

<u>No:</u>	BH2019/00993	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Preston Park Avenue Brighton BN1 6HL		
<u>Proposal:</u>	Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three storey rear extension & conversion of existing house to provide 6no flats (C3) and associated alterations.		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	05.04.2019
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	31.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Ms Sarah Mann Millers Junction Unit 1 10-28 Millers Avenue London E8 2DS		
<u>Applicant:</u>	Ben Evans 25 Preston Park Avenue Brighton BN1 6HL		

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 be **MINDED TO GRANT** planning permission subject to a s106 Agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **29th January 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of this report.

S106 Heads of Terms -

Sustainable Transport:

- £6900.00 toward sustainable transport be allocated towards the following works and initiatives including:
- introducing an accessible kerb at the Surrenden Road South End bus stop; and/or
- a scheme to install dropped kerbs and tactile paving along Preston Park Avenue at pedestrian entry points to Preston Park; and/or
- a scheme to level vehicle entrance points to dwellings along the eastern side Preston Park Avenue, including outside of the neighbouring property to the north.

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	1704(00)050	P1	3 April 2019
Proposed Drawing	1704(02)000	P1	3 April 2019
Proposed Drawing	1704(02)001	P1	3 April 2019

Proposed Drawing	1704(02)002	P1	3 April 2019
Proposed Drawing	1704(02)003	P1	3 April 2019
Proposed Drawing	1704(02)010	P1	3 April 2019
Proposed Drawing	1704(02)011	P1	3 April 2019
Proposed Drawing	1704(02)012	P1	3 April 2019
Proposed Drawing	1704(02)01B	P1	3 April 2019
Proposed Drawing	1704(02)051	P1	3 April 2019
Proposed Drawing	1704(02)100	P1	3 April 2019
Proposed Drawing	1704(02)101	P1	3 April 2019
Proposed Drawing	1704(02)102	P1	3 April 2019
Proposed Drawing	1704(02)103	P1	3 April 2019
Proposed Drawing	1704(02)110	P1	3 April 2019
Proposed Drawing	1704(02)111	P1	3 April 2019
Proposed Drawing	1704(02)200	P1	3 April 2019
Proposed Drawing	1704(02)201	P1	3 April 2019
Proposed Drawing	1704(02)210	P1	3 April 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 extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and 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 and CP12 of the Brighton & Hove City Plan Part One.

4. The external finishes of the extensions to the existing building hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the new build 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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 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:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;

- b. 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;
- c. 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. Notwithstanding the plans hereby permitted, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse 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 rear first floor balcony serving flat 3 shall not be brought into use until the obscure glazed screening has been installed. The screening to the balcony shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

13. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has 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 and thereafter retained.

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 Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

14. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

15. 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.

16. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application is a resubmission of an identical development previously approved by the Planning Committee on 6th February 2019 under reference BH2018/02536. This application has been submitted with a viability statement to demonstrate that the provision of an affordable housing contribution as previously included and secured through the extant permission and Section 106 agreement is not viable.

- 2.2. The application site relates to a three storey detached property located to the east of Preston Park Avenue. The property is currently occupied as a single

dwelling and has been subject to a number of ad hoc alterations including dormer windows, single storey rear extensions and projecting gables. Several sections of the property are currently in a poor state of repair. The existing building is of traditional design with ornate detailing and is set within a generous plot. The front elevation remains largely intact.

- 2.3. The property is within the Preston Park Conservation Area and is set adjacent to a five storey modern block of flats and a three storey property which has been heavily extended to the rear and at roof level. In the wider context the site lies within an area of mixed character consisting of several modern blocks of flats and traditional buildings, many of which have also been converted into flats. A number of properties within the street have constructed back-land residential developments.
- 2.4. The site rises from street level to the rear boundary and the rear garden steps up considerably in comparison to the ground floor level of the property.
- 2.5. The application proposes the subdivision of the dwelling into six flats, involving external extensions and alterations to the building, in addition to the erection of two new dwellings within the rear garden involving substantial excavation.

3. RELEVANT HISTORY

- 3.1. BH2018/02536 - Demolition of existing garage and erection of a three storey rear extension. Conversion of existing house to provide 6no flats (C3). Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping.

4. REPRESENTATIONS

- 4.1. **Nine (9)** letters has been received to this application re-submission, objecting to the proposed development for the following reasons:
 - Loss of light
 - Loss of view
 - Loss of privacy
 - Overdevelopment
 - Impact on conservation area
 - Additional traffic - parking
 - Damage to trees
 - Detrimental to property value
 - Inappropriate height
 - Noise impact
 - Harm to amenity
 - Adverse impact on listed building
 - Poor design
 - Overshadowing
 - Restriction of view
 - Too close to boundary

- Damage to local ecology
- Damage to flint wall
- Overlooking of neighbouring gardens
- Disruption from building works
- Inappropriate siting of cycle shed and waste bin
- It would involve the destruction of part of a distinguished house
- Will destroy front boundary wall
- Not comparable to local precedents
- Light pollution
- Security compromised
- Harm to wildlife

5. CONSULTATIONS

5.1. **Heritage:** Approve with conditions

It is noted that a similar application was reported to Planning Committee on 6 February 2018 and Committee was Minded to Grant the application subject to a s106 agreement (BH2018/02536). There are no discernible differences in layout, scale, design or materials to the plans that Committee was Minded to Grant. Therefore there are no further heritage comments to make on this application and the previous heritage comments, as reported to Committee, will still apply.

