

<b><u>No:</u></b>	<b>BH2017/04070</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8 Lloyd Road Hove BN3 6NL</b>		
<b><u>Proposal:</u></b>	<b>Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.</b>		
<b><u>Officer:</u></b>	Molly McLean, tel: 292097	<b><u>Valid Date:</u></b>	21.06.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.08.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Simon Bareham Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<b>Applicant:</b>	Ms N Mutawa C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

**Councillor Brown has requested that this application is determined by the Planning Committee.**

## **1. RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01	f	11 December 2017
Site Layout Plan	10	a	11 December 2017
Elevations Proposed	11	a	11 December 2017
Floor Plans Proposed	12	a	11 December 2017
Floor Plans Proposed	13	a	11 December 2017
Elevations Proposed	14	a	11 December 2017
Sections Proposed	15	c	11 December 2017
Sections Proposed	16	c	11 December 2017
Elevations Proposed	17	e	11 December 2017
Sections Proposed	18	f	11 December 2017
Floor Plans Proposed	19	a	11 December 2017
Sections Proposed	20	a	11 December 2017
Arboricultural Report			11 December 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) details of the proposed window, door and balcony treatments
  - e) details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

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

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

5. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

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 communal areas including

numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

8. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policy QD14 and QD27 of the Brighton & Hove Local Plan.

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

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

10. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted

to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

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

11. 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.

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.

13. 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% CO<sub>2</sub> 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.

14. 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.

15. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 14 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 relates to a portion of the rear garden of 8 Lloyd Road which faces onto Lloyds Close in Hove.
- 2.2 Lloyd Road is characterised by the semi-detached and detached dwellings set within largely standardised plots sizes, with some variation depending upon type of building and location of the plot. The properties are set back from the street with front garden areas and driveways. Lloyd Close is a small cul-de-sac comprising 9 properties of similar architectural style within a sweeping street and turning spur. The application seeks the demolition of an existing garage to the rear of number 8 Lloyd Close, and the erection of a two bedroom residential dwelling with associated alterations.

## **3. RELEVANT HISTORY**

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

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

appearance of the area which is predominantly formed of chalet bungalows within spacious plots set back from the street. The development would therefore be contrary to policies CP12 and QD14 of the Brighton & Hove Local Plan.

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

Appeal dismissed 02/10/17.

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

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

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

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

#### **4. REPRESENTATIONS**

- 4.1 Six (6) letters of objection have been received raising the following points:
- The siting of the development would be out of keeping with the surrounding street scene and would appear cramped and unwelcoming
  - The design of the property is out of keeping with surrounding properties, particularly the eaves height and proximity to the front boundary
  - The dwelling will cause overshadowing and a loss of privacy to neighbouring properties
  - There would be increased noise and disturbance
  - The development is contrary to the aims of the National Planning Policy Framework which seeks to ensure good design and reinforce local distinctiveness
  - The proposal to remove trees would have a significantly adverse impact on the character and appearance of the area

- The applicant is not intending to re-plant any trees
  - The loss of off-street parking spaces would exacerbate parking issues in the area
  - The proposed driveway to the front of no. 8 Lloyd Close is inadequately sized for a family car
  - Part of the site is not within the ownership of the developer and the proposed trees to be removed are not in the developer's control
- 4.2 Two (2) letters have been received commenting on the application as follows:
- No objection subject to there being no additional windows being added to the north facing elevation
  - No objection subject to the new parking space for no. 8 Lloyd Close being implemented
- 4.3 Councillor Brown objects to the application, comments are attached.

## 5. CONSULTATIONS

### 5.1 Arboriculture: Object.

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

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

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

Whilst individually the trees and shrubs both within the garden and the open area at the front are not of the highest public amenity they do collectively contribute much to the leafy nature of the local area. This loss and the resulting two small garden areas will have a negative effect on the area and for these

reasons the Arboricultural Team would recommend that consent is refused to this application.

**5.2 Sustainable Transport: No objection.**

**Cycle Parking**

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

**Vehicular Access**

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

**Car Parking**

SPD14 states that the maximum car parking standard for 2 bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 2 car parking spaces for the new 2 bedroom property and 1 car parking space for the existing dwelling within the Outer Area. For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (three spaces for the two dwellings) is in line with the maximum standards and is therefore deemed acceptable in this case.

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

**Trip Generation**

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

**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



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);

- 6.2 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

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

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Documents:

