. The surface water drainage issue is still covered by Local Plan policies SU3 and SU5 and therefore the relevant conditions and informatives to apply to any permissions granted.

5.2 Ecology: No objection

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

The site currently comprises a residential garden with gravel drive and is of relatively low biodiversity value. The boundary hedgerow and trees should be retained where possible and enhanced.

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

The site includes habitat with low potential to support reptiles. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Whilst it is considered unlikely that reptiles are present, a precautionary approach is recommended, as described in paragraphs 4.14 and 4.15 of the Preliminary Ecological Appraisal and Badger Survey report (The Ecology Consultancy, 07/12/16).

There are mammal holes present on site and in neighbouring properties, one of which is sporadically used by foxes and they could be used by badgers. The fox hole should be retained and protected and best practice working methods should be employed to avoid any animals which may be using the site being trapped or injured during construction. A pre-construction check for badgers should be carried out to assess current use by badgers and to inform appropriate mitigation.

There are local records of hedgehogs and there is suitable habitat on site. It is recommended that a precautionary approach is taken to site clearance and that boundaries are made permeable to wildlife.

The site is unlikely to support any other protected species. If protected species are encountered during development, works should stop and advice should be sought from a suitably qualified and experienced ecologist.

In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, wildlife planting, provision of a green wall, the provision of bird nesting opportunities and wildlife friendly fencing.

In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. Opportunities should be sought to enhance the site for biodiversity as recommended to help the Council address its duties and responsibilities under the NERC Act and NPPF.

6. MATERIAL CONSIDERATIONS

6.1 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

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP14 Housing density
CP19 Housing mix

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability, ecology and traffic issues.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 Planning permission was granted in 2014 (BH2013/04327) for the redevelopment of the entire site of 74 & 76 Greenways for 4 new homes. The application expired in December 2017, but the principle of four dwellings on this site has been established.

8.4 The proposed scheme has been significantly scaled back from the two subsequently refused schemes (BH2017/01199 and BH2016/05006) which were for 4 x semi-detached houses with a total of 8 parking spaces to the rear of the existing houses. These schemes were considered to be an overdevelopment of the plot.

8.5 This current application is for 2 detached dwelling houses in the rear curtilages of 74 & 76 Greenways and similar to the footprint of the previously approved scheme.

8.6 Design and Appearance:

A number of backland developments have already occurred in the immediate area, namely nos. 88, 88a, 82, 68 and 99 Greenways, which has resulted in the subdivision of a number of neighbouring and nearby plots. It is noted that the construction of no. 68 was allowed at appeal following the initial refusal of application 97/01711/0A although this pre-dates the current Local Plan & Brighton & Hove City Plan Part One. These examples do not set a precedent for backland development in this area and each proposal must be considered on its merits but they do provide a local context within which the application must be assessed.

8.7 The proposed scheme is for 2 x 4 bedroom detached houses which would be situated either side of a central driveway leading up from Greenways. The drive would be situated in-between 74 and 76 Greenways to a parking area providing off street parking for 4 cars, secure cycle parking facilities and refuse storage.

8.8 The proposed scheme would include excavating the plot so that the two storey houses would appear sunk into the land, and the first floor living accommodation would be at the existing ground level, thereby reducing possible overlooking of the existing properties on Greenways and reducing the visual impact on the streetscene.

8.9 The two proposed dwelling would be the same height as those approved under application BH2013/04327 and the footprint would also be of a similar size. The layout has been revised from the approved scheme so that the two storey element has a more centralised position on the plot with the single storey elements extending out towards the side boundary. This results in the two storey element being located approximately 7m from each side boundary, thereby providing a good level of separation between neighbouring properties.

8.10 The proposed materials including red/brown bricks for the exterior walls, red roof tiles, white aluminium windows, timber entrance doors and sedum green roof to the single storey element are all considered appropriate in this setting. The overall design and appearance of the dwellings is considered acceptable.

8.11 The plot size for each dwellinghouse would be similar to the backland development No.68, 82, 88 and 88a Greenways, and would therefore not appear out of context. Overall the scheme would meet the objectives of City Plan policies CP12 and CP14.

8.12 Standard of accommodation:

Each dwelling would provide 4 x double bedrooms (one with en-suite) and a family bathroom to the ground floor. Natural light to these bedrooms would be from the surrounding courtyard lightwell. The first floor would comprise an open plan kitchen/dining living room measuring 66.32m².

- 8.13 The overall standard of accommodation is considered good and exceeds the minimum space standards for a four bedroom two storey house as set out in the Nationally Described Space Standards, which although not linked to local policies provides a useful guideline against which to assess proposals. All of the bedrooms meet with the minimum requirements for double bedrooms specified in the Standards and provide good access to natural light and ventilation and offer a reasonable outlook.
- 8.14 The eastern plot would have 173m² of private rear garden and the western plot would have 246m² of private rear garden. The level of private amenity space is considered acceptable for family dwellinghouses of this size.
- 8.15 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.
- 8.16 The properties most likely to be affected by the proposed development are 68, 74, 76 and 88 Greenways and 28 and 30 Ainsworth Avenue.
- 8.17 The side elevations of the two storey element of the proposed dwellings would be situated approximately 27m from No.68 and 23m from No 88. The only windows on the side elevations of the upper floors of the new dwellings would be at high level and therefore will minimise any impact. The front elevations of the proposed dwelling are between 27-29m from the existing dwellings at No. 74 and 76. The degree of overlooking between the existing properties and the proposed properties would therefore be limited, particularly as the first floor windows will be close to the existing ground level given the topography of the site. As a consequence, the rear windows of these neighbouring properties will be screened by fencing and their amenity and privacy would not be overly disturbed.
- 8.18 To the rear, the dwellings would appear as a single storey dwelling and would have minimal impact on the properties at 28 and 30 Ainsworth Avenue.
- 8.19 The two properties would still be partially visible from neighbouring properties. However, their scale and bulk have been significantly reduced from the previously refused schemes and the two storey dwellings would not be intrusive or overbearing on the occupiers of the adjoining properties.
- 8.20 Additionally, the reduction in the number of dwellinghouses from 4 to 2 results in a reduction in the number of cars potentially using the shared driveway between No 74 and 76 Greenways. The expected level of activity from two single dwellinghouses is not considered to be of a degree that would warrant the refusal of this application.

8.21 Sustainable Transport:

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

The proposed includes 2 secure cycle parking spaces for each dwelling which is considered acceptable, but further details will be secured by condition.

The application does not propose any significant alterations in highways terms although there will be changes to vehicle access arrangements onto the adopted (public) highway but this is deemed acceptable in principle. The New/extended crossover condition and informative will be applied.

The proposed scheme includes 2 car parking spaces for each 3 plus bedroom property within the Outer Area. The maximum car parking standard is 3 spaces. However as the proposed dwellings are set back from the nearest on-street parking spaces on Greenways and up a hill the additional space is deemed acceptable. There are no dedicated onsite disable parking spaces for this development, but given the provision of off street parking and nearby free on-street parking, this is considered acceptable in this instance.

Although concerns were raised regarding the wall and planting between the allocated parking and the dwellinghouses it is considered that the removal of the wall is not essential to the approval of the overall scheme. However, it is noted that the replacement of the wall with run-over strips would make parking easier and further details of the parking arrangements will therefore be secured by condition.