5.2. Second Comment: (verbal) 16.01.19

The scheme is an improvement without the removal of the side gable element to allow vehicle access to the rear of the site. The retention of the front boundary wall is welcomed. The alteration of the front boundary wall to allow two car spaces is not ideal as the original boundary wall would not be reinstated, however the proposed parking is considered an improvement in comparison to the existing garage.

5.3. No objections are raised to the proposed dwellings to the rear as they would not be readily visible within the streetscene.

5.4. Initial Comment on BH2018/02536: Object

The proposed demolition of this historic southern gable is not supported due to the contribution it makes to the existing dwelling and the lack of justification for its removal (other than to provide vehicular access to the rear of the site).

5.5. The part removal of the front boundary wall and the provision of car parking to the front of the dwelling are not supported.

5.6. The proposal also includes the demolition of the c.1920s terracing and stairs to the rear garden which adds to the value of this historic dwelling and demonstrates the pattern of development of the site.

5.7. Overall, the proposal is an over development of the site which requires partial demolition of a dwelling of historic value to gain access to the site.

- 5.8. **Private Sector Housing:** Comment
The bedrooms on the first floors of both houses are inner rooms; you have to go through the kitchen/ living room to escape should there be a fire.
- 5.9. There should either be a means of escape through the property without going through high risk rooms or an escape window in the bedroom. It is unclear from the plans if the windows in the bedrooms are a suitable means of escape.
- 5.10. **Planning Policy:** No Comment
- 5.11. **Sustainable Transport:** Comment from BH2018/02536
The access road width of 2.4m would be suitable for one vehicle only. In this case, as there is a low volume of pedestrians and vehicles accessing two dwellings only, no objections are raised.
- 5.12. Beyond the site, there are a number of kerbs along Preston Park Avenue which are not dropped. In order to provide access to the development for all users in accordance with the Brighton & Hove City Plan Part One policies CP9 and CP12, it is recommended that the applicant be required to make a contribution towards pedestrian route improvements. Further details are provided in the trip generation comments below.
- 5.13. The applicant is proposing five off-street spaces. 2011 Census data indicates that average car ownership in this area (Census output area E020003504) is approximately 0.8 per household (six spaces). Therefore, it is not considered that there would be a significant increase in demand for on-street parking permits in this instance.
- 5.14. The applicant is proposing 14 cycle spaces which is therefore acceptable in principle. The design is unclear but appears to be using vertical racks for the flats and a communal store for the houses. Vertical racks are not compliant with Local Plan policy TR14. A scheme of cycle parking is therefore recommended.
- 5.15. Any deliveries would take place from Preston Park Avenue as they do at present. The access road would not be sufficiently wide for a refuse vehicle and bins would either need to be left by residents at the kerbside or collected from the access road. It is recommended that the case officer confirm that these arrangements are acceptable with City Clean.
- 5.16. In order to provide for the additional trips that are forecast and provide for future residents of all abilities accessing the site, it is recommended that a sustainable transport S106 contribution of £6,900 be secured.

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
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. This application is a resubmission of an identical development previously approved by the Planning Committee on 6th February 2019. This application has been submitted with a viability statement to demonstrate that the provision of an affordable housing contribution as previously included and secured through the extant permission and Section 106 agreement is not viable. In the context that an identical scheme on this site was approved in February of this year and remains extant the only material difference in the schemes and principal matter for consideration is the provision of affordable housing for the development.
- 8.2. The principal considerations in the determination of this application relate to the principle of development on site, the affordable housing provision, the visual impact of the proposal on the site and surrounding conservation area, the impact on neighbouring amenity, the standard of accommodation provided for future occupiers, sustainability and sustainable transport impacts.
- Affordable Housing:**
- 8.3. Policy CP20 of the City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper the representative provision of affordable housing for a net of 7 units would equate to a 2 bedroom flat, which in Zone 2 results in a total contribution of £182,250.
- 8.4. The applicant has submitted a statement of viability to demonstrate that the development would not be viable enough to support an affordable housing contribution. This viability report has been assessed by the DVS (District Valuer Service). The concluding assessment report supplied by the DVS was received on 15th August 2019 has analysed the submitted viability report and reaches the conclusion that the scheme as proposed is not viable enough to support an affordable housing contribution.
- 8.5. In light of the conclusion from the DVS it is therefore considered that an affordable housing provision should not be secured in this instance. The extant Section 106 agreement does, however secure £6,900 as a sustainable transport contribution and therefore should the application be considered acceptable it is recommended to be minded to grant subject to a new Section 106 agreement to secure the contribution necessary.

Principle of Development:

- 8.6. The City Plan Part 1 (CPP1) 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.
- 8.7. 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).
- 8.8. 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).
- 8.9. The application submission is split into two distinct parts including the conversion of the existing building and the erection of two new dwellings within the rear garden.

The Proposed Subdivision

- 8.10. The proposal includes the subdivision of the existing dwelling into six flats. Local Plan Policy HO9 states that subdivisions of dwellings will be accepted, provided the following criteria are met:
- a. the original floor area is greater than 115 sq m or the dwelling 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.
- 8.11. The original floor area is greater than 115m² and has more than 3 bedrooms as originally built. Several of the units within the conversion would be suitable for family occupation and the two ground level flats would each have a

private garden area whilst the remaining flats would have access to a communal landscaped garden area.

- 8.12. The proposed conversion is not considered to have a significant impact on neighbouring amenity, as set out in detail below. Suitable refuse and recycling storage is proposed which shall be secured by condition, and whilst cycle parking is proