

<u>No:</u>	BH2017/02176	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Furzedene Furze Hill Hove BN3 1PP		
<u>Proposal:</u>	Erection of 1no three storey house (C3) adjoining existing house.		
<u>Officer:</u>	Emily Stanbridge, 292359	tel: <u>Valid Date:</u>	04.07.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	29.08.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.11.2017
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Ms Celine Byrne C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	001		28 June 2017
Floor Plans Proposed	110A		23 October 2017
Elevations Proposed	210A		23 October 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):
- Samples of all render and tiling (including details of the colour of render/paintwork to be used)
 - Details of all hard surfacing materials
 - Details of the proposed windows and doors

d) Details of balustrading to front terrace

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 No extension, enlargement or other alteration 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 The first and second floor windows in the rear (north) 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 policies QD14 and QD27 of the Brighton & Hove Local Plan
- 6 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 City Plan Part One.
- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

- 8 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (tactile paving at existing dropped kerbs) shall have been installed at the junction of and across Lansdowne Road (east) with Furze Hill and at the junction of and across Lansdowne Road (west) with Furze Hill and at the junction of and across York Avenue (north) with Furze Hill and at the junction of and across York Avenue (south) with Furze Hill.
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 & CP9 of the 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 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
- 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
- 11 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

- 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 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 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 planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 5.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 This application relates to a site on the northern side of Furze Hill accessed via a private road in which 10 terraced properties are situated. The application site is positioned to the end of the road and features a wrap-around garden which primarily lies to the south west of the existing property. The property is not located with a conservation area.

3. RELEVANT HISTORY

BH2009/01780: Erection of single storey rear extension. Refused September 2009.

BH2002/01540/FP: Single storey dining room extension with roof terrace and single storey front entrance lobby extension. Approved July 2002.

4. REPRESENTATIONS

- 4.1 Nine (9) letters have been received objecting to the proposed development for the following reasons:

- Access into Furzedene is already restricted
- The proposed parking spaces would make access to neighbouring properties impossible
- The construction works may result in damage to neighbouring properties and the boundary wall which retains Furzedene Road.
- Access to emergency vehicles would be compromised
- Parking in the road is already a problem
- The new house footprint appears larger than No.1
- The parking layout would result in hazardous access to pedestrians
- Noise and disturbance from construction
- The proposal would restrict access to the communal parking bays on the road
- The proposed dwelling is on land which may be structurally unstable

- 4.2 One (1) letter of comment has been received raising concerns over the following:

- The access and amount of construction vehicles
- Are there other possible access routes for the construction vehicles?

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection

The Highway Authority has no objections to this application subject to the inclusion of necessary conditions:

- Installation of pedestrian crossing improvements

- Full details of cycle parking

5.2 **County Archaeology:** No objection subject to condition

The proposed development is within an Archaeological Notification Area defining an area of prehistoric, Roman and post-medieval activity. The underlying geology is sand tertiary beds, a free draining geology that attracted significant focus for activity in the Mesolithic and Neolithic periods, including flint knapping sites. In the 19th century the site appears to be part of the gardens of a former large Victorian town house. The application includes no heritage information and does not even acknowledge the sites location within an Archaeological Notification Area.

- 5.3 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England).

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

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

TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
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 the development, the visual impact of the development to the wider street scene, the standard of accommodation provided and any potential impact to the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 8.2 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.
- 8.3 **Design and Appearance:**
This application seeks permission for the construction of a new dwelling within the existing garden space of No.1 Furzedene. The proposed dwelling is positioned adjacent to the existing property, adjoining its western elevation. The character of Furzedene is such that properties are at an elevated position set behind a retaining wall facing onto Furzehill. No's 1-7 Furzedene form a terraced group with properties positioned on a staggered building line. The proposed dwelling follows the prevailing pattern of the road, being situated forward of the existing property to the site.
- 8.4 The new dwelling follows the design characteristics of the existing terrace with a ridge height and eaves level to match that of adjacent properties. Furthermore the property incorporates clay tiles and brickwork to match. The placement of the fenestration, particularly to the front and rear elevations has been designed to mimic that of the existing property with white rendered panels to ensure a uniform appearance to this terrace group.