There is not forecast to be a significant increase in vehicle trip generation and any impact on carriageways will be minimal. Similarly it is considered that any impact from the development on the footway will be minimal. Consequently, developer contributions for carriageway or footway related improvements will not be sought.

The application was revised in accordance with comments from the Sustainable Transport team and the longitudinal gradient has been suitably amended to an acceptable standard that would enable wheelchair access.

8.22 The surface water drainage issue is addressed via a suitably worded condition and informative.

8.23 Sustainability:

Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition. Part of the development also proposes to incorporate a green roof.

8.24 Landscaping and biodiversity:

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development and the site is of relatively

low biodiversity value. The site has the potential to support breeding birds but overall the habitat has a low potential to support reptiles. Whilst there are some signs of protected species using the site this has been judged to be limited.

Nevertheless, based on the advice of the County Ecologist a precautionary approach has been recommended and appropriate conditions are proposed with regard to mitigation measures and species protection.

The proposed landscaping and green roofs offer opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

9.0 Other matters:

9.1 Wealden District Council raised an objection to this application based on concern about its potential impact on the Ashdown Forest, Lewes Downs and Pevensy Levels SACs as Natura 2000 (European) sites.

9.2 This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

10.0 EQUALITIES

10.1 None identified.

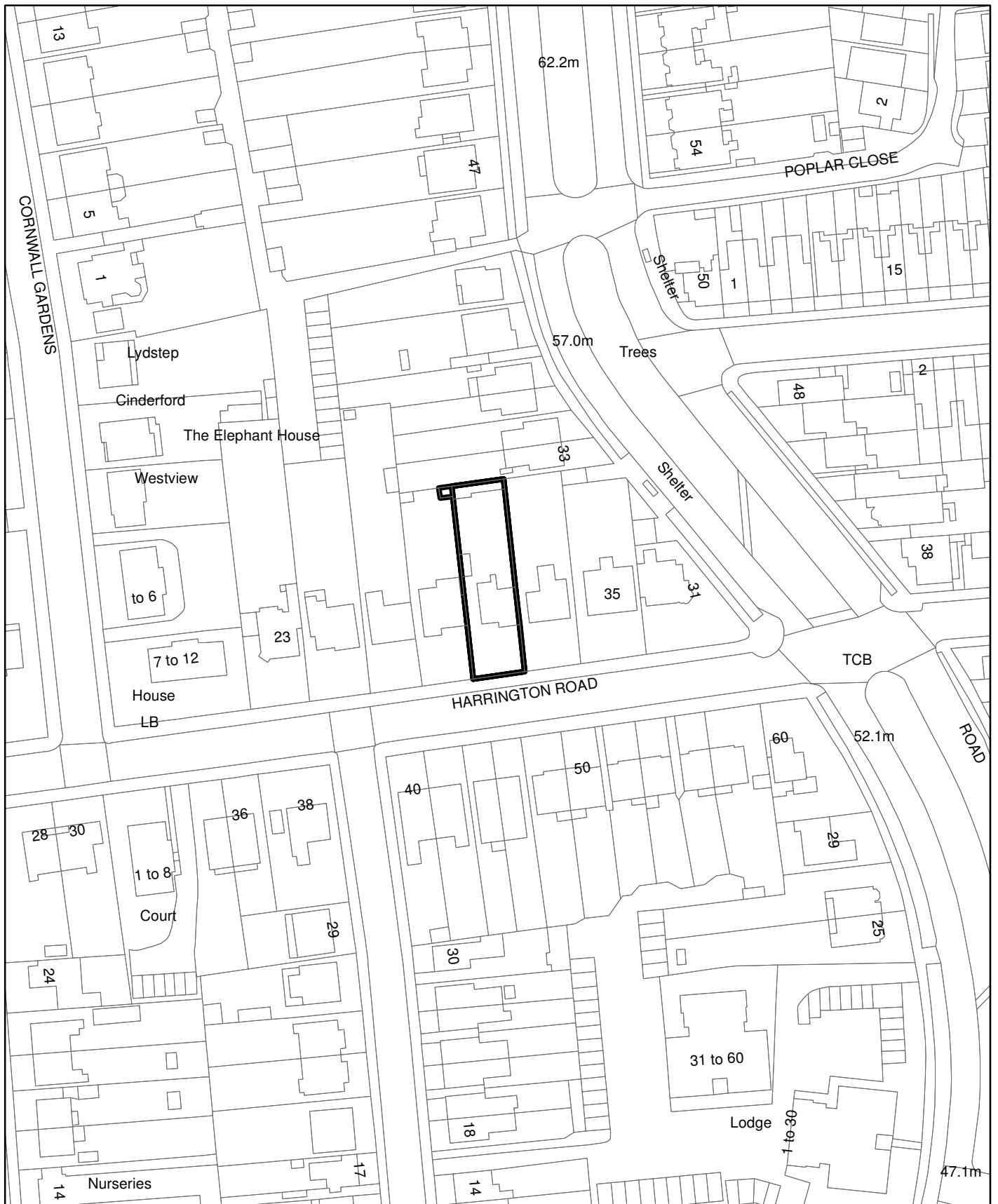
ITEM E

31 Harrington Road Brighton

**BH2018/00865
Householder Planning Consent**

DATE OF COMMITTEE: 9th May 2018

BH2018/00865 31 Harrington Road Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/00865	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	31 Harrington Road Brighton BN1 6RF		
<u>Proposal:</u>	Hip to gable roof extension, creation of rear dormer, installation of rooflights, windows and removal of chimney.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	16.03.2018
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	11.05.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	N/A
<u>Agent:</u>	Thomas Booker 23 De Montfort Road Brighton BN2 0EN		
<u>Applicant:</u>	Mr Mike Thomson 31 Harrington Road Brighton BN1 6RF		

This application has been called to committee by the Conservation Advisory Group, who have advised that the application should be recommended for refusal.

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	PP/HL/001	/	16 March 2018
Floor Plans Proposed	PP/HL/110	/	16 March 2018
Roof Plan Proposed	PP/HL/111	/	16 March 2018
Elevations Proposed	PP/HL/120	/	16 March 2018
Sections Proposed	PP/HL/130	/	16 March 2018
Design and Access Statement			16 March 2018

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 windows to the gable ends and to the rear dormer hereby approved shall be painted timber double hung vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match the

original sash windows to the building, and the windows shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The front and rear rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 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. **RELEVANT HISTORY**

PRE2018/00041- Hip to gable loft conversion with conservation skylights and rear dormer. Pre-application advice was provided in March 2018.

BH2017/01021- Roof alterations including hip to gable roof extension, rear dormer, rooflights to front, side and rear elevations, removal of 1no chimney. Refused 19/05/2017 for the following reason:

1. *The proposed development would have an adverse impact upon the character and appearance of the host building and harm the positive impact the building currently has on the wider conservation area by virtue of:*
 - *the hip to gable roof extensions which would add significant and harmful bulk to the building, and which would detract from the varied roofscape of the area;*
 - *the excessive size of the proposed dormer;*
 - *the visual clutter created by the number and variety of rooflights that would be visible from Harrington Road;*
 - *the loss of the rear east chimney, which will harm the roofscape of the area.*

The proposed works would therefore result in a building that is excessively large and bulky, overly prominent and incongruous, and that would fail to preserve or enhance the character of the conservation area. Accordingly, the proposal is considered to be contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, CP15 of the City Plan Part One, and guidance within Supplementary Planning Documents 09 Architectural Features and 12 Design Guide for Extensions and Alterations.

