

<u>No:</u>	BH2018/01130	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages To The Rear Of 45 Sackville Road Hove BN3 3WD		
<u>Proposal:</u>	Conversion and extension of triple garage to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off street parking.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	11.04.2018
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	06.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Parker Dann Suite S10 Waterside Centre North Street Lewes BN7 2PE		
<u>Applicant:</u>	Mr Dara Jafari C/O Parker Dann Suite S10 Waterside Centre North Street Lewes BN7 2PE		

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	6037/001	A	11 March 2019
Floor Plans Proposed	6037/110	C	11 March 2019
Elevations Proposed	6037/112	B	11 March 2019
Elevations and sections proposed	6037/111	B	23 January 2019
Proposed Drawing	6037/113	A	19 September 2019

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 render, zinc and roof material
- b) details of fenestration
- c) samples of all hard surfacing materials

d) samples 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.

4. 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.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

Reason: This 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 Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. Prior to first occupation of the development hereby permitted, bollards or similar appropriate physical and permanent structures, shall have been installed on Brooker Place to ensure a minimum of 1.2m wide access is maintained at the approved development at to the rear of 45 Sackville Road.

Reason: To ensure that suitable pedestrian access provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

7. 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.

8. Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (meaning fencing and/or soft landscaping) between the two garden areas 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 safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

9. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse 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 policies QD14 and 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 the scheme required to be submitted by Condition 5 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 290729) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 6.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a single storey triple garage set amongst a row of garages on the western side of Brooker Place. The garages comprise car ports with an open form, used for the parking of vehicles. The plot of land containing the garage is set within the rear garden of no. 45 Sackville Road which has been converted into flats. This section of the western side of Brooker Place is characterised by single storey garages. The eastern side of Brooker Place consists of the rear of the properties and garden spaces of Brooker Street. The north and south boundary walls to the existing garage on

site, which extend around the garden to 45 Sackville Road, appear to have historic character.

2.2. The site is located within the Old Hove Conservation Area.

2.3. Planning permission is sought for the conversion and extension of the garages to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off street parking. The application follows a pre application for the demolition of the garage and the erection of a 1no four bedroom dwelling, two storeys in height with the upper floor utilised in the roofspace. During the course of this application the scheme has been amended by altering the internal layout of the unit, repositioning the proposed unit and provided a transport report and parking survey.

3. RELEVANT HISTORY

3.1. PRE2017/00165- the demolition of garage and erection of 1no four bedroom dwelling (C3).

4. REPRESENTATIONS

4.1. Twelve (12) letters of representation have been received objecting to the proposal for the following reasons:

- The proposal will adversely affect the character of the neighbourhood and conservation area
- Result in a highway hazard and parking issues
- Result in loss of garden space
- Increase the density of housing
- Result in noise, disturbance, loss of light and loss of privacy
- Represent overdevelopment and would be out of character with existing development
- Set a dangerous precedent for further development
- Disruptive to the wildlife habitat
- Fundamentally change the nature of Brooker Place
- Concerns regarding emergency access vehicles
- Safety concerns for residents as will change the road from an access road to a residential street
- The road is unsuitable for cars
- The application should be detailed the rear of Brooker Place not the rear of Sackville Road.

4.2. Four (4) letters of representation have been received in support of the proposal for the following reasons:

- Derelict and run down garages can be used for housing
- Reduction in cars
- The scheme is sensitive in its nature and height and would not harm the conservation area
- The scheme is an ingenious housing proposal providing a quality home
- The proposal appears to be quality aesthetic and functional design

- The scheme will enhance the area
- No amenity harm has been identified

5. CONSULTATIONS

5.1. **Heritage:** Comment - 21.03.2019

The revised plans which set the unit away from the northern boundary would remove concerns over the likely impact on the wall whereby the paved gap is large enough to facilitate repair and maintenance of the wall.

5.2. Comment - 08.11.2018

This proposal would involve the creation of a residential property in a road that is predominantly an access and service road. The change of use would therefore affect the character of this road, particularly if it starts a series of similar proposals.

5.3. The design solution itself as viewed from Brooker Place is not considered harmful, to the conservation area, however the Heritage Team is concerned over the extent that the garden boundary walls could be affected by this work. It is suggested that if the case officer is minded to approve the use for residential purposes, the extent of the built form should be limited to being no deeper than the existing garages adjacent, and assurance that the remaining garden walls would be protected should be sought.

5.4. **Environmental Health:** No objection

Garages may be subject to localised contamination and this should be taken account of during the construction phase. A contamination discovery condition should be attached.

5.5. **Transport:** No objection- 04.07.2019

No objection subject to recommended conditions.

5.6. Comment - 08.05.2019

Further information required.

5.7. No objection - 09.10.2018 Subsequent revised scheme led to further comment from the transport department (comments provided below).