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

## 8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site.

- 8.2 The application seeks to demolish the existing garage to the rear of 8 Lloyd Road and erect a two-storey, two bedroom property with associated off-street car parking and garden area. The existing conservatory at 8 Lloyd Road would be demolished to allow for a larger garden area to be retained.
- 8.3 The application follows a previous application for a similar scheme (BH2017/05174) which was refused and subsequently dismissed at appeal. The design, form and siting of the proposed dwelling has been amended to address concerns raised by the Council and by the Planning Inspectorate.
- 8.4 Principle of development:  
The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.5 The proposal for a new residential property in a residential area is acceptable in principle.
- 8.6 Design and appearance:  
The proposed dwelling would be situated in the current rear garden of 8 Lloyd Road. Its frontage would face onto Lloyd Close. The proposed dwelling would be two storeys in height with a pitched roof, gable-end feature, two-storey bay and a chimney breast. The dwelling would have brick walls and a clay-tile roof. The height of the building would be approximately 6.9m with an eaves height of 4.8m and a total footprint of approximately 58m<sup>2</sup>. The total plot size for the new dwelling would be 241m<sup>2</sup> and the remaining plot size for number 8 would be 338m<sup>2</sup>. The proposed building would be situated 4m behind the front boundary (at its closest point) with a garden area to the rear and south side. There would be a driveway and cycle parking area to the front of the property.
- 8.7 The wider Lloyd Close street scene is formed of detached chalet bungalows in a traditional material palette of brick and clay tiles. The properties feature front driveway areas and good sized rear gardens.
- 8.8 The design of the proposed dwelling has been amended since the previous refused application, by reducing the overall form, eaves height, footprint and proximity to front boundary. The ridge height of the new dwelling would sit lower than both 1 Lloyd Close and 8 Lloyd Road on either side and the eaves height has been reduced to allow better integration with the chalet bungalows on Lloyd Close. The siting of the property, which would sit 4m behind the front boundary line, would be in keeping with the surrounding plots and would not appear overly intrusive in the street scene. The gable end feature, pitched roof form and proposed materials are considered to respect the prevailing character of the area. On this basis it is considered that the applicant has addressed the

concerns raised by the Council and the Planning Inspector for the previous application, and the proposed design is acceptable in principle.

- 8.9 It is acknowledged that the proposed plot size is smaller than other curtilages in the area, however the potential visual harm caused by the plot size is not of a magnitude to warrant refusal of the application in itself, particularly as it has been demonstrated that the proposed design could be successfully incorporated into the street scene and the dwelling could provide an adequate standard of accommodation for future occupants as considered below. On this basis the application is considered to be in accordance with Policy CP12 of the Brighton & Hove City Plan and is recommended for approval.
- 8.10 Standard of accommodation:  
The proposed dwelling would have living accommodation at ground and first floor level. The ground floor layout would feature a living room, kitchen, dining area and bathroom. The first floor would consist of two bedrooms and a bathroom.
- 8.11 The Local Planning Authority do not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes based on the number of occupants. This document sets out that a two bedroom property to be occupied by four persons should have a minimum floorspace of 79m<sup>2</sup>. In this case the proposed dwelling would have a total floorspace of 96m<sup>2</sup> which would provide adequate circulation space for its intended occupancy. Each habitable room would feature a good sized window, allowing for adequate natural light and sufficient outlook. Overall the proposed layout is considered to represent an acceptable standard of accommodation for future occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 8.12 The proposed plot size would allow for approximately 133m<sup>2</sup> of private garden space to the rear and side (south-east) of the property. In the previous application, the Council and the Planning Inspector raised concerns in relation to the limited garden area which would provide inadequate space for play. In this application, the footprint and occupancy of the dwelling has been reduced and as such there is a larger garden area which is considered to provide sufficient open space conducive to a two-bedroom property in accordance with Policy HO5 of the Brighton & Hove Local Plan.
- 8.13 Impact on neighbouring amenity:  
The proposed dwelling would be situated approximately 16m from no. 8 Lloyd Road (the donor plot), 20m from 10 Lloyd Road and 6m from 1 Lloyd Close. The siting of the dwelling in the centre of the proposed plot, in conjunction with its limited height is unlikely to have a significantly harmful impact on neighbouring properties by way of overshadowing and it would not cause a sense of enclosure. The revised design is considered to overcome concerns raised by the Local Planning Authority in the previous application in this regard. There are no windows proposed at first floor level on the elevations facing nos 8 and 10

Lloyd Road and 1 Lloyd Close. As such, no overlooking or loss of privacy would occur.

8.14 Notwithstanding the points raised above, the Planning Inspector who assessed the previous application concluded that a dwelling on this plot would not have a significantly harmful impact on neighbouring properties to warrant refusal. Given that the proposed dwelling is smaller and more appropriately sited than the previous application, it would not be expedient to refuse the current application on these grounds.

8.15 **Impact on trees:**

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

The proposed tree report is the same scheme submitted under the previous application. The Planning Inspector for the previous application dismissed the Local Planning Authority's concerns in this regard, stating:

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

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

8.16 In light of the above, it would not be expedient for the Local Planning Authority to refuse the current application based on the loss of trees. Whilst regrettable, a landscaping and planting scheme to mitigate the loss of greenery is secured by planning condition.

8.17 **Impact on the host property:**

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

8.18 **Transport:**

The proposed scheme would allow for an off-street parking space in front of the new dwelling, and the off-street parking space for no. 8 Lloyd Road would be reinstated in front of the host property. The Transport Officer has confirmed that the proposed parking spaces are sufficient for the intended occupancy and that

the development is acceptable in transport terms subject to a cycle parking condition.

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

8.20 **Other matters:**

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

8.21 **Sustainability:**

City Plan Policy CP8 seeks sustainable design features in all new development particularly in respect of use of energy and water. This is secured by condition.

8.22 **Conclusion:**

For the reasons stated above, and with regard to the previous application and appeal decision, the proposed amended scheme is considered to be an appropriate design that would represent a sufficient standard of accommodation for future occupants that would not cause harm to the wider area or neighbouring amenity and would contribute to the City's housing supply. For these reasons the application is in accordance with Policy CP12 of the Brighton & Hove City Plan and Policies QD27 and HO5 of the Local Plan and is recommended for approval.

**9. EQUALITIES**

9.1 Building regulations standards for accessibility are secured by condition.