APP/Q1445/D/17/3178559- Appeal dismissed 02/10/2017.

The appeal inspector concluded that as a result of the proposed hip to gable extensions "*the appearance of the building as a whole would be improved by the construction of a roof of proportions better suited to those of the existing house. [...] the proposed conversion from hip to gable would improve the appearance of the building and make a positive contribution to the character and appearance of the conservation area*".

With regard to the rear dormer and rooflights, the inspector concluded that "*the dormer window and rooflights would detract from the appearance of the remodelled roof [... and] would not preserve or enhance the character and appearance of the conservation area*". With regard to the loss of the chimney, the inspector concluded that it would "*diminish the interest in the streetscene provided by such a feature*", but that "*this would not be sufficient reason, on its own, to dismiss the appeal*".

In summary, the Inspector took the following view on the Council's reason for refusal:

- The proposed hip to gable extensions were supported by the Inspector.
- The proposed rear dormer was not supported by the Inspector.
- The proposed rooflights were not supported by the Inspector.
- The Inspector considered that the loss of the chimney would not warrant refusal.

BH2017/01022- Erection of single storey rear extension to replace existing incorporating removal of two garden sheds. Approved 19/05/2017.

BH1998/01490/FP- Detached single storey building to be used as a study and storage area. Approved 09/09/1998.

3. REPRESENTATIONS

No representation have been received from the public.

4. CONSULTATIONS

4.1 Conservation Advisory Group: Objection.

The Group recommended refusal on the grounds that the proposal would radically change what is presently an attractive and elegant house.

The Group is cognisant of its past comments on the previous application that was refused and as there are little changes to that past application reiterates the points made by officers accompanying that decision. The proposals would have an adverse impact on the character and appearance of the host building, and harm the positive impact the present building has on the wider conservation area by virtue of;

- The hip to gable roof extensions which would add significant harmful and bulk to the building and would detract from the varied roofscape of the area.
- The excessive size of the proposed dormer.

- The visual clutter created by the number and variety of rooflights that would be visible from Harrington Road.
- The loss of the rear east chimney would harm the roofscape of the conservation area.

4.2 **Heritage: No objection.**

The Inspector stated in their decision that they consider the principle of the roof conversion is acceptable, that is the hip to gable extensions, therefore no comment will be made on this part of the scheme.

The two proposed modest sized roof lights to the front elevation line up with the windows below as required by SPD12. These are acceptable, subject to a condition that the rooflights are metal and sit flush with the roof.

The retention of the existing chimneys straddling the building is welcomed. The proposed loss of the rear chimney was commented on by the Inspector in the Appeal decision. The Inspector stated that the loss of the chimney on its own would not be sufficient reason to dismiss the appeal.

5. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

6. **CONSIDERATIONS & ASSESSMENT**

6.1 This application is a resubmission following the refusal of BH2017/01021 which was subsequently dismissed at appeal. The previous scheme included hip to gable extensions, a rear dormer, rooflights to the front, rear and side elevations and the removal of 1no chimney.

6.2 The appeal inspector concluded that as a result of the proposed hip to gable extensions "*the appearance of the building as a whole would be improved by the construction of a roof of proportions better suited to those of the existing house. [...] the proposed conversion from hip to gable would improve the appearance of the building and make a positive contribution to the character and appearance of the conservation area*". With regard to the rear dormer and rooflights, the inspector concluded that "*the dormer window and rooflights would detract from the appearance of the remodelled roof [...] and] would not preserve or enhance the character and appearance of the conservation area*". With

regard to the loss of the chimney, the inspector concluded that it would "*diminish the interest in the streetscene provided by such a feature*", but that "*this would not be sufficient reason, on its own, to dismiss the appeal*".

- 6.3 The appeal decision is given significant weight in the recommendation for the current application, which includes the hip to gable extensions, two rooflights to the front roofslope and one to the rear, the loss of a chimney and a modestly sized rear dormer.
- 6.4 It is proposed that the roof would be covered in natural slate, which is welcomed, and clay tiles to the gable ends. In light of the appeal decision, the hip to gable extensions are not objected to.
- 6.5 The number of rooflights has been reduced compared with the previous application. Two modestly sized conservation style front rooflights are proposed and they would align well with the fenestration below. These are considered to be acceptable additions to the building that would not harm its appearance or that of the wider Preston Park Conservation Area.
- 6.6 Both the front and rear rooflights should have steel or cast metal frames and be fitted flush with the adjoining roof surface, as is typical for conservation style rooflights. It is recommended that this be secured by condition.
- 6.7 At the rear there would be one rooflight and one rear dormer. The proposed rear dormer is an appropriately subservient addition to the roof, and is centred over the first floor window below. The supporting structure has been kept to a minimum and the proposed zinc cladding would be an appropriate material. The proposed rear rooflight would be modestly sized, and would not result in a cluttered appearance to the rear roofslope. Both the rear rooflight and the rear dormer are considered acceptable additions to the building that would not harm its appearance or that of the wider Preston Park Conservation Area.
- 6.8 Windows are proposed to both gable ends, and are described as matching existing. The window to the dormer window should also match the existing timber sash windows. It is recommended that this be secured by condition.
- 6.9 The remaining design issue is the loss of the rear chimney on the east elevation. The Inspector determined that the loss of the chimney on its own would not be sufficient reason to dismiss the appeal. In light of the appeal decision and given that all other design elements of the scheme are now considered to be acceptable, the proposed loss of the chimney is not objected to. It is accepted that this chimney would be subsumed into the hip to gable extension and the retention of a short or partial chimney would appear awkward.
- 6.10 As at the time of the previous application it is considered that the roof conversion in terms of its bulk would not result in significant harm to neighbouring amenity, and the inspector made no reference to amenity in the appeal decision.

6.11 The proposed rooflights are positioned 1.7m high from internal floor level, and so would provide mostly sky views rather than views of neighbouring properties. The proposed rear dormer would provide some additional views of neighbouring gardens; however in the context of a city where mutual overlooking from upper storey windows is common, this would not result in significant harm and is unlikely to be no different than fenestration on the lower levels. The proposed windows to the gable ends would overlook the blank gable side walls of 29 and 33 Harrington Road. Given the approx. 23m depth of the rear garden, it is considered that there would not be an appreciable impact on occupiers of 33 Surrenden Road to the rear.

7. Other matters:

7.1 This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8. Conclusion:

8.1 Having regard to the previous appeal decision, the visual impact of the hip to gable extensions and loss of the chimney are not considered to warrant the refusal of planning permission. The proposed rooflights and rear dormer are broadly in compliance with policies QD14, HE6 and CP15, and the guidance set out in SPD12. No significant harm to neighbouring amenity would be caused. Approval is therefore recommended.

9. EQUALITIES

9.1 None identified.

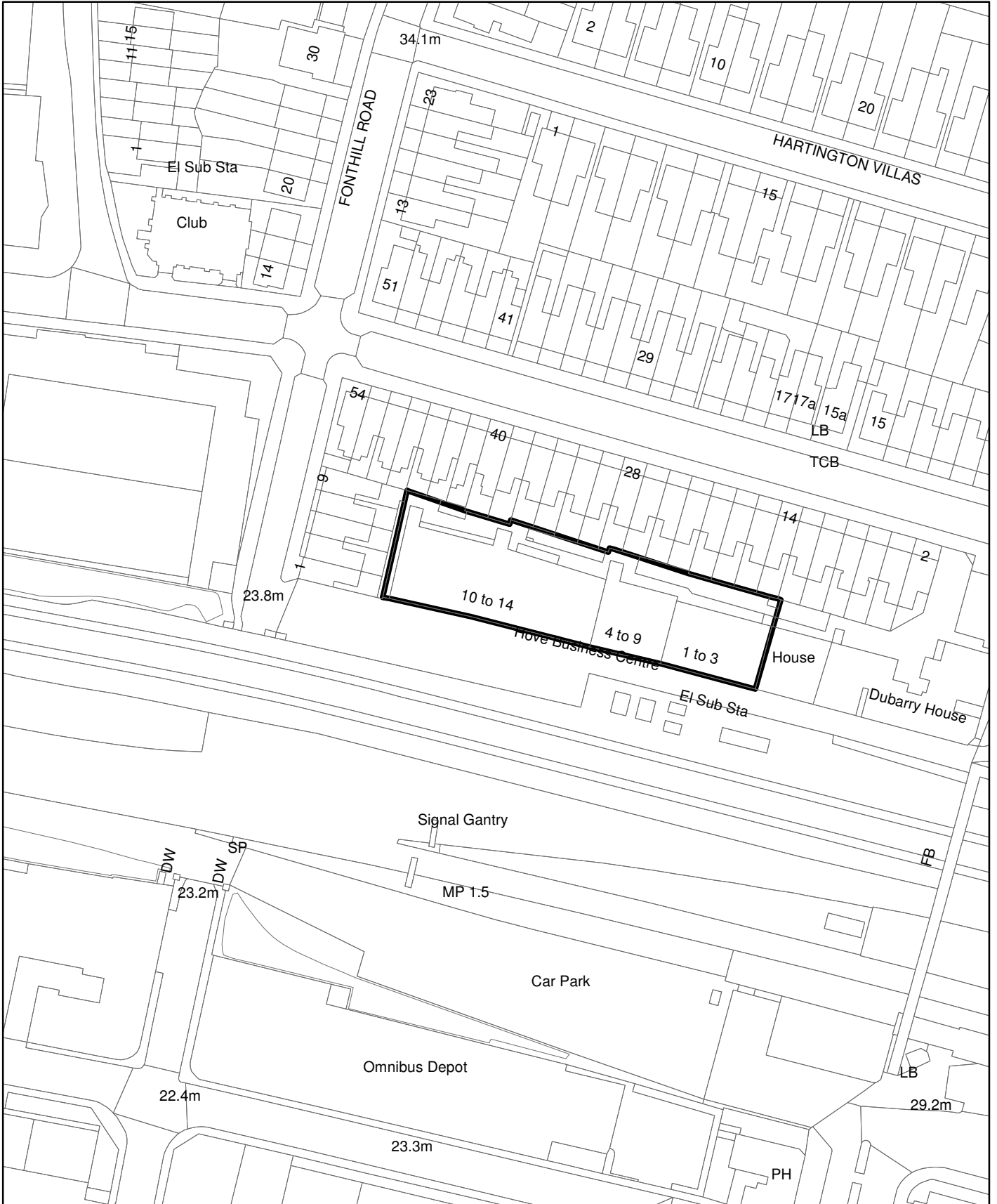
ITEM F

**Hove Business Centre Fonthill Road,
Brighton**

**BH2017/03863
Full Planning**

DATE OF COMMITTEE: 9th May 2018

BH2017/03863 Hove Business Centre Fonthill Road Hove



Scale: 1:1,250

<u>No:</u>	BH2017/03863	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Business Centre Fonthill Road Hove BN3 6HA		
<u>Proposal:</u>	Creation of additional floor to provide 4no office units (B1) with associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	06.12.2017
		<u>Expiry Date:</u>	31.01.2018
<u>Agent:</u>	Brooks Murray Architects The Arts Building Morris Place Unit 1 Second Floor London N4 3JG		
<u>Applicant:</u>	Hatton Garden Properties Hove Business Centre Fonthill Road Hove BN3 6HA		

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

- Contribution of £33,362 towards sustainable transport improvements for footway, cycle and public realm improvements on the route between the site and local facilities, including, but not limited to Hove Station.
- Contribution of £9672 towards the Local Employment Scheme.

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
Floor Plans Proposed	981.58.100	D	29 March 2018
Elevations Proposed	981.58.200	D	29 March 2018
Location Plan	981.58.001		6 December 2017

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. No development shall take place until samples 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) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples 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 HE6 of the Brighton & Hove Local Plan, and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Prior to the commencement of the relevant part of the development full details of the design, materials and finishes for the balcony screens and railings, and their relationship with the parapet roofline, shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. Other than amenity spaces to the front of the building, access to the flat roof of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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.

6. The window in the west side elevation of the development hereby permitted shall be obscure glazed and non-opening, 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.

7. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound

- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

8. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
9. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' /'Excellent' 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.
10. Prior to the commencement of the development, details of a scheme of works to provide a segregated footway within the Hove Business Centre car park from Fonthill Road to the new residential access shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.
Reason: In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.
11. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
12. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior

to the first occupation of the development and shall thereafter be retained for use 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.

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 should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and Commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to Undertake an annual staff travel survey utilising iTrace Travel Plan Monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
3. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to the Hove Business Centre, a part three part four storey building comprising a mix of seventeen B1, B8, D1 and D2 units.

- 2.2 The Business Centre forms part of the former Dubarry Perfumery complex and is attached to Microscape House to the east. Access and parking is via Fonthill Road to the west. Residential properties adjoin the site to the north and west, with further business units within Microscape House to the west.
- 2.3 The mainline railway fronts the site to the south with Hove Station and the Hove Station Conservation Area to the southeast. The former Dubarry Perfumery building, which also comprises Microscape House and Dubarry House to the east, has been designated as a building of local interest.
- 2.4 Planning permission is sought for the creation of additional floor to provide 4 no office units (B1) with associated works.

3. RELEVANT HISTORY

BH2017/03876 Prior approval for change of use from office (B1) to 15no flats (C3) - Prior Approval Required Approved 01/02/2018.

BH2014/03742 Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works - Appeal against non-determination allowed 06/12/2016. The issue of concern in this case related to the provision of affordable housing. The Inspector did not support the Council's concerns and the appeal was allowed.

BH2014/01981- Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works – Withdrawn.

4. REPRESENTATIONS

- 4.1 Twenty-two (22) letter has been received objecting to the proposed development for the following reasons:
- Would change the skyline and visual impact of the building
 - Will cause significant overshadowing, overlooking and loss of privacy to properties on Newtown Road
 - Neighbouring properties have a 'right to light'
 - Increase in noise
 - Loss of views
 - Increase in light pollution
 - No provision for parking
 - Increase in traffic congestion
 - Increase use of zone T
 - There is already too few parking spaces
 - Impact on road safety
 - Unclear where bin storage would be located
 - Poor disabled access
 - Dust pollution during works
 - Increase security risk to properties on Newtown Road

5. CONSULTATIONS

5.1 Heritage: Comment

Initial comments:

The rear (north elevation) of this building is far more utilitarian than the front and has also been more affected by alterations and fire escapes. Alterations to the south elevation will be clearly visible from the railway station car park and the elevated vantage points of the railway platforms and public footbridge, therefore the impact of this proposal on the South elevation is considered to be the principal consideration.

