

<b><u>No:</u></b>	<b>BH2018/02355</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Lindfield Close Saltdean Brighton BN2 8AP</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of 1no semi-detached two bedroom dwelling (C3) incorporating widened highway crossover incorporating works to existing dwelling including single storey rear extension and a hip to gable roof extension with rear dormer and front and rear rooflights.</b>		
<b><u>Officer:</u></b>	<b>Luke Austin, tel: 294495</b>	<b><u>Valid Date:</u></b>	<b>25.07.2018</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>19.09.2018</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>WW Studio Ltd Flat 2 3 Palmeira Square Hove BN3 2JA</b>		
<b><u>Applicant:</u></b>	<b>2M Investment Ltd 21 Beacon Hill Avenue Harwich CO12 3NR</b>		

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 and block plan	01	P1	7 November 2018
Floor Plans Proposed	04	P1	7 November 2018
Roof Plan Proposed	05	P1	7 November 2018
Streetscene elevation proposed	06	P1	7 November 2018
Elevations Proposed	07	P1	7 November 2018

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. 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 Brighton & Hove City Plan Part One.

4. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples / details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) 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) details 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance 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 Brighton & Hove City Plan Part One.

7. None of the new build 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 Brighton & Hove City Plan Part One.

8. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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 Brighton & Hove City Plan Part One.
9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - details of all boundary treatments to include type, position, design, dimensions and materials;
- 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.  
**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 and CP13 of the Brighton & Hove City Plan Part One.
10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
11. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
12. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

12. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
3. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a single storey detached property located to the west of Lindfield Close at the junction with Westmeston Avenue. Lindfield Close rises from south to north, with the application site at the highest point of the street, whilst Westmeston Avenue falls from south-west to north-east.

- 2.2 The site is wedged shaped and located on a corner plot. The majority of the site is well screened by a high hedgerow. The existing bungalow is of modest proportions with a hipped roof and a side / rear garden set on a moderately steep slope. The existing property has a recently approved Lawful Development Certificate (BH2018/00980) comprising a single storey rear extension, a hip to gable roof extension with rear dormer and rooflights to the front and rear elevations.
- 2.3 The application seeks consent to split the plot; forming a semi-detached pair of bungalows whilst implementing the works previously approved under the lawful development certificate as one operation. Landscaping works are also proposed in order to level out the garden area.
- 2.4 Amendments have been sought during the assessment of the application in order to improve the usability of the garden area for the proposed dwelling.

### 3. RELEVANT HISTORY

**BH2018/00980** - Certificate of lawfulness for proposed single storey rear extension, hip to gable roof extension with rear dormer and front and rear rooflights. Approved 14.06.2018.

### 4. REPRESENTATIONS

4.1 **Six (6)** letters have been received, objecting to the proposed development for the following reasons:

- Inappropriate size
- Limited gardens space
- Additional vehicles to narrow road
- Overdevelopment
- Extends beyond rear building line
- The hedge is likely to be removed
- Loss of privacy
- Additional parking pressure
- Loss of sunlight
- Noise
- Damage to trees
- Too tall

### 5. CONSULTATIONS

5.1 **Environmental Health:** No objection

No objections subject to inclusion of a discovery condition ensuring works are to stop and necessary assessment carried out if contaminants are found during construction.

5.2 **Arboriculture:** Comment

The proposed extension / new dwelling will not result in the loss of any trees but will have a reduction in the amount of outside amenity space that the gardens

afford and this is to be regretted. However, the Arboricultural team note that this development will have minimum impact on trees and landscape and for this reason have no objection to the proposal.

### **5.3 Sustainable Transport: Comment**

No objection subject to inclusion of conditions securing a scheme of cycle parking, the crossover to be implemented prior to occupation, parking to be retained for occupiers of the site. The gradient of the proposed on-site ramp should be reduced to a 1:21 slope in order to improve accessibility for wheelchair users.