5.8. **Arboriculture:** No objection

None of the trees are worthy of further protection with a tree preservation order at this time, and the arboricultural team cannot object to the development on these grounds. However, the development will lead to the eventual loss of all four trees at the site and this will affect the immediate area. Two trees will be lost to facilitate the development and there will be post development pressure for the adjacent neighbour to remove or drastically reduce the two trees due to the shade they will cast on the amenity space and bedroom windows.

- 5.9. This application is for the conversion of a single storey triple garage to a one two-bedroom single storey dwelling. The entrance to this property would be from the service road at the rear of Sackville Road, Booker Place.
- 5.10. Sackville Gardens is within the Pembroke and Princes conservation area and there are four trees that will be affected by the proposed development. These include a birch and a crab apple, within the rear garden of number 45 Sackville Road, and a Holly and Pear within the rear garden of number of 43 Sackville Road.
- 5.11. The Birch is the most prominent tree within the garden and has a healthy wide spreading crown over two gardens. The crab apple is small and suppressed and of little significance.
- 5.12. The Holly within the adjacent garden to the south and growing against the boundary wall is large and in good condition. The adjacent pear is in a fair condition and suppressed by the Holly tree.
- 5.13. None of these trees are worthy of a tree preservation order at this time, however, please be aware that in time this will lead to a loss of all four trees. The two trees within the garden of number 45 are proposed for removal to facilitate the development. The Holly will need to be cut back substantially to facilitate the development as it overhangs the site.
- 5.14. Due to the position of the proposed amenity space there will be post development pressure for the neighbour at No.43 to drastically reduce or remove the Holly and pear tree to allow sunlight to reach the amenity space and bedroom windows.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space
CP19	Housing mix

Brighton & 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
QD5	Design - street frontages
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
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the building, wider streetscene and conservation area, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and 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.

8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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).

Principle of Development:

8.4. The application site is in existing use as a domestic garage, the immediate area surrounding the application site is residential in character and the neighbouring properties are all residential. Therefore, a residential use would appear acceptable in principle given the character of the surrounding land uses. The proposal would involve the creation of a residential property in a road that is predominantly an access and service road. It is acknowledged that the change of use would affect the character of the road and could encourage a series of similar residential proposals. There is no policy conflict which would refute a residential use at the site. However, it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

Design and Character:

8.5. Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

8.6. Brooker Place is a narrow access road providing access to the rear of residential properties in Brooker Street to the east, and garages to the rear of properties in Sackville Road. The western side of Brooker Place is characterised by single storey garages. This part of the road is undeveloped for housing. The existing garage and adjoining garages are of little architectural merit and low key in nature. Some of the garaging and boundary walls which line Brooker Place have some character, however the majority are of low aesthetic or historic interest.

8.7. The north and south boundary walls to the existing garage at the subject site, which extend around the garden to 45 Sackville Road have been identified as having historic character. The scheme has been amended during the course of the application to include re-positioning the development away from the northern wall which is an acceptable approach to relay this concern.

8.8. The overall design approach, materials and detailing are considered acceptable, with the retention of the traditional boundary walls. The single storey nature of the scheme, with flat roof, would be appropriate, within a setting of low buildings to the western side of the road. The proposed dwelling contemporary in style, featuring rendered walls and zinc roofing, would fit within its surroundings. The unit on Brooker Place (within the Old Hove Conservation Area) faces east, with the opposite side of Brooker Place and the properties of Brooker Street to the east, just outside the Old Hove Conservation area. The design solution itself as viewed from Brooker Place would not be harmful to the area or conservation area.

Standard of Accommodation:

8.9. The gross internal floor area of the two bedroom flat measuring approximately 70sqm would meet the government's Technical Housing Standards for a 3 person, 2 bedroom, 1 storey property. The bedrooms would meet the minimum national space standards for a single and double bedroom.

8.10. It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the units would meet these standards and is an indication that the accommodation proposed is an acceptable size.

8.11. The two bedroom single storey dwelling would feature an open planned living room and kitchen, two bedrooms, a bathroom, separate wc and hall. The open planned room and bedroom 1 would be served by large window openings and door receiving adequate light and outlook. Bedroom 2 located to the rear of the unit would be served by a high level window, a door to the northern side and a window to the southern side. Whilst the side door to the northern side would look onto a boundary fence in close proximity and the high level window would face onto boundary treatment, it is considered that the large window opening to the south side facing the courtyard and side door would provide sufficient light and outlook.

8.12. Policy HO5 requires the provision of private useable amenity space in new residential development. The application proposes a small rear amenity space which whilst rather small in size is considered that the size of the proposed garden space is sufficient for the nature and scale of the development proposed and the site is within easy walking distance to accessible public spaces.

Impact on neighbouring Amenity:

8.13. 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.