A strong characteristic of the front of this building is the varied yet harmonious treatment of the elevation in sections, in particular the roofline which for one section has a distinctive curved parapet.

This proposal for the addition of a floor across the full extent of the Western and middle sections of the building differs from previous applications in that the alignment of the new element would be immediately behind the plane of the existing front wall of the building. The lack of set-back would alter the roofscape and reduce the effect of the parapet profile. The proposed roofline of this additional floor has an almost continuous flat profile, and is considered to diverge dramatically from the subtle variations in the existing façade, thereby detracting from the building's architectural, artistic and townscape interest. It is also noted that glass screens are proposed along the top of the eastern portion of parapet however the need for this is queried in view of the minimal space behind precluding the use for external amenity space.

Due to the impact the new alignment of the proposed floor would have Heritage Team cannot support this application.

Further comments following the submission of amendments:

Revised plans have been submitted which set the proposed upper floor back from the front façade of the existing building. It is considered that this will allow the existing façade to continue to take prominence, with the historic mosaic panels and profiled parapets framing the top of the building. The perspective and the shadow lines created by the additional set-back of the proposed floor will reduce the impact of this additional structure and the Heritage Team no longer wishes to object to the application on heritage grounds.

5.2 City Regeneration: Support

City Regeneration fully supports this application. The proposal is for the extension of 4 new office units on the roof of the existing building. This will provide a net additional gross internal floorspace of 967.2 sq m which is welcomed by the Economic Development team. There has been no reference made as to the number of FTE the extra office space will provide.

City Regeneration does acknowledge that objections have been made due to the parking. As the offices are right beside Hove train station and bus route, we

would hope that employees would use a sustainable method of transport to commute. We would suggest that the developers/business owners make contact with a Transport Planner at the Council to discuss travel plans for their staff. Quality employment space is in short supply and the additional units would potentially meet the needs of SMEs.

A contribution of £9672 is required towards the Local Employment Scheme.

5.3 Sustainable Transport: Comment

Pedestrian Access:

Pedestrian access to the proposed development is predominately as existing. There are three entrances located at the ground floor level with some minor internal alterations. Currently there is no segregated pedestrian access from the vehicles manoeuvring within the car park and entering and leaving the site. As these proposals will increase the footfall associated with the site the Highway Authority would look for a segregated footway to be provided which would provide a safe means of access and egress. This could be achieved by delineating a footway in a different colour or material to the carriageway. This would reduce the potential for vehicle/pedestrian conflict and ensure the development is in compliance with Local Plan policy TR7 and City Plan Part One. Further details of this pedestrian route can be secured by condition.

Vehicle Access and Car Parking:

SPD14 maximum parking standards allow 1 space per 100m² for B1 uses, equivalent to 9 spaces in this instance. It should be noted that these are maximums and lower levels of parking are permitted. The development proposes to be car free and therefore no car parking is provided.

In order to assist in mitigating the potential overspill from the development the Highway Authority would look for the applicant to produce a Travel Plan for the development. This would be expected to contain a range of measures which encourage employees to switch to travel by sustainable modes which may include public transport taster tickets and cycle equipment vouchers. This is considered necessary in order to mitigate the impacts of the development and encourage travel by sustainable modes in accordance with Brighton & Hove City Plan Part One policy CP9 and Brighton & Hove Local Plan policy TR4. This is secured by condition.

Cycle Parking:

The development proposes 12 cycle stands allowing up to 24 cycle spaces, accessed via the rear of the building or from the front entrance through an internal corridor to the back of the building. This meets requirements for the number of cycle parking spaces set out in SPD14 parking standards. However, limited details are provided as to the type and security of the cycle parking. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the

Manual for Streets section 8.2.22. Further details of the cycle parking provision and its implementation is secured by condition.

Trip Generation and S106:

The proposals comprise 967.2m² of additional B1 office floorspace. This increase in floorspace is likely to increase the level of trips associated with the site.

Whilst the site is in close proximity to Hove Railway Station, pedestrian routes in the vicinity of the site would benefit from improvements in order to serve the needs of those travelling between the Station and the site. A sustainable transport contribution is therefore requested, This has been calculated in accordance with the council's Developer Contributions Technical Guidance (£33,362). This would be allocated towards footway, cycle and public realm improvements on the route between the site and local facilities, including, but not limited to Hove Station. This is to provide for the needs of those accessing the development on foot, bicycle and by public transport in accordance with Brighton & Hove City Plan policies CP7, CP9 and DA6.

In addition, a Travel Plan is requested in order to facilitate and promote sustainable modes of travel in accordance with Brighton & Hove City Plan Part One policy CP9 and Local Plan policy TR4. It is recommended that this be secured either by condition or as part of the S106 agreement.

6. MATERIAL CONSIDERATIONS

6.2 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

6.3 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);

6.4 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

DA6 Hove Station Area

CP2 Sustainable economic development
CP3 Employment land
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP15 Heritage

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
EM4 New business and industrial uses on unidentified sites
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of adding an additional floor comprising office units to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, sustainability and transport issues.

8.2 Planning Policy:

The site is located outside the northern boundary of the Hove Station Area Development Area identified within policy DA6 of the City Plan Part One. Policy DA6 generally seeks to maintain and strengthen employment provision within the area as well as providing for residential uses. It is not considered that the proposal runs contrary to these aims.

8.3 In terms of providing 967sqm of new B1 office accommodation, Policy EM4 of the Local Plan sets out the criteria for when planning permission for such uses on unidentified sites will be granted:

- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
- b) The site is readily accessible by public transport, walking and cycling;
- c) The development would not result in the net loss of residential accommodation;

- d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
- g) There is adequate landscaped amenity open space.

8.4 It is considered that the proposal would meet criteria a - e by virtue of its central location and the identified need for modern office accommodation within the Employment Land Study update 2012. This study identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460m² in size. The proposed office floor space would be split into 4 no. office units all under 460m² in size.

8.5 Matters relating to criteria f) are addressed below. Although there is limited amenity space to meet criteria g), given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable.

8.6 Design and Appearance:

Locally listed buildings are categorised as 'non-designated heritage assets' within the NPPF and NPPG. Paragraph 135 of the NPPF requires Planning Authorities to take into account the effect of an application on the significance of a non-designated heritage asset, and reach a balanced judgement as to the scale of any harm or loss and the significance of the asset.

8.7 In this instance the significance of the building is most borne out by its southern elevation and parapet roofline. This is most visible from the station platforms opposite and from the footbridge overpass to the east of the site. The parapet roofline, which is different on each section of the building, is silhouetted against the sky when viewed from the station platforms, but is set more amongst rooftop clutter when viewed from the public footbridge to the east. The original roof form of the building has been eroded by the addition of an additional storey on Microscape House to the east which, although set back from the parapet, appears as a detracting piecemeal addition, and by stairwell, railing and rooflight upstands along the main roof.

