

<b><u>No:</u></b>	<b>BH2016/01925</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning and Demolition in CA</b>		
<b><u>Address:</u></b>	<b>CANONS, 27A Preston Park Avenue, Brighton, BN1 6HL (27 Preston Park Avenue Brighton)</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and erection of 1no two storey three bedroom dwelling (C3).</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	25.05.2016
<b><u>Con Area:</u></b>	PRESTON PARK	<b><u>Expiry Date:</u></b>	20.07.2016
		<b><u>EoT/PPA Date</u></b>	
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Landivar Architects limited Former Ironworks Cheapside Brighton BN14GD		
<b><u>Applicant:</u></b>	Mr J Woodfine 27 Preston Park Avenue Brighton BN1 6HL		

## 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 **Minded to GRANT** planning permission subject to the expiry of the re-consultation period expiring on the 7 December 2016 and no new planning considerations arising 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Floor Plans Proposed	D.001 - REV. D	INCL ES BLOCK AND LOC	22 November 2016
Elevations Proposed	D.002 - REV. E		22 November 2016
Elevations Proposed	D.003 - REV. A	SOUTH ERN BOUND ARY	22 November 2016
Boundary treatments	AA.001 - REV. A	FENCE DETAIL	22 November 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 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.

- 4 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.

- 5 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.

- 6 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

- 7 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.

- 8 No development shall commence until fences for the protection of trees and hedgerow to be retained on the southern boundary of the site at the neighbouring block, Whistler Court, have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. 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 City Plan Part One.

- 9 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 all proposed planting, 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 CP12 of the City Plan Part One and QD15 of the Brighton & Hove Local Plan.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 11 The first floor living room and kitchen windows to the southern side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 policy QD27 of the Brighton & Hove Local Plan.
- 12 Prior to first occupation of the development hereby permitted the 2m fence to the southern boundary and the louvered screening to the first floor southern side window of the glazed link shall be installed in their entirety shall be retained as such thereafter.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 13 The hard surfaces to the driveway of the dwelling 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 policy CP11 of the City 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 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.

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.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a two storey property located to the east side of Preston Park Avenue. The existing property is set it in a narrow plot between

two blocks of flats. The property adjoins the boundary of Park Court to the north and is set close to the boundary of Whistler Court to the south. The existing property is box shaped with a flat roof and includes a garage with storage space at lower ground floor level with living accommodation above. The property is set back from the street with a double width driveway and includes a rear garden some 50m deep, set above first floor level to the rear.

- 2.2 There is a significant change in levels up from the street towards the rear of the site. It should be noted that the existing building is built into the slope (although there is a small incline between the back edge of pavement and front elevation) whereas both neighbouring apartment blocks step up the slope.
- 2.3 The proposal seeks consent for the demolition of the existing building and the erection of a new replacement dwelling. The new dwelling would retain the low level box form of the existing building whilst modernising the appearance of the structure. The proposed building would also extend into the rear garden involving excavation and landscaping in order to form a two storey extension set into the ground with courtyard area and terrace.

### 3. RELEVANT HISTORY

**APP/Q1445/W/16/3152/104** - Demolition of existing single dwelling and erection of 1no two storey three bedroom single dwelling (C3). Appeal Dismissed 12/09/16.

The appeal was dismissed due to loss of privacy and overlooking from the proposed southern elevation kitchen doors and external terrace to several of the lower level flats within Whistler Court to the south of the application site. No significant harm was identified relating to the occupiers of Park Court to the north. The Inspector's report also concluded that the level of detail relating to the southern boundary treatment and the relationship between the proposal and the neighbouring blocks of flats was not clear from the submission.

