

<u>No:</u>	BH2016/01478	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Ainsworth Avenue, Brighton, BN2 7BG		
<u>Proposal:</u>	Erection of 1no two storey four bedroom house (C3).		
<u>Officer:</u>	Stewart Glassar, tel: 292153	<u>Valid Date:</u>	04.05.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29.06.2016
		<u>EOT/PPA</u>	
		<u>Date</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Yelo Architects Ltd	Olivier House	18 Marine Parade Brighton BN2 1TL
<u>Applicant:</u>	Mr Andy Babbyan 2 Ashford Road Brighton BN1 6LJ		

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
Site Layout Plan	YO190 - 1200	B	2 August 2016
Floor Plans Proposed	YO190 - 1202	B	2 August 2016
Floor Plans Proposed	YO190 - 1203	A	19 September 2016
Roof Plan Proposed	YO190 - 1204	B	19 September 2016
Elevations Proposed	YO190 - 2000	B	19 September 2016
Elevations Proposed	YO190 - 2001	D	2 August 2016
Streetscene elevation proposed	YO190 - 2005	A	19 September 2016
Sections Proposed	YO190 - 3002	B	19 September 2016

- 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 details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Details of any cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and terrace screening 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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4 The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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.

- 5 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse 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/HE6 and QD27 of the Brighton & Hove Local Plan.

- 6 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 areas fronting a street or public area, 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 policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 7 The residential unit hereby approved shall not be occupied until it 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 City Plan Part One.

- 8 The residential unit hereby approved shall not be occupied until it 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 City Plan Part One.

- 9 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 City Plan Part One.

- 10 The new crossover and access 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 CP9 of the City Plan Part One.

11. 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.

12. The dwelling(s) 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.

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 water efficiency standard required under condition 8 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.
3. The 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.
4. The planning permission granted includes a vehicle crossover which requires 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 Head of Asset and Network Management. The Streetworks Team (01273 293 366) must be contacted prior to any works commencing on the public highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises part of the rear garden of an existing detached dwelling which occupies a plot on the corner of Ainsworth Avenue and

Ainsworth Close. The existing dwelling has its main frontage onto Ainsworth Avenue. The site is located within a residential area that is characterised by a range of different housing styles and sizes, including bungalows and two storey houses. Ground levels change across the site, increasing away from the existing dwelling.

- 2.2 The application proposes a new dwelling in the rear garden of the existing dwelling. As the site is a corner plot, the proposed dwelling would occupy the rear portion of the existing garden and have a direct frontage onto Ainsworth Close. The existing dwelling would retain a rear garden area albeit of a reduced length.
- 2.3 The proposed dwelling would have a plot of approximately 26.5m in length and a rear garden of 8 metres in length. The host dwelling would be left with a rear garden of some 14 metres in length and an overall plot length of 35m. The new dwelling would be a split level design to accommodate the gradual increase in ground levels northwards from Ainsworth Avenue.
- 2.4 The layout of the dwelling has been amended to overcome concerns about the impact on neighbour's amenity and privacy. The terrace which was closest to no. 21 Ainsworth Avenue has been re-positioned away from the boundary and no overlooks onto Ainsworth Close and the existing dwelling, no. 23 Ainsworth Avenue.
- 2.5 The scheme as proposed would have three bedrooms on the lower level and a lounge, kitchen and fourth bedroom on the upper level. The building would be finished in brick and have a flat and dual mono-pitch roof design.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

4.1 **Seventeen (17)** letters were received from **11, 14, 18, 19, 21, 27, 42 Ainsworth Avenue and 6, 9 (x4), 12, 13, 15 (x2) 17 Ainsworth Close** objecting to the development as initially proposed for the following reasons:

- Unneighbourly and overbearing
- Loss of light
- Design and appearance
- Scale of development
- Removal of trees
- Loss of privacy
- Additional traffic
- Lack of off-street parking
- Impact on wildlife

- 4.2 **Thirteen (13)** further letters were received from **4 & 6 (joint letter), 8, 9 (x3), 17, 24 Ainsworth Close** and **9 (x3), 11, 21 and 27 Ainsworth Avenue** objecting to the amended development for the same reasons.

5. CONSULTATIONS

- 5.1 **Environmental Health:** No comment.

- 5.2 **Sustainable Transport:** No objection.

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.

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 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

CP12 Urban design

CP14 Housing density

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; the impact upon the character and pattern of development in the area; the design and appearance of the proposed dwelling and its impact upon the amenity of neighbours and the wider area, transport and sustainability.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis. The proposed development will make a small contribution to the City's housing supply figure.

8.3 The application site is located within a residential area of Ovingdean and is within the built up area of the City. The wider objective of the City Plan is for the built up area of the City to accommodate additional residential development and where appropriate this can be done at a higher density than that typically found in the locality.

8.4 As such, a residential redevelopment of the site would not be resisted in principle, but the specific details of the proposal will need to be carefully assessed and accordingly the overall acceptability of the scheme is discussed below.

8.5 Character of the area:

The proposal would see the existing plot split into two separate sites. The plot for the new dwelling would be smaller than many of the surrounding plots, but this accords with the approach to housing density advocated in City Plan Policy CP14 which allows a higher density of development than the prevailing levels provided it does not cause undue harm to the area. In this instance it is considered that neither of the resulting plots would be so out of character with some of the smaller plots in the immediate vicinity on Ainsworth Close and Dower Close so as to warrant refusal in this case. In addition, given the view from the streetscene, it would not be overly obvious where the split between the two plots is. As such, the size and its appropriateness to the context of the area

would not be appreciable give the existing boundary treatment along the boundary.

- 8.6 Both the existing and proposed dwellings would have sufficient size to provide private useable space for future occupants to accord with Local Plan policy HO5. The new dwelling has space identified for refuse and bike storage.
- 8.7 It is considered that the proposed creation of an additional plot would not harm the character of the area and would respect the prevailing pattern of development.
- 8.8 **Design and Appearance:**
The application proposes a split level dwelling which will be finished in red brick and have a dual mono-pitch and flat roof design.
- 8.9 The existing rear garden of 23 Ainsworth Avenue gently rises in ground level from the existing dwelling towards the rear of the site and its boundary with No.9 Ainsworth Close. The application proposes to lower the ground level of the rear part of the garden which will accommodate the new dwelling and its curtilage. Thus, the lower ground floor of the new dwelling will be set at a ground level similar to that of the host property, No.23 Ainsworth Avenue.
- 8.10 A concern raised by objectors is that the building would be out of keeping with the bungalows in Ainsworth Close. However, by lowering the ground level and incorporating the mono-pitch roof, the new building will not appear from Ainsworth Close as a two-storey dwelling and will have a lower roofline than the neighbouring bungalow No. 9 Ainsworth Close. Indeed, given that the host property, No.23 Ainsworth Road is a two-storey dwelling with a side elevation onto Ainsworth Close the dwelling's overall height will not appear out of character with the area.
- 8.11 The proposed dwelling does propose a contemporary design, which many of the objectors have raised as a concern. However, there is a great deal of variation within the area in terms of an overall style, type and appearance of dwellings. There is some consistency in finished materials as most dwellings in the immediate vicinity generally have tiled roofs and either a brick or render finish, or a combination of the two. However, the building will have a brick finish and as it is located close to the Ainsworth Avenue/Ainsworth Close junction it will be seen within an area of great variety of building types and styles. In this regard it is noted that the host property, No. 23 Ainsworth Avenue is a two storey building with a hipped roof design, the neighbour (No. 21 Ainsworth Avenue) has gabled ends and a large side box dormer. Opposite the site in Ainsworth Close are bungalows with hipped roofs and a detached flat roofed single storey garage and immediately to the north, No.9 Ainsworth Close, has a main hipped roof but with flat roof rear extensions.
- 8.12 Against this backdrop it is considered that the proposed design, whilst more modern than the neighbouring buildings in terms of its overall shape and design will have a limited impact upon the wider townscape and overall it cannot be

said to result in a building which will materially harm the character or appearance of the area.