8.8 As originally submitted the southern elevation of the additional storey projected further forward than previously approved; this has been pulled back to the building line which was previously approved at appeal. In addition glazing originally proposed to the northern elevation of the additional storey has been replaced with solid panelling.

8.9 As now proposed, the application scheme would continue the general scale and form of the Microscape House addition across the entire roof to the building. This would serve to remove much of the rooftop clutter and provide a cleaner, more unifying form behind the parapet.

- 8.10 The additional storey would be inset from the front parapet roofline and be completed in metal/zinc finish with windows of matching appearance. This would give the addition a recessive appearance and assist in retaining the primacy of the existing elevations and parapets. The design of the additional storey links appropriately with the vertical division across the building, with suitable visual breaks between each building type and windows aligning with those below. The final details of materials and windows are recommended to be secured by condition and, if appropriately treated, would serve to ensure that the additional storey forms a suitably unifying and subordinate crown to the building.
- 8.11 To the rear, the building is of lesser visual significance. The additional storey would also be set back from the rear elevation. No windows would be in this rear elevation, with the massing regularly punctuated by insets aligning with the windows in the elevation below. The general position, scale and elevational treatment of the rear elevation is considered acceptable in design terms, providing a suitably articulated elevation inset appropriately from the main rear elevation such that it would appear a subordinate addition when viewed from the properties along Newtown Road to the rear.
- 8.12 The design approach would serve to preserve the appearance and visual dominance of the historic parapet roofline. Having regard to the previously approved application, and the acute need for office space in the city, it is considered that a roof top addition in the manner proposed would not result in significant harm to the existing locally listed building.
- 8.13 Nor would it have a significantly harmful impact on the setting of the Hove Station Conservation Area, or the setting of the Grade II listed Hove Station buildings and footbridge given its subordinate scale and separation from these heritage assets.
- 8.14 Subject to final details of materials, which conditions recommended, the proposed rooftop extension is considered an appropriately scaled and design addition that would unify the roof of the building without significantly harming its heritage significance, in accordance with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and QD14 & HE6 of the Brighton & Hove Local Plan.
- 8.15 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.
- 8.16 As existing, Hove Business Centre is set between 11m and 13.5m from the properties on Newtown Road, and approximately 6m from their rear gardens. The building is three storeys in height with a basement level to the west side, and has large windows facing towards the Newtown Road properties. The scale and proximity of the building dominates the outlook to these properties, whilst the facing windows result in night-time light pollution and a strong sense of

overlooking. This impact is somewhat alleviated by the business use of the building, with little or no weekend activity.

- 8.17 Residents of Newtown Road have raised objections of impact of the additional storey, relating primarily to loss of light, overshadowing, overlooking and loss of privacy. The bulk and massing of the additional storey would be set between 2m and 3.1m from the rear elevation of the building and would undoubtedly have some impact on light and outlook to these properties, with section drawings through the building indicating that the main body of the extension would be visible above the existing roofline from the rear ground floor doors to the properties along Newtown Road. However, given the 2m-3.1m inset of the additional storey, and its separation of between 14m and 16.4m from the properties along Newtown Road, its degree of visibility from ground level would be somewhat limited.
- 8.18 The height and set back of the proposed development is the same as the previous application BH2014/03742. The impact on the amenity of neighbouring properties was not considered significant to warrant refusal in the previous application and was not considered to be a concern when the Inspector considered the appeal. A daylight/sunlight assessment was submitted indicating that although some light and daylight would be lost from some ground floor windows, the impact would not be significant.
- 8.19 As such it is considered that the proposed development would have a significantly oppressive impact or result in a significant loss of light or outlook. Whilst its visibility would be considerably greater from upper floor windows and terraces, this would be set against broader sky views such that it would not be significantly oppressive or harmful to light or outlook.
- 8.20 To the west, the extension would be inset from the west elevation. This setback is sufficient to ensure minimal amenity impact on the rear gardens and windows to nos.1-9 Fonthill Road, with the extension part disguised behind an existing stair tower.
- 8.21 Following amendments made to the application, there are now no windows proposed in the rear elevation therefore the proposal would not result in overlooking of properties along Newtown Road or Fonthill Road. The flat roof area at the rear would have no access other than for maintenance purposes. The proposed balconies at the front would overlook the railway line to the south and so would not result in any overlooking issues for neighbouring residents.
- 8.22 Sustainable Transport:**
The site is within Controlled Parking Zone T, in a sustainable location adjacent to Hove Station and public transport routes.
- 8.23 Residents have raised objection at the potential impact on parking capacity in the area. It is not considered that the office units would have a significant impact on daytime parking levels in the area. It is noted that the site is within a controlled parking zone and so the level of car parking can be managed. The Transport Team have no objection to the proposal, subject to a contribution

towards sustainable transport infrastructure within the vicinity of the site which would be secured by s106 legal agreement, and conditions to secure a travel plan and full details of cycle parking provision.

8.24 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One requires development of this scale to meet BREEAM 'Very Good'. A condition is recommended to ensure the development meets this standard.

8.25 Other Matters:

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8.26 Conclusion:

The provision of additional office accommodation is welcome. The proposed development would be of an acceptable appearance; similar to the additional storey previously approved at appeal. Significant harm to neighbouring amenity would not be caused. Approval is therefore recommended subject to the conditions and legal agreement requirements set out above.

9. EQUALITIES

- 9.1 Access would be through the existing entrances to the building, with lift access up to the new storey.

Information on Pre-application Presentations and Requests 2018

Date	Address	Ward	Proposal	Update
06/02/18	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses	Drawing up PPA and a further round of pre-app is anticipated.
06/03/18	Preston Barracks (Watts Site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved matters for multi-storey car park & Business School	Awaiting submission of application
06/03/18	29 – 31 New Church Road	Westbourne	Mixed use development	Initial scheme presented to members on 12/12/17. Awaiting submission of application
06/03/2018 & 03/04/2018	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	Transport issues presented to members 06/03/18. All other issues to be presented on 03/04/18. Negotiations & discussions continuing
08/05/18 requested	Longley Ind Estate, New England St	St Peters and North Laine	Mixed use scheme, 3000sqm B1 with 200-250 'build-to-rent' residential units above, 1000sqm communal space, disabled car parking, public realm improvements	
08/05/18 requested	119-131 London Road (Co-op and Boots), Brighton	St Peters and North Laine	Mixed use redevelopment to re-provide retail and student accommodation above.	
08/05/18	Rear of Lyon Close		Mixed use scheme 160 units (C3)	

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

requested			and 1000sqm office (B1) floorspace.	
TBC	GBMET Pelham Campus, Brighton	St Peter's & North Laine	Hybrid application including detailed proposals for extensions and refurbishment of existing college building and new public square. Outline planning application for new residential development east of Pelham Street.	
TBC	Land at Goldstone Street, Hove	Goldsmid	Erection of office building	
TBC	Sackville Trading Estate, Sackille Road, Hove	Hove Park	Mixed residential and commercial development	