**BH2016/00456** - Demolition of existing single dwelling and erection of 1no two storey three bedroom single dwelling (C3). Refused 13/05/2016 for the following reasons:

1. *The height and width of the proposed building on the boundary with Park Court to the north would be overbearing in terms of the visual amenities of the occupier of Flat 7 Park Court by reason of loss of outlook to the southerly aspect where the great majority of outlook from those premises is obtained. The proposal is thus not in accordance with retained policy QD27 of the Brighton & Hove Local Plan.*
2. *The absence of any proposed boundary enclosure on the southern site boundary considered along with the size of the proposed south facing first floor windows would be liable to give rise to overlooking of north facing habitable rooms on the ground and first floors of Whistler Court. The proposal is thus not in accord with retained policy QD27 of the Brighton & Hove Local Plan.*

**BH2015/02993** - Erection of additional floor, conversion of existing garage to habitable space, alterations to fenestration and associated works Refused 23/11/15.

**92/0605/FP** - Proposed pitched roof onto existing flat roof to provide additional living accommodation. Elevational alterations. Refused 06/04/1993.

#### **4. REPRESENTATIONS**

4.1 **Nine (9)** initial objections were received regarding the original submission from **1 Whistler Court, 3 Whistler Court, 6 Whistler Court (x3), 14 Whistler Court (Whistler Court Limited), 7 Park Court, 9 Park Court and 11 Park Court** objecting to the proposed development on the following grounds:

- Overlooking and loss of privacy
- Does not address issues within previous refusal
- Concerns regarding demolition of existing property - flooding, drainage problems, subsidence.
- Noise, dust and air pollution
- Inaccuracies within drawings
- Impact from doubling length on Park court
- Oppressive
- Claustrophobic
- Loss of privacy
- Forward of building line
- View spoilt from above
- Impact on biodiversity
- Will affect natural light into kitchen, hallway and bathroom
- How will it affect the boundary wall?
- Damage to hedgerow / animal habitats
- Fence will be overbearing
- Possible asbestos within existing building
- Noise impact from terrace
- Inaccuracies and misrepresentations within application
- Contrary to development plan policies
- Negative impact on Preston Park Conservation Area
- Fails to address boundary treatment issues
- Within close proximity to neighbours

4.2 Following amendments and the submission of further information the neighbouring properties were re-consulted. A further **six (6)** letters have been received from **1 Whistler Court, 6 Whistler Court, 14 Whistler Court (Whistler Court Limited), 7 Park Court, 8 Park Court and 11 Park Court** objecting to the proposed development on the following grounds:

- Revised drawings do not address previous issues
- Discrepancies within drawings
- Arboriculture report is inadequate

- Incorrect statements within arboriculture report
  - The yew trees at Whistler Court have existed for at least 36 Years
  - The letter proposed by the applicant to provide compensation for lost trees or shrubs is not legally binding
  - Close proximity / loss of light
  - Loss of privacy, increased noise from balcony
  - Concern regarding dividing wall
  - Increased footprint and lengthening would negatively impact neighbours
  - Discrepancies within drawings
  - Negative impact on Preston Park Conservation Area
  - Building is in close proximity causing loss of light and privacy
- 4.3 Following further amendments the neighbouring properties were consulted for a third time on 23/11/16 for a period of 14 days. No representations have been received to date.

## 5. CONSULTATIONS

- 5.1 **Environmental Health:** No objection  
Recommend approval a contaminated land discovery condition is recommended for this development.
- 5.2 **Sustainable Transport:** No objection  
Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary condition securing cycle parking details.

## 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
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- QD5 Design - street frontages
- 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
- SPD09 Architectural Features
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to design and appearance in the context of the streetscene of the Preston Park Conservation Area and impacts on the amenities of adjoining occupiers. The standard of accommodation, sustainability and transport are also material considerations.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This 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.
- 8.3 The application site forms the site of a detached property which includes one existing residential unit. As a principle of development, residential development on a residential site would be appropriate, the specific impacts must however be



considered as to whether the development is appropriate and whether harm would be caused. This detailed assessment is set out below.

- 8.4 The application follows two refused applications; the latter of which was also dismissed at appeal. The proposal has been amended from the previous refusal in order to address the identified harm by way of reducing the overall height of the proposal and the removal of several aspects of fenestration to the southern elevation. During the course of the application additional information has been sought including clarification regarding the proposed Southern boundary treatment and vegetation in order to understand the relationship between the application site and Whistler Court. Additional screening to the Southern boundary as well as louvered glazing to the southern elevation were also requested at a later stage.
- 8.5 **Design and Appearance:**  
Brighton & Hove City Plan Part One policies CP12, CP14 and CP15 require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood whilst conserving the city's historic environment. The overall acceptability of development on this site would be subject to the provision of a suitably designed building which does not cause detriment to the existing street scene or local distinctiveness.
- 8.6 The existing building consists of a flat roofed box shaped building with an integral garage at ground floor level. The existing building is set within a tight plot and sits well back from the street within a long, thin plot (approximately 7.5m wide and 67m long). The existing building is not considered of architectural merit and appears incongruous within the streetscene due to its low level design, restricted plot size and close proximity to the adjacent plots. It is considered that the property fails to respect the context of the street with regards to scale and form, however, as the building is low level it appears subservient to the adjoining flats and provides some relief from the high level buildings on either side.
- 8.7 The proposed building would retain the height and box form of the existing building whilst modernising the overall appearance through the introduction of contemporary design and finishes. The proposal would retain the majority of the existing footprint whilst installing a balcony to the front elevation and extending to the rear with a 7.2m outrigger creating a courtyard at ground floor level. The proposed building would be finished in fair faced white concrete with full height glazing to both the ground and first floors to the front elevation. The glazing would include timber slatted sliding screens and the window and door frames would be aluminium finished in dark grey (RAL 7016). The balcony would include frameless glass balustrade and the building would include a green sedum roof.
- 8.8 Whilst the resultant depth of the structure would be significant, given the unusual narrow width and extensive depth of the site, in addition to the substantial buildings on either side and the examples of other balconies and modern external finishes, it is considered that the plot could accommodate a

footprint of this nature and modern design whilst retaining the integrity of the Preston Park Conservation Area.

- 8.9 On balance therefore, given the context of the site, it is considered that the impact of the proposed dwelling on the streetscape of the conservation area is a neutral one and that there are not strong grounds for refusal on appearance grounds.
- 8.10 **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.
- 8.11 The application follows a previous submission which was refused for the following reasons:
- 8.12 *The height and width of the proposed building on the boundary with Park Court to the north would be overbearing in terms of the visual amenities of the occupier of Flat 7 Park Court by reason of loss of outlook to the Southerly aspect where the great majority of outlook from those premises is obtained. The proposal is thus not in accord with retained policy QD27 of the Brighton & Hove local Plan.*
- 8.13 *The absence of any proposed boundary enclosure on the southern site boundary considered along with the size of the proposed south facing first floor windows would be liable to give rise to overlooking of North facing habitable rooms on the ground and first floors of Whistler Court. The proposal is thus not in accord with retained policy QD27 of the Brighton & Hove Local Plan.*
- 8.14 The proposal was also dismissed at appeal based on the following conclusion:
- 8.15 *'I conclude that the occupiers of Whistler Court could experience actual or perceived losses of privacy from the Southern kitchen doors and the adjoining terrace, when compared with the prevailing situation, and that this would be harmful to the living conditions of those residents. On this basis I find there would be conflict with retained policy QD27 of the Brighton and Hove Local Plan of 2005, insofar as the development would be harmful to the living conditions of neighbouring residents'.*
- 8.16 With the park opposite the site and a very long back garden, the most affected by the proposal are the occupiers of apartments in Park Court to the North and Whistler Court to the South of the site.
- 8.17 Park Court adjoins the property to the north and includes a side access path with brick wall creating a 1.9m gap between the two buildings. Preston Park Court is a block of 15 flats several of which include windows that face south towards the application site. The flats that contain South facing windows include 7, 8, 10, 11, 13 and 14. As flats 13 and 14 are high level it is not considered that

the proposal would result in any significant harm to them. Flat 11 includes four South facing windows that look out over the application site, however the windows are set at a higher level than the proposal. It is therefore considered that the proposal would not result in significant harm to the South facing windows of flat 11 Park Court.

- 8.18 Flats 7, 8 and 10 and Park Court all include south facing windows serving bedrooms and kitchens that look out onto/over the application site. Flat 7 is set at a similar level to the first floor of the application site and currently suffers from minimal outlook from a side facing kitchen window due to the close proximity of the application site. Flat 7 also includes an obscure glazed bathroom window and side facing bedroom window which face the application site. Flats 8 and 10 include windows serving habitable rooms which are set to the rear and at a higher level than the application site.
- 8.19 A number of objections have been raised regarding loss of privacy, loss of light and an overbearing impact. It is agreed and the proposed works would occur within close proximity to the neighbouring flats at Park Court and are likely to cause some impact. However the resultant building would match the height of the existing building and no fenestration is proposed to the northern elevation meaning the impact of the resultant structure would be relatively neutral compared to the existing situation. It is noted that the proposal would extend beyond the rear elevation of the existing building however this would be screened by the existing Northern boundary treatment which rises as it extends to the rear, following the ground floor level of the Park Court and the alleyway set between the two buildings. The proposed building would be visible from the side facing bedroom window within Flat 7 however this window is secondary and the principal outlook towards Preston Park would be retained. It is recommended that conditions should be used in order to secure further details of landscaping including proposed boundary treatments in order to ensure the existing boundary wall is retained or replaced.
- 8.20 Furthermore, within the recent appeal decision (APP/Q1445/W/16/3152104) for the previous proposal which was taller than the existing proposal, the Inspector's report concluded that the proposal would not cause material harm to the residents of Park Court. Given this conclusion and the fact that the current proposal is lower in height than the previous refusal and would retain the height of the existing building it is considered that a refusal on amenity grounds towards Park Court could not be justified in this case.
- 8.21 To the South of the site is Whistler Court, a five storey building containing 19 Flats, several of which include North facing windows that look onto / over the site. It is not considered that the flats on the Southern side of Whistler Court would not be impacted significantly by the proposal as their outlook would not be affected.
- 8.22 The proposal has been amended from the previous submission by way of reducing the overall height by 1.2m to match the existing height, the introduction of new screening to the boundary, the omission and amendment of several

aspects of fenestration to the Southern side elevation in addition to clarification regarding the proposed Southern boundary and neighbouring buildings.

- 8.23 The areas of particular concern relate to flats 1 and 6 Whistler Court due to their close proximity of the development site and the relative floor levels. Although flat 5 is also within close proximity to site it is not considered that the works would result in significant harm as the height of the existing structure would be retained.
- 8.24 Flat 6 Whistler Court is located to the Northern side of the block and includes side facing windows, two serving a living room and one serving a kitchen, that are set slightly above the height of the proposal. Flat 6 also includes a front balcony with glazed doors providing access from the living room. As the kitchen window is set to the rear of the proposed building with substantial screening it is not considered that the proposal would result in a significant impact to this room. It is also considered that the front balcony and primary outlook would remain relatively unaffected. As the proposal would be set at a lower level it is not considered that the proposal would result in significant loss of light or an overbearing impact. The main potential for harm relates to overlooking and loss of privacy to the two side facing windows of the living room due to the close proximity and orientation of the flat in relation to the proposal.
- 8.25 Following amendments to the scheme at first floor level including the installation of louvered obscure glazing to the glazed link and a 2m timber fence it is not considered that significant overlooking or loss of privacy would arise. It is noted that the main living area includes substantial glazing to the rear however the proposed boundary treatment and difference in levels would restrict views. Furthermore the internal area adjacent to the first floor rear window would accommodate a void for the staircase meaning occupiers could not stand within this area, restricting views further.
- 8.26 Turning towards the amenity space including a courtyard, proposed terrace and access steps there have been a number of objections relating to loss of privacy and potential noise issues. The courtyard would be at lower ground level and the majority of the area would be enclosed by the building meaning it is unlikely that any harm would arise. The proposed terraced and steps would be in close proximity to Flat 6 however the terrace would be set at a lower level than the existing terraced rear garden within the application site and would be screened by the vegetated boundary treatment and the proposed timber fence. Whilst the use of the terrace may increase in relation to the existing garden it is not considered that it would be significant enough to warrant refusal. This point is supported within the Inspector's report relating to the previous appeal which included a terrace within a similar location. The report states *'the appeal site is currently occupied by a single family dwelling sized unit and it would continue to occupy as such. On that basis I consider it unlikely that the appeal development would result in any significant intensification in the use of No 27's external areas'*. In order to ensure the impact of the terrace is kept to a minimum it is recommended that a condition securing full details of the proposed boundary treatment along with details of retention of the vegetated boundary should be added.