## **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);
  - o 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  
CP2 Sustainable economic development  
CP7 Infrastructure and developer contributions  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP18 Healthy city  
CP19 Housing mix

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

TR7 Safe Development  
TR14 Cycle access and parking  
QD14 Extensions and alterations

QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
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 an additional dwelling on site, the visual impact, the standard of amenity provided, the impact on neighbouring amenity, the sustainability impacts and the sustainable transport implications associated with the proposed development.

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.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**8.4 Principle of Development:**

There is a general need for housing within the City and both the Brighton & Hove City Plan Part One and Local Plan acknowledge the need to make the best use of the limited amount of land that is available.

As a principle of development, additional residential development on a residential site would be an appropriate form of development. The specific impacts of the any such development must however be considered as to whether the development is appropriate and whether harm would be caused.

**8.5 Design and Appearance:**

The application site is set within a predominantly residential area which is comprised of a mix of dwellings types set in a cluster of development bordering the South Downs National Park. The properties within the vicinity of the site comprise a mixture of detached / semi-detached bungalows with both hipped and gable roofs, in addition to a number of two storey semi-detached pairs. A number of the bungalows within the area have been extended at roof level with substantial dormer windows. Although the design and form of the properties does not follow a distinct character, there is some consistency in terms of set-back from the street and step up / step down in ridge height.

- 8.6 The existing building comprises a detached bungalow with a hipped roof set within a triangular shaped plot. As indicated above, the property has a lawful development certificate (BH2018/00980) for extensions to the roof including a rear dormer and gable ends to either side of the property, in addition to a single storey rear extension. The current application seeks consent to split the plot in order to erect a second bungalow on site creating a semi-detached pair, whilst also incorporating the works approved under the lawful development certificate into one single operation.
- 8.7 The existing plot would be split down the centre along the party wall of the proposed pair of dwellings creating a side garden to the new dwelling and a reduced side / rear garden for the existing dwelling. Whilst the plot size would be reduced and the plot coverage increased, the resultant plots, at approximately 195m<sup>2</sup> and 237m<sup>2</sup> would still be in accordance with several plots within the area.
- 8.8 The proposed works to the existing dwelling would match those approved under lawful development certificate including gable extensions, a rear dormer window and a single storey rear extension. The works to building would add significant bulk to the roof and the box dormer; set close to the ridge with a flat roof and measuring the majority of the width of the property, would be harmful to the character and appearance of the existing building. Given the lawful development certificate, however, there is an established fall-back for these works and it is considered highly likely that the works would be carried out to the property if planning permission were refused. The fall-back permission is therefore given significant weight in this case and it is considered that a refusal of the application due to the scale of the dormer window to the existing property would not be warranted in this case. The proposed single storey rear extension is also considered acceptable in terms of design.
- 8.9 The proposed bungalow would match the ridge height of the existing building and would include a gable roof which would match the roof works to main house. The semi-detached pair would be of similar proportions and, as a result of the roof works to the existing building, works would be well balanced and would appear in keeping with the scale and proportions properties within the vicinity. It is therefore vital that the works approved under the previous lawful development certificate are carried out as part of one operation in order to ensure suitability of the scheme.