- 8.14. Brooker Place is an access road providing access to the garages on the western side of the road and to the rear of the residential properties of Brooker Street to the east. The existing garages in their current form (essentially open car ports) are unsuitable for storage or a commercial use. It would therefore appear that a residential use on the access road would be appropriate and would not result in harm to the neighbouring uses. There are residential properties within the immediate vicinity of the site and therefore it is not considered that the principle of an additional residential property would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.15. There would be a distance of approximately 11m between the rear elevation of the property and no 60 Sackville Road and adjoining properties to the rear of the site and approximately 11 - 17m distance between the front elevation of the property and the rear elevation of the properties of Brooker Street to the east of the site. Given this distance and the single storey nature of the development it is not considered that the proposed building would result in overshadowing or loss of outlook to the adjoining properties and would not be visually intrusive within its surroundings.
- 8.16. The separation distance of approximately 11 - 17m distance between the front elevation of the property and the rear elevation of the properties of Brooker Street would ensure that no loss of privacy would result from the front elevation. Given the high boundary treatment to the properties of Brooker street it is not considered that direct views would be achievable toward the rear gardens of these properties (approximately 6m). The rear bedroom window would be high level and the rear door would not offer direct views into habitable rooms and given the separation distance of 11m from the Sackville Road properties no loss of privacy would result. The side fenestration would face onto garages and boundary treatment and therefore no loss of privacy would result.
- 8.17. The submitted plans do not provide detailing of the proposed boundary treatment between the two gardens (the proposed dwelling and no. 45 Sackville Road) and therefore a condition will be added requiring details of this to safeguard the privacy of both properties.

Arboriculture and Landscaping:

- 8.18. There would be four trees that will be affected by the proposed development; a birch and a crab apple tree, within the rear garden of no 45 Sackville Road and a Holly and Pear tree. The two trees within the garden of no 45 are proposed for removal to facilitate the development and the Holly and Pear tree are situated within the adjacent garden to the south.
- 8.19. The Arboricultural Team have commented that these trees are not worthy of a tree preservation order, and therefore whilst regrettable there is no objection to the loss of these trees.

Sustainability:

- 8.20. The submitted plans identify that communal storage facilities for refuse and recycling will be collected from 45 Sackville Road. This is acceptable in this location and details will not be sought for further consideration.

Transport:

- 8.21. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.22. Pedestrian access to the proposed development is either via the main entrance on Brooker Place or the footpath which runs adjacent to the property from Sackville Road. There is no delineated footway on Brooker Place which whilst not ideal it is acknowledged that Brooker Place is currently used by pedestrians accessing other properties and access can be achieved from the Sackville Road path.
- 8.23. The applicant has proposed a recessed doorway on Brooker Place to ensure residents are not walking directly onto perceived carriageway which is welcomed.
- 8.24. There is still a need for some physical structures, such as bollards, at the front of the dwelling that prevents parking in front of the entrance and ensures access is available at all times. This would be required to be a minimum of 1.2 metres in width. A condition is recommended or further information and requiring that a physical structure is installed to the front of the unit.
- 8.25. The proposal is for one new dwelling with no off street car parking replacing the current garage which has parking for 3 vehicles on Brooker Place. The Highway Authority has raised significant concerns regarding the localised impact from overspill parking on the highway network and the availability of car parking spaces in the surrounding Controlled Parking Zone. According to the City Council's data for this site's CPZ (N) during the last 12 months, there has been 95.5% uptake of parking permits. The Highway Authority may have concern if uptake of parking permits within a site's CPZ is above an average of 80%. Therefore the higher percentage of 95.5% suggests that there is a much greater possibility of parking difficulty occurring in the area.
- 8.26. A Transport Report and Parking Survey has been submitted by the applicant. Within the report it is stated that there is 'very little space on the road within Parking Zone N included within the 200m walking distance of the site' but there are spaces in CPZ R and it suggests that the dwelling's residents could park there. The City Council's Parking Team has confirmed that the residents within zone (N) would not be eligible for parking permits within zone (R). The report states that, the dwelling would provide for 2 cars parked either side of the entrance. The Highway Authority has confirmed that this would not be possible as the unit must be protected by a 1.2m width pathway and the garage entrances wither side would inhibit adequate parking. The report states that, the garages to be demolished are only useable by the smallest of vehicles and that there is only one in use at present and that garages are often used as storage and should only be counted as one third of a space.

The Highway Authority has stated that evidence from google street view identifies parking from multiple types of vehicles and the garages are car ports and could not be securely used for storage. The Highway Authority has stressed that Brighton and Hove have their own parking stresses and policies and the East Sussex planning guidance cannot be applied to this case.

- 8.27. The concern remains that there will be potential for unacceptable overspill from this proposal onto the highway/ Controlled Parking Zone N that has 'very little parking' as stated in the applicant's report. Therefore, a condition is recommended to ensure that the development is car free.
- 8.28. The application has indicated that cycle storage will be provided in a shared bin store in the rear garden. This is not considered acceptable and a separate cycle store should be provided given that there is space for one; the details of this will be secured via condition.

9. EQUALITIES
None identified.