- 8.27 Flat 1 of Whistler Court is located on the ground floor on the Northern side of the block and includes north facing windows that look out onto the application site. Three of these windows serve bedrooms and are the primary windows and source of outlook for each room. As the proposal would match the height of the existing building it is not considered that the physical presence of the building would result in significant harm in comparison to the existing arrangement. Furthermore the proposed full length window to the Southern elevation would be obscure glazed and would improve the existing overlooking. Although the proposed screening fence would be visible from the side facing windows, given the existing building, the existing boundary treatment and vegetation the proposed fencing would be viewed against the backdrop of the building and would not be overly oppressive.
- 8.28 **Standard of Accommodation**  
The proposed dwelling would be set in an adequate plot with driveway and garden area including lawn and hardstanding in addition to refuse and recycling storage. The property would contain a generous open plan living / dining area and kitchen with at first floor level in addition to a utility room, three bedrooms and two bathrooms at ground floor level. The site would provide a gross internal floor area of 150m<sup>2</sup> which is well over the national described space standard which recommends between 84m<sup>2</sup> and 102m<sup>2</sup> for a dwelling of this size and type, dependant on occupancy levels.
- 8.29 The proposed dwelling is considered to provide an acceptable standard of accommodation for future occupiers. Whilst it is noted that the majority of the rear garden is overlooked by the neighbouring block, this would be no different from the existing arrangement.
- 8.30 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. As it appears that a level access is feasible, it could be secured by condition that the proposed development would meet the relevant optional building control standard to comply with current national standards.
- 8.31 Landscaping:  
In terms of landscaping, the plans indicate that the existing boundary treatment would be retained / replaced with boundary walls to match the existing. Furthermore a new 2m timber fence would be installed on the Southern boundary.
- 8.32 The existing double driveway to the front elevation would be retained and modernised and a section of the garden would be excavated in order to create a courtyard with access steps to a terrace area and steps to the garden beyond. It is unclear whether the garden to the rear would be altered or levelled and therefore final details, including all boundary treatments and retained vegetation,

will be secured by condition in order to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.

**8.33 Sustainable Transport:**

The replacement of the existing dwelling, albeit with a unit with one additional bedroom, is unlikely to have a substantial impact on trip generation. On this basis, it is not considered that the proposed development will have an impact on surrounding highway and transportation networks. Vehicle access to the property would remain unchanged from the existing with the vehicle crossover continuing to serve an area of hardstanding the full width of the property boundary.

8.34 Two car parking spaces are proposed. It is therefore unlikely that there would be additional overspill on surrounding streets; however, this would be constrained by the surrounding Controlled Parking Zone in any case. The applicant has indicated that two cycle storage spaces will be provided; however, no further details on the design appear to have been provided. In order to comply with Brighton & Hove Local Plan Policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered. It is recommended that further details be obtained by condition.

**8.35 Sustainability:**

Policy CP8 of the Brighton & Hove City Plan Part One require 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.

8.36 A condition will be applied to ensure that the proposed development meets optional building control standards for energy and water consumption in line with current national standards. Suitable refuse and recycling facilities are proposed to the driveway area of each property.

**9. EQUALITIES**

9.1 None identified