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PLANNING COMMITTEE	
	Agenda Item 136
	Brighton & Hove City Council
<u>NEW APPEALS RECEIVED</u>	
<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2016/06313
<u>ADDRESS</u>	54 Brunswick Square Hove BN3 1EF
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing lower ground floor flat (C3) to 2no flats (C3) with associated alteration to fenestration. Removal of metal fire escape and addition of a metal balustrade at ground floor level.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEALAPPNUMBER</u>	BH2017/02816
<u>ADDRESS</u>	Ground Floor Flat 30 Wilbury Avenue Hove BN3 6HS
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey side extension & associated alterations. Replacement of ground floor windows to rear elevation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2017/02666
<u>ADDRESS</u>	9 Coronation Street Brighton BN2 3AQ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential dwelling (C3) to large house in multiple occupation (Sui Generis) (Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/01692
<u>ADDRESS</u>	Marlborough House 54 Old Steine Brighton BN1 1NH
<u>DEVELOPMENT DESCRIPTION</u>	Display of externally-illuminated mesh scaffold shroud. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/01911
<u>ADDRESS</u>	Pavement Outside 186 Western Road Western Road Brighton BN1 2BA
<u>DEVELOPMENT DESCRIPTION</u>	Installation of telephone kiosk on pavement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/02991
<u>ADDRESS</u>	48 Lenham Avenue Saltdean Brighton BN2 8AG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of rear extension, raising of side staircase construction, roof alterations and extension and associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2017/02586
<u>ADDRESS</u>	53 Surrenden Crescent Brighton BN1 6WE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no single storey two bedroom house (C3) with basement level and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03237
<u>ADDRESS</u>	146 The Ridgway Brighton BN2 6PA
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of 2no three bedroom single dwellings (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/03/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application no:	BH2016/05530
Description:	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	24.04.2018 at Council Chamber, Hove Town Hall.
Site Location:	Land South Of Ovingdean Road, Brighton

APPEAL DECISIONS

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A –31 WALDEGRAVE ROAD, BRIGHTON – PRESTON PARK	133
2 Appeals against Enforcement Action requiring removal of uPVC windows to front elevation from ground and first floor level. NO FURTHER ACTION.	
B – 83 DITCHLING RISE, BRIGHTON – PRESTON PARK	135
Application BH2017/00571 – Appeal against refusal to grant planning permission for a single storey rear extension and roof conversion including dormer to rear elevation. APPEAL DISMISSED (delegated decision)	



Appeal Decision

by Katie Peerless DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2018

2 Appeals at 31 Waldegrave Road, Brighton BN1 6GR

Refs: APP/Q1445/C/17/3180649 (Appeal A) and 3180650 (Appeal B)

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Daniel Wood (Appeal A) and Miss Rebecca Spicer (Appeal B) against an enforcement notice issued by Brighton & Hove City Council.
 - The enforcement notice, numbered 2014/0252, was issued on 1 June 2017.
 - The breach of planning control as alleged in the notice is the installation of uPVC sash windows to the front elevation.
 - The requirements of the notice are: remove the uPVC windows to front elevation from ground and first floor level.
 - The period for compliance with the requirements is four (4) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. Since the notice is found to be a nullity no further action will be taken in connection with this appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the Act.

The site and surroundings

2. The appeal site is a terraced house in the Preston Park Conservation Area, where a direction under Article 4 of the Town and Country Planning Act 1995 takes away permitted development rights relating to the replacement or alteration of windows in the front elevation of properties without first obtaining planning permission.

The enforcement notice

3. The enforcement notice requires the removal of uPVC sash windows that have been installed in the front elevation of the house in place of the top-hung uPVC casements that were previously in the openings. It does not, however, tell the appellants what would be acceptable replacements.
4. The previous windows are agreed to have been in place since 2009, as shown in the Google street view image dated April 2009. Therefore, by April 2013, those windows may well have been immune from enforcement action. The second set of windows was installed, according to the appellants, in July 2013 and this date has not been disputed by the Council. A Building Regulations Compliance Certificate dated 11 April 2014 confirms that work to replacement 5 windows and 1 door at the property had been completed.

5. The Council wrote to the previous owner in April 2015, after the outcome of an appeal into the refusal of the retrospective planning application for the sash windows upheld that decision. At that time, it was stated that no further action would be taken against the unauthorised windows because it was considered that they were an improvement on the ones they had replaced. However, the Council has now decided to take enforcement action contrary to that previous advice.
6. Normally, the requirements of such a notice would call for the windows to be replaced to match those that were in the building immediately before the breach of planning control took place but, in this case, the Council clearly does not want to the uPVC top hung casements to be reinstated. Although it appears that the Council has indicated to the appellants that timber sash windows would be acceptable replacements, this is not included within the requirements of the enforcement notice and, as noted above, this is not what was in the building immediately prior to the change. If the previous windows were authorised, the appellants could not be required to install anything different to them.
7. Whilst the removal of the windows without replacements would comply with the notice, planning permission would also be granted for the building to be left in this state. This may be unlikely to happen but it is also the case that such a situation would fail to preserve or enhance the character and appearance of the Preston Park Conservation Area. In this respect, the requirements of the notice would fail to comply with the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as set out in s.72.01(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. Nevertheless, the actual effect of the notice as worded is that the appellants would have to submit details of what they propose to install as replacements for the Council's approval prior to compliance with the notice, otherwise the house would be left without windows. An enforcement notice that is uncertain in its requirements or requires the recipient to seek further approval from the Council has been found by the courts to be a nullity. I consider that is the case here.
9. The appellants have appealed against the enforcement notice on grounds (f) and (g). A ground (f) appeal claims that the requirements of the notice go beyond what is required to remedy the breach of planning control and ground (g) claims that the time for compliance is too short.
10. However, I have concluded that the notice is a nullity and in these circumstances the appeals under these grounds, as set out in section 174(2) to the 1990 Act as amended, do not fall to be considered.

Katie Peerless

Inspector



Appeal Decision

Site visit made on 16 January 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2018

Appeal Ref: APP/Q1445/W/17/3180069

83 Ditchling Rise, Brighton, BN1 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alfredo Maisto against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00571, dated 17 February 2017, was refused by notice dated 17 May 2017.
 - The development proposed is single storey rear extension and roof conversion including dormer to rear elevation.
-

Decision

1. The appeal is dismissed insofar as it relates to the roof conversion including dormer to rear elevation. The appeal is allowed insofar as it relates to a single storey rear extension and planning permission is granted for a single storey rear extension at 83 Ditchling Rise, Brighton, BN1 4QP in accordance with the terms of the application, Ref BH2017/00571, dated 17 February 2017, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as they relate to the construction of a single storey rear extension: P005 (Existing Local Plan and Ground Floor Plan), P015 Revision C (Proposed Block Plan and Ground Floor Plan), P016 Rev B (Proposed First Floor Plan and Roof Space), PO17 Revision C (Proposed Section), PO18 Revision C (Proposed Elevations).
 - 3) Unless specified otherwise on the plans approved as part of this permission, the materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Preliminary Matters

2. The Council refer to the site falling within the Preston Park Conservation Area. However, it is clear from the plan of the Conservation Area provided by the Council at the appeal stage that the southern boundary of the Conservation Area sits at the end of the rear garden of the appeal site. The appellant therefore maintains that the building and garden area fall outside the Conservation Area, and the Council provide no evidence to contest this.

3. The proposed development involves two separate elements, a rear extension and alterations to the roof of the building including the installation of a dormer window. These are clearly separable, and I have dealt with the appeal accordingly.

