

<u>No:</u>	BH2016/05687	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23A Third Avenue Hove BN3 2PB		
<u>Proposal:</u>	Conversion of existing garage into (B1) office space with erection of a single storey rear extension, front extension and associated alterations.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	14.10.2016
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	09.12.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Mr Gregory Kewish, Kit Cottage, Upton Cross, Liskeard, PL145AZ		
<u>Applicant:</u>	Ms Louise Everington, 4 Hove Park Way		

This application was deferred at the last meeting on 08/02/17 for 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
Location and block plan	PL 000	-	14 October 2016
Floor plans and elevations proposed	PL 002 (ROOF PLAN SECTION)	-	15 February 2017

- 2 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.

- 3 The premises shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 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 site relates to a two storey detached property, located on the east side of Third Avenue. The property features an integral garage and driveway. The property lies within The Avenues Conservation Area.
- 2.2 The application proposes the conversion of the garage into B1 office space and the erection of a single storey rear extension, front extension and associated alterations.

3. RELEVANT HISTORY

BH2016/01519- Conversion of existing garage into 1no studio flat (C3) with erection of a single storey rear extension, front extension and associated alterations. Refused on 08.07.2016.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its sole outlook onto a vehicle parking area, would result in oppressive and unduly enclosed living conditions for future occupiers and an unacceptable standard of residential accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential use of the garage would introduce an intensity of use and activity, including associated domestic paraphernalia onto the front driveway, out of keeping with and detracting from the appearance of the building, street and Avenues Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan. Furthermore, such activity within the front

driveway would detrimentally impact on the amenities of adjacent occupiers within the building by way of loss of privacy and noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

- The proposed number of high level windows to the rear extension directly abutting a private garden represents an unneighbourly arrangement that would result in noise and light disturbance to the adjacent occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/04075 - Conversion of existing garage into 1no studio flat (C3).
Refused on 06.01.2016.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its restricted light and its outlook through folding doors onto a vehicle parking area, would result in oppressive and unduly enclosed living conditions for future occupiers and an unacceptable standard of residential accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential use of the garage would introduce an intensity of use and activity, including associated domestic paraphernalia onto the front driveway, out of keeping with and detracting from the appearance of the building, street and Avenues Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan. Furthermore, such activity within the front driveway would detrimentally impact on the amenities of adjacent occupiers within the building by way of loss of privacy and noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

Appeal dismissed on 08.07.2016.

BH2015/01764 - Conversion of existing garage into 1no studio flat (C3).
Refused on 03.09.2015.

The reasons for the refusal were as follows:

- The proposed residential unit, by virtue of its cramped internal space, low levels of natural light and restricted outlook would result in oppressive living conditions for future occupiers and an unacceptable standard of residential accommodation. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- The proposal residential unit and the associated external amenity area would be sited in close proximity to habitable windows within the north facing side elevation of Flat 1, 23 Third Avenue and would result in a significant loss of privacy and increased noise and disturbance to this property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

4.1 **One (1)** letter of representation has been received commenting that:

- The development is for riches rather than the greater good.

- The premises could be used for unsolicited uses.
- Solicitors etc should be out of town on industrial sites given the housing shortage.

4.2 **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:

- The use of the garage as an office could result in noise nuisance and disturbance.
- The use would increase footfall to the property.
- The commercial use is inappropriate in a residential area.
- Result in loss of privacy.
- Result in loss of light.
- Rubbish disposal would result nuisance.
- Building works would cause noise and dirt.
- The design would have a poor visual relationship with the building and is out of keeping with other properties.

4.3 **Councillor Andrew Wealls** objects to the application and has requested that the application goes to Committee if the recommendation is to approve (comments attached).

5. CONSULTATIONS

5.1 **City Regeneration:** No objection
Support the potential prospect of business expansion.

5.2 **Policy:** No objection
The proposal to convert the garage to a B1 office is considered welcome in planning policy terms and complies with policies in the Local Plan and City Plan Part One.

5.3 **Transport Planning:** No objection
Change of use
The change of use of a garage to an office space may generate additional trips to the site, however for this size proposed the increase is unlikely to be significant enough to warrant a recommendation for refusal. In this instance the Highway Authority does not wish to request developer contributions.
Loss of garage
The Highway Authority has no objection to the loss of the garage as there is adequate space for parking on the driveway. It is also unclear if the garage at present is used for the storage of motor vehicles.
Cycle storage
There is adequate space in the storage room at the rear of the office for cycles as required by Parking Standards SPD14.

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
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP12 Urban Design

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

TR7 Safe development
TR14 Cycle access and parking
QD14 Extensions and alterations
QD27 Protection of Amenity
EM4 New business and industrial uses on unidentified sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design
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 principle of the conversion, the impact of the conversion on the appearance of the property and The Avenues conservation area, the amenities of adjacent occupiers and transport issues.
- 8.2 **Principle of development:**

Planning permission is sought for the conversion of the garage into office space (B1). Local Plan policy EM4 states that planning permission will be granted for new businesses and industrial uses on unidentified sites provided that the criteria are met:

- 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:
No evidence has been submitted from the applicant regarding this criterion. However, policy EM4 specifically states that planning permission will be granted for new sites which have not been identified in the Plan (windfall sites) that are suitable for new business premises. The submitted information indicates that the office would be used as an accountant's for office work purposes and would be occupied by two members of staff during business hours. The application site is clearly a windfall site that has not been identified as an employment site within the Plan. It is considered that the site is suitable as a new business premise, in accordance with Local Plan Policy EM4. The suitability of the site is considered below.
- b) The site is readily accessible by public transport, walking and cycling:
The site is within the easy walking distance of numerous bus stops on Church Road and is easily accessible. There is adequate space in the storage room at the rear of the office for cycle storage.
- c) The development would not result in the net loss of residential accommodation:
The proposal does not result in the loss of habitable space.
- 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:
The site is not located within these areas.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise:
The conversion to office space may generate additional trips to the site; however the increase is unlikely to have a significant impact on the highway.
The level of car parking provision remains as existing and therefore the conversion would not result in an adverse noise or environmental impact.
- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area:
The impact on amenity is considered later in the report.
- g) There is adequate landscaped amenity open space:
The site does not lend itself to soft landscaping; however there is considered to be sufficient space within the front driveway to provide

amenity space for an office use. It is not considered that this lack of landscaped amenity open space would warrant refusal of the application.

On balance it is considered that the criteria set out in policy EM4 are substantially met.

8.3 Design and Appearance:

The streetscene is characterised by large detached dwellings with recessed two storey garage wings to the side and driveways to the front. This arrangement forms a clear rhythm to this part of the street and has a positive impact on the conservation area.

8.4 The extensions proposed are similar to those in the previous application, with changes to the roof and elevations of the rear extension.

8.5 The garage would be extended forward by 0.5m at a height of 3.2m. This projection would be somewhat out of character with the building, however given its recessed position within the street and the retention of the garage door detailing, no significant harm is identified.

8.6 The outbuilding to the rear of the garage would be substantially rebuilt, becoming a rear extension and infilling the space of the rear garden. The rear extension to the garage would have broadly the same impact as the existing extension and outbuilding and therefore is not considered to harm the appearance of the property or wider conservation area.

8.7 The proposed rooflights to the rear extension are considered to be suitable additions in terms of design and scale.

8.8 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.

8.9 The proposed B1 use is by definition one that can be carried out in a residential area without detriment to the amenity of that area. Whilst it is noted that the only available amenity space would be the front driveway, it is considered that the use of this space in connection with an office use would not be so intensive as to have an adverse impact on the adjacent ground floor flat in comparison to a residential use. There is no increase in parking provision and therefore there would be no additional disturbance by reason of vehicle movements. It is recommended that the use of the premises is restricted by condition to B1a use only.

8.10 The proposed front extension would directly abut a kitchen window to the adjacent ground floor flat. Whilst this would have a more enclosing impact than the existing arrangement, on balance it is not considered that this arrangement would result in overshadowing, loss of outlook, loss of light or privacy.

- 8.11 The proposed rear extension would be broadly the same scale and impact as the existing arrangement and therefore would not result in overshadowing, loss of outlook, loss of light or privacy.
- 8.12 Due to the nature and position of the rear rooflights it is not considered that their insertion would impact neighbouring amenity.
- 8.13 **Transport Planning:**
There is not forecast to be a significant increase in vehicle trip generation as a result of the conversion. There is no objection to the loss of the garage as there is adequate space for parking on the driveway. There is adequate space in the storage room at the rear of the offices for cycle parking; a condition will be attached for details of this.

9. EQUALITIES

- 9.1 None identified.