- 8.5 To the front of the property a full width car port is proposed with a terrace above. Whilst there are no other examples of car ports within the vicinity of the site, it is noted that adjacent properties feature ground floor garage projections with terraces situated above. As such the addition of a structure at ground floor level to this elevation is not considered to result in visual harm to this group of properties.
- 8.6 The dwelling proposed incorporates a design and materials which reflect that of existing properties within the streetscene and overall it is considered that the property would be in compliance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.7 **Standard of accommodation:**
This application proposes a new end of terrace property with habitable living accommodation across three floors. The ground floor comprises of an open plan kitchen/dining/living area, utility room and W/C. At first floor level is the master suite with en-suite bathroom. There is also a home office which would be capable of becoming a fourth bedroom. At second floor level are two further bedrooms and a family bathroom.
- 8.8 It is considered that the unit as a whole provides suitable family accommodation which provides sufficient circulation space. Furthermore each habitable room proposed benefits from natural light, outlook and ventilation.
- 8.9 To the south west of the new property is a garden area access via bi-folding doors from the primary living area at ground floor. Whilst this garden is positioned to the side of the property, given the elevated position of the site above Furze Hill, this space is considered to provide adequate privacy for future occupiers. The accommodation provided is therefore in compliance with Policy QD27 of the Brighton and Hove Local Plan.
- 8.10 In addition to the front of the property accessed via the first floor is a terraced area, positioned over the proposed car port. It is considered that these external amenity spaces provide sufficient outdoor space for future occupiers in accordance with HO5.
- 8.11 The new dwelling results in the subdivision of the existing garden space to No.1. The resultant private amenity space of No.1 is considered acceptable and would still provide useable private amenity space to the occupiers of this property.
- 8.12 Furthermore the property backs onto St Ann's Well Gardens which would provide additional outdoor recreation space within close proximity of the both properties.
- 8.13 Landscaping:
The proposed plans incorporate new boundary treatments to the southern side of the property. The plans also indicate planting and new garden area to the side of the dwelling proposed. Final details, including all boundary treatments and proposed planting will be secured by condition.

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 proposed new dwelling is positioned adjacent to the western elevation of No.1 Furzedene. The terraced properties within Furzedene are positioned on a staggered building line and therefore as a result the property follows the prevailing pattern of development.

8.16 The existing west facing fenestration to No.1 Furzedene remains unaffected by the proposed development given that the rear building line of the new property is positioned further south than that existing. In addition the outlook to the rear of the property will not be materially affected.

8.17 The principal outlook of the new dwelling is to the south and west with views overlooking the streetscene, as such no increased levels of overlooking or loss of privacy would result to neighbouring occupiers. At first and second floor level small narrow windows are proposed which face out onto the rear garden space of No.1; however given that these rooms serve bathrooms these windows are not considered to cause additional harm to the amenities of this property.

8.18 At first floor level to the front elevation is a proposed terrace which provides views onto Furze Hill. A front balcony is characteristic of this terrace group with examples adjacent. The proposed terrace is inset from the eastern elevation and is further separated from the existing terrace at No.1 by a ground floor extension. As such it is not considered that the terrace proposed would provide views into neighbouring properties.

8.19 The proposed development is therefore not considered to result in harmful impact to the amenities of neighbouring properties in accordance with Policy QD27 of the Brighton and Hove Local Plan.

8.20 Sustainable Transport:

In accordance with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One pedestrian crossing improvements (tactile paving at existing dropped kerbs) are requested at the junction of and across Lansdowne Road (east) with Furze Hill and at the junction of and across Lansdowne Road (west) with Furze Hill and at the junction of and across York Avenue (north) with Furze Hill and at the junction of and across York Avenue (south) with Furze Hill. This is to improve access to and from the site to the various land uses in the vicinity of the site.

8.21 For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total. Full details of the proposed cycle parking are secured by condition.

8.22 The proposed level of car parking is in line with the maximum standards and is therefore considered acceptable. Also the site is located within a Controlled Parking Zone that would limit the opportunities for overspill parking. It is therefore unlikely that there will be a significant impact on the highway network within the vicinity of the site or further afield.

8.23 The application site is positioned on an unadopted private road and therefore vehicular parking and access arrangements are a civil matter.

8.24 **Sustainability:**

Policy CP8 of the Brighton and 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. These measures can be secured via a suitably worded condition.

9. EQUALITIES

9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.