Main Issue

4. The main issue is the effect of both elements of the proposed development on the character and appearance of the host building and surrounding area, including consideration of whether it would conserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

Roof alterations

5. Saved Policy QD14 of the Brighton and Hove Local Plan (2005) ("Local Plan") states that planning permission for extensions or alterations to existing buildings will only be permitted if the proposal is well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Specific guidance on dormer windows is provided in the supplementary planning document SPD12 "*Design guide for extensions and alterations*" (2013) ("SPD12"). Amongst other things, this states that box dormers constructed using the full height of the roof are an inappropriate design solution as they give the appearance of an extra storey on the top of the building. It further states that dormer windows should clearly be a subordinate addition to the roof, set well off the sides, ridge and eaves of the roof, with any supporting structure kept to a minimum with no large areas of cladding to either side of the window or below.
6. The proposed dormer window would rise almost to the ridge height of the existing roof. It would also have a substantial and prominent area of cladding around the window itself. As such it would appear disproportionately bulky in relation to the main roof, and would not read as a subordinate addition to the roof of the host property. Whilst it would be screened in more distant views from the by the railway embankment and the mature trees planted along it, it would still be clearly visible from the rear garden of the host property and those that surround it.
7. Whilst the appellant refers to other dormer windows in the surrounding area, including some particularly bulky examples on the surrounding streets, the immediate context of the development is provided by the roofline to the rear of the terrace along Ditchling Rise within which the host property is located. With the exception of the immediate neighbouring property, this elevation otherwise appeared substantially unaltered at roof level. The dormer window on the neighbouring property is of a broadly similar scale to the appeal proposal. However, in that case I observed that there is less visible cladding to the side or below the window itself, on its main rear facing elevation. As such, it is not directly comparable to the proposed development. I am not persuaded that it is an example that should inevitably be followed on the appeal building, and it does not provide a justification for the appeal proposal.
8. Whilst the appellant maintains that the dormer window has been designed to meet the requirements of permitted development, the building appears to be divided in to flats and there is no evidence before me to indicate that

alternative development could be carried out under permitted development rights. Consequently, the decision must be made on its planning merits, in accordance with the development plan.

9. I therefore conclude that the proposed dormer window would result in harm to character and appearance of the host property. This harm would also be clearly visible from the garden areas to the rear of these properties, and the development would therefore also result in harm to the character and appearance of the surrounding area. This part of the development therefore conflicts with saved policy QD14 of the Local Plan and the relevant parts of SPD12, which require that that new dormer windows are well sited and detailed in relation to the property to be extended, being subordinate to the roof and with any supporting structure kept to a minimum with no large areas of cladding to either side of the window or below. The development would not meet these criteria.
10. In terms of the other elements of the roof alterations, three rooflights are proposed. However, these would be small in size and would occupy a very limited proportion of the front and residual areas of the rear roof slope. Furthermore, due to their height, they would be barely visible from the street or surrounding residential properties. In consequence, I do not agree that they would amount to visual clutter or otherwise disrupt the appearance of the roof to an unacceptable degree. Consequently, this aspect of the development would not conflict with policy QD14 of the Local Plan. However, the lack of harm in this regard does not make the roof conversion acceptable.

Rear extension

11. A rear extension is also proposed. In common with other buildings on the terrace in which it is located, the existing property has an outrigger. Beyond this, it houses an existing extension at a depth of around 3.1 metres from the rear of the outrigger. This would be demolished, and replaced with a single storey extension around 5.6 metres deep.
12. Observing the rear of this terrace from the garden of the host property I noted that a significant amount of alteration has taken place to the surrounding properties to the rear at ground floor level. Furthermore, the property has a deep garden running to the railway embankment at its end, and the additional bulk of the extension would not represent a significant incursion in to this garden area. The extension would be limited to one storey in height and would only encompass part of the width of the host building, with the existing recessed area to the side of the outrigger and extension remaining unaltered. Consequently, I do not agree that the development would lead to the creation of a building with an overextended appearance.
13. Whilst there would be a change to the plan form of the building, the extension would nonetheless appear proportionate to the host building and the garden in which it would be sited. The Council consider that the extension would be deeper than half the depth of the main body of the original building. However, in the circumstances of this case I consider that the resultant appearance of the extended building would be acceptable.
14. I therefore conclude that the rear extension would not result in harm to the character and appearance of the host property or the area that surrounds it. This part of the development does not conflict with saved policy QD14 of the

Local Plan, which requires that extensions to existing buildings are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Nor is there conflict with the relevant parts of SPD12, which seek to ensure that rear extensions are proportionate to the buildings they are attached to, and maintain useable garden space for existing and future residents.

Conservation Area

15. The site does not fall within the Preston Park Conservation Area. The railway embankment to the rear of the property does, although this embankment rises to a height of around 10 metres and separates the property from the built development around Preston Park towards the north. Whilst the evidence before me is limited, I consider that the special character of this Conservation Area is derived from the relationship between the railway embankment and the built development to its north, on the other side of the embankment. The terrace in which the site is located does not form part of this built development and, due to the height of the railway embankment and trees planted along it, neither element of the development would likely to be visible from it. The development would be visible from the railway embankment itself, but in my view neither element of the development would be of a scale whereby the setting of this part of the Conservation Area would be materially affected.
16. Consequently, having regard to the test set out in Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have a neutral effect, therefore preserving both the character and the appearance of the Preston Park Conservation Area. There is no conflict with Policy CP15 of the Brighton and Hove City Plan Part One (March 2016) or policy HE6 of the Local Plan, which require, amongst other things, that new development does not have a harmful impact on the townscape and roofscape of Conservation Areas within the city.

Other Matters

17. The appellant maintains that the roof extension is necessary to provide additional bedrooms for a growing family, together with additional toilet and bathroom facilities. However, it strikes me that there may be other ways of adapting the building to achieve this objective, without resulting in harm to the character and appearance of the host property and surrounding area. As such, the benefits through improvements in the residential living environment do not outweigh the harm identified in this decision. I agree that the roof alterations would not result in harm to the living conditions of the occupiers of neighbouring residential properties; however this is merely a neutral factor in the overall planning balance.
18. Whilst the appellant raises concerns about the conduct of the Council in dealing with the planning application that led to this appeal, this has no bearing on the planning considerations involved in an assessment of the case. In dealing with this appeal, I have dealt with the case on its planning merits.

Conclusions

19. I have found that both elements of the development would have a neutral effect thereby preserving both the character and the appearance of the nearby Preston Park Conservation Area.

20. The rear extension is acceptable in terms of its effect on the character and appearance of the host building and surrounding area. However, the proposed dormer window to the rear elevation would result in harm to the character and appearance of the host building and surrounding area. My finding that this part of the development would be acceptable in terms of its effect on the nearby Conservation Area does not overcome the more general harm to the character and appearance of the area that would arise as a consequence of this part of the development.
21. As such, for the reasons given above and having had regard to all other matters raised I conclude that the appeal should be dismissed in so far as it relates to the roof conversion including dormer to rear elevation but allowed in so far as it relates to a single storey rear extension, subject to conditions necessary to comply with the relevant statutory requirements [1], in the interests of certainty [2], and to ensure that the appearance of the single storey rear extension is appropriate given the character and appearance of the host building and surrounding area [3].

Neil Holdsworth

INSPECTOR