- 8.13 Paragraph 60 of the NPPF makes it clear that Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Given the variety of dwellings types and styles in the vicinity of the site and that the site is not within the Ovingdean conservation area or close enough to impact upon the setting of the Conservation Area, there are not considered to be grounds for rejecting the building based on its design and appearance.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 The scheme has been amended during the course of the application to overcome concerns regarding the impact of the building on the privacy and overlooking of neighbours.
- 8.16 The amended scheme has relocated the proposed terrace from the rear of the dwelling, where it overlooked the garden of No.21 Ainsworth Avenue to the front of the building where it looks out onto Ainsworth Close. The terrace will now also be shielded by a 1.8m high screen. In addition, the proposed lounge window which faced south towards No.23 Ainsworth Avenue will now have a perforated brick screen to prevent overlooking of the garden and the rear patio/elevation of No.23 Ainsworth Avenue. Whilst this could have resulted in concerns raised in respect of the standard of accommodation, this is a secondary window as the main lighting to the lounge will come from the patio doors/windows which lead out onto the front terrace and will not unduly impact the use of the lounge.
- 8.17 The lower ground accommodation is given over to bedrooms and the windows serving these rooms would not overlook neighbouring properties given the reduced ground level and boundary fencing.
- 8.18 On the upper floor, other than the screened lounge window, there are patio doors on the front elevation which access the terrace and face Ainsworth Close and a full height window on the front elevation which provides light to the hall/stairs. The design creates an external courtyard within the layout which is overlooked by the kitchen window, a bedroom window and a bathroom window. Given their position and relationship to the boundary with No.21 Ainsworth Avenue these windows are not likely to create an overlooking issue. The existing boundary fencing will also assist in blocking any views and the boundary fencing could if necessary be enhanced in this area through the imposition of a suitable condition.

- 8.19 Clearly the reduced ground level and boundary fencing will not completely hide the building from the neighbour at No. 21 Ainsworth Avenue. Therefore there will be some impact on the views and outlook from this neighbour's garden and that of No.9 Ainsworth Close to the north. However, the new dwelling would be set away from the neighbour at No.21 Ainsworth Avenue by some 20 metres and therefore would not result in a detrimental impact on the dwelling. The dwelling would though be visible from the garden area and would extend higher than the boundary. However, given the separation distance between the dwelling and the boundary, together with the limited amount by which the dwelling would extend above the boundary, the dwelling is not considered to result in an unneighbourly development. The existing bungalow at No.9 Ainsworth Close is located to the rear of the application site and No.21 Ainsworth Avenue and already provides a context of neighbouring buildings sitting close to the site boundary but at a higher level than that of either No.21 or No.23 Ainsworth Avenue. The proposed dwelling would to some extent mirror that context.
- 8.20 The layout ensures that the northern part of the application site, closest to No. 9 Ainsworth Close, incorporates the car port and single storey, flat roof element of the design adjacent to the driveway of No.9 Ainsworth Close. There are no windows on the northern elevation facing No.9 Ainsworth Close and there will be a path between the northern elevation of the proposed dwelling and the boundary with No.9 Ainsworth Close. This neighbour has a high level obscured window and a separate window on the elevation facing the proposed dwelling. There will be some impact in terms of outlook but given the distances and angles involved together with the height of the development, the proposal will not be overbearing nor will it significantly impact upon sunlight or overall amenity for this neighbour to a level sufficient to warrant a refusal.
- 8.21 **Standard of Accommodation:**
The application proposed 4No. bedrooms, three of which are on the lower level. All the bedrooms will exceed the nationally described minimum space standards for bedroom sizes and all will be served by good sized windows allowing natural light. One of the lower ground floor bedrooms (Bedroom 3) will have a more limited outlook than the other rooms as it will look out towards the boundary fence. However, this is not considered to warrant refusal of the application.
- 8.22 The main living accommodation is on the upper level and has an open plan layout. This space benefits from the patio doors/windows on the front of the dwelling as well as the large vertical windows serving the hall and stairs which will also light the kitchen area.
- 8.23 **Sustainable Transport:**
The application proposes a new vehicular access onto Ainsworth Close and two on-site car parking spaces. The new access is considered acceptable by the Highway Authority subject to its implementation prior to the occupation of the dwelling. Although there have been objections from neighbours regarding a likely increase upon on-street parking and highway safety concerns there is no objection from the Highway Authority.

8.24 The application proposes two cycle parking spaces in accordance with Policy TR14 of the Brighton & Hove Local Plan 2005. A condition requiring the submission of their details is recommended by the Highway Authority.

9. EQUALITIES

9.1 None identified.

