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| <u>No:</u> | BH2018/02052 | <u>Ward:</u> | Regency Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 9 Hampton Street Brighton BN1 3DB | | |
| <u>Proposal:</u> | Erection of an additional storey at second floor level & creation of new single dwelling house (C3) with access from Spring Street and revised fenestration. | | |
| <u>Officer:</u> | Michael Tucker, 292359 | tel: <u>Valid Date:</u> | 08.08.2018 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 03.10.2018 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Lewis And Co Planning SE Ltd Road Brighton BN1 5PD | Lewis & Co Planning | 2 Port Hall Road |
| <u>Applicant:</u> | Lara White Brighton BN1 5PD | C/O Lewis & Co Planning SE Limited | 2 Port Hall Road |

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 | PR04 | - | 6 December 2018 |
| Proposed Drawing | PR05 | - | 6 December 2018 |
| Proposed Drawing | PR06 | - | 6 December 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. No development shall take place until full details of all new sliding sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No works shall take place until full details of the proposed external door/s including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey building located on the corner of Hampton Street and Spring Street. Planning permission is sought to erect an additional storey on the northernmost part of the building and to subdivide the building into two dwellings, with revised fenestration.

3. RELEVANT HISTORY

BH2018/03244 - Conversion of existing single dwelling (C3) to create 1no one bedroom flat (C3) and 1no two bedroom flat (C3). Approved 30/11/2018

BH2000/01497/FP - Change of use from hairdressers (Class A1) on ground floor and self-contained flat on first floor, together with external alterations, all to form single dwelling house. Approved 18/09/2000

4. REPRESENTATIONS

- 4.1. Eight (8) letters have been received, objecting to the proposal for the following reasons:
 - Detrimental effect on property value
 - Overshadowing
 - Too close to boundary
 - Additional traffic

- Noise
- Residential amenity
- Inappropriate height of development
- Overdevelopment
- Adversely affects conservation area

Only four of these letters were received within the consultation period.

5. CONSULTATIONS

- 5.1. **Heritage:** Initial comments received 7/09/2018: Seek modifications
The proposal fails to respect the scale, roofline or streetscape of this section of the conservation area and as such will be a visibly dominant and awkward development.

An amended scheme was suggested that could overcome these concerns.

- 5.2. **Heritage:** Amended comments received 28/12/2018: No objection
Recommended approval subject to conditions. The proposal has been amended as requested and now preserves the character and appearance of the conservation area.

- 5.3. **Conservation Advisory Group:** Objection
Recommended refusal, with a request for the application to be put to the planning committee. The proposal would not enhance the existing building and does not improve this part of the conservation area. The view from Western Road to the spire of St Mary Magdalen church would be marred.

- 5.4. **Housing:** No comment received

- 5.5. **Private Sector Housing:** No comment

- 5.6. **Sustainable Transport:** No objection
Recommended approval subject to conditions.

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
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the subdivision of the existing dwelling, the design and appearance of the proposal in the context of the Montpelier and Clifton Hill Conservation Area and the impact of the proposal on neighbouring amenity. The standard of accommodation that the proposed units would provide and sustainable transport are also material considerations.
- 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 in due course. 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:

The residential use of the property was established in 2000 (BH2000/01497/FP) and following the recent granting of permission BH2018/03244, the subdivision of the property has been established as being accepted.

8.5. With regard to the subdivision of the property into two units, Policy HO9 of the Brighton and Hove Local Plan sets out seven criteria by which the acceptability of the subdivision of a property is judged. These are:

- a. The original floor area is greater than 115sqm or has more than 3 bedrooms as originally built;
- b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
- c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
- d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);
- e. the proposal will not result in an unacceptable level of on-street car parking; and
- f. if the building is listed, the proposal preserves the character of the listed building.
- g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.

8.6. In this case, the only criterion that is not achieved is for secure and covered cycle parking to be provided as part of the proposal. Due to the constraints of the site and the availability of public cycle parking facilities in close proximity, it is considered that on balance the harm caused by the absence of cycle parking facilities is not considered to prejudice the principle of the subdivision of the property.

8.7. Design and Appearance:

The initial scheme would have resulted in an additional storey being added to the entirety of the existing building. This would have resulted in the eaves level of the application site and the opposite side to the south being mismatched. By

not retaining the two-storey height along Hampton Street the initial scheme was considered to fail to respect the scale, roofline and streetscape of this section of the Montpelier and Clifton Hill Conservation Area.

- 8.8. Following amendments, an additional storey is now only being added to the northern part of the existing building, representing an extension of the existing pattern of terraces on Spring Street. The corner element has been retained as two-storey and this is considered to better relate to the neighbouring buildings to the south and west. The two-storey height along Hampton Street would be maintained and the corner and eave levels with the building to the south would be appropriately addressed.
- 8.9. As such, the amended scheme is considered to preserve the character and appearance of the Montpelier and Clifton Hill Conservation Area by reflecting the scale, roof line and building patterns and forms prevalent throughout the area. No details of fenestration or materials have been provided and so appropriately worded conditions will be attached to secure these.
- 8.10. The Conservation Advisory Group have discussed both the initial and amended schemes, and have raised concerns that the proposal would impair the view of the spire of St Mary Magdalen church from Western Road and upset the balance of the terraces on Spring Street. These concerns are noted, however the proposal as amended would not significantly break the existing lines of sight from Western Road, and would represent a southwards extension of the terraces on Spring Street which are largely symmetrical.
- 8.11. Impact on Amenity:**
It is noted that the site is located in a busy area of the city and so the creation of an additional residential unit in the building was not previously considered likely to have a significant detrimental effect on neighbouring amenity due to increased noise disturbance. The current proposal would similarly be acceptable in this regard.
- 8.12. The proposal as amended would not result in a significant increase in overlooking or overshadowing of neighbouring properties.
- 8.13. Standard of Accommodation:**
No private amenity space has been proposed for either unit as part of this application. Although other properties on Spring Street do have small rear gardens, the application site is located on a corner plot and so does not have access to such a space. Furthermore, the previous application BH2018/03244 (subdivision into two residential units) did not propose any private amenity space and was considered acceptable.
- 8.14. Following amendments, the scheme would result in the submission of a one-bedroom two-storey property with a floorspace of approx. 59sqm and a two-bedroom three-storey property with a floorspace of approx. 90sqm. Both dwellings exceed the minimum standards set out in the Government's National Technical Space Standards. Although not adopted policy, these standards do provide a useful indication as to the suitability of a proposed dwelling. All

bedrooms exceed the minimum areas in the Space Standards and would benefit from natural light and outlook.

8.15. Overall, the proposed dwellings are considered to provide a satisfactory standard of accommodation.

8.16. Sustainable Transport:

The creation of an additional residential unit has the potential to result in a small uplift in trip generation, however this is unlikely to result in a severe impact on the highway and surrounding transport network.

8.17. No car parking is proposed as part of the development, which is in line with the requirements of SPD14.

8.18. No cycle parking is included as part of the proposal. Although SPD14 requires two cycle parking spaces, as noted previously in this report it is considered that the constraints of the site and close proximity of public cycle parking facilities mean that this does not warrant refusal of the development.

9. EQUALITIES

9.1. None identified.