- 8.10 It is acknowledged that the proposed dwelling would be visible within longer views from the south west on Westmeston Avenue due to the rising level of the street, however it is considered that the stepped rear elevation and lower level of the site would successfully avoid an overly dominant structure within the street.
- 8.11 On balance therefore, taking account of the fall-back position, it is considered that the proposed dwelling and works to the existing dwelling are appropriate in respect of their siting, design and scale and would form an acceptable addition to the streetscene. A condition is recommended in respect of materials to ensure the design and finish of the scheme is appropriate.
- 8.12 Landscaping / Trees:  
The existing site is set on a relatively steep gradient with the property set higher than street level. The existing driveway is steeply sloping and the garden is also set on a steep incline rising to the north-west. From historic photographs, it is evident that the site was previously heavily vegetated with a substantial hedge surrounding the site. Much of the site is now cleared, however a tall hedge to the east and west boundaries is currently in situ, which is shown as retained on the proposed site plan.
- 8.13 The application proposes to excavate the front driveway / garden in order to reduce the incline of the parking area and to provide level areas for cycle parking and bin storage. The garden to the new dwelling would also be excavated and levelled in order to improve the usability and access. An area of hardstanding in addition to a level of lawn area is also proposed. As a result of the excavation, the new garden would be set at a lower level than the garden of the existing house and the two plots would be separated by a 1.7m fence. A new pedestrian entrance and footway providing access from the street at the northern end of the site to the front door of the new dwelling would also be included.
- 8.14 Overall, the proposed landscaping is considered appropriate and full details including the boundary treatments and ordinance datum levels shall be secured by condition.
- 8.15 Standard of Accommodation for Future Occupiers:  
The proposed dwelling would be set over two storeys and would include an open plan kitchen / living / dining room, a bathroom and a single bedroom at ground floor level in addition to a double bedroom with en-suite bathroom at first floor level.
- 8.16 Although the council do not have any adopted policies outlining minimum space standards, for comparative purposes the Government's Technical Housing Standards (National Described Space Standards March 2015) document advises that a two storey, two bedroom dwelling should provide a gross internal floor area (GIA) of at least 70m<sup>2</sup> for an occupancy of three people. Furthermore the standards advise a bedroom should have a floor area of at least 11.5m<sup>2</sup> to qualify for a double room and 7.5m<sup>2</sup> for a single.

- 8.17 Although the ground floor living accommodation appears somewhat cramped, the proposed dwelling would provide a GIA of approximately 71m<sup>2</sup> plus additional storage space within the eaves with less than 1.5m head clearance. Both bedrooms would be above the minimum standards set within national guidance.
- 8.18 Local Plan policy HO5 requires garden space to be provided with residential units which is appropriate to the scale and character of the development proposed. The existing side section of the garden is set on a steep gradient which rises to the north and west and as a result suffers from limited usability. Following discussions with the planning agent, the proposed landscaping has been amended to include excavation and levelling providing a level amenity / lawn area. Whilst it would be preferable for the amenity area to be set to the rear of the building, the garden area would be set into the ground and would be partially screened by the vegetated boundary and retaining wall which would allow for an adequate level of privacy.
- 8.19 On balance, although the garden area is slightly restricted, it is considered satisfactory and commensurate for scale of development proposed. Whilst the garden area of the existing dwelling on site would also be reduced, the level of external space retained is also considered acceptable for the size of the dwelling.
- 8.20 Overall it is considered that the proposed development would provide a satisfactory standard of accommodation with suitable external amenity space for future occupiers, in accordance with policies HO5 and QD27.
- 8.21 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.
- 8.22 Whilst the works would be visible from neighbouring properties, the level of separation is considered sufficient to avoid any significant harm in terms of loss of light or overlooking. On this basis, it is not considered that the development would result in material harm to neighbouring properties other than the existing property on site. The proposed dwelling would result in the loss of a side facing window at ground floor level to the existing dwelling. As the existing window serves a bathroom however, the loss of the window is deemed as acceptable.
- 8.23 Furthermore, it is considered that the physical form of the building would not result in any significant loss of light / overshadowing to the existing property on site and although the garden area would be reduced significantly, the garden area left is still considered adequate for a family dwelling.
- 8.24 Sustainable Transport:**  
The applicant is proposing to excavate the existing steeply sloped driveway in order to decrease the severity of the incline and to accommodate an additional

parking space for the new dwelling, with a level cycle parking and bin storage area for each dwelling.

8.25 The level of car parking and cycle parking is considered acceptable and in accordance with SPD14 guidance. Furthermore the new proposed vehicle access is acceptable and would not result in significant highway safety issues.

8.26 The retention of the proposed parking area for future residents shall be secured by condition in order to ensure adequate provision is provided.

8.27 The implementation of the new crossover shall be secured prior to first occupation and the proposed hardstanding shall be conditioned to be porous / permeable in order to avoid surface run-off onto the public highway.

**8.28 Sustainability:**

Policy SU2 of the Brighton & Hove Local Plan and 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. These standards shall be secured by condition.

8.29 Suitable refuse and recycling facilities are proposed to the driveway area and shall be secured by condition.

**9. EQUALITIES**

9.1 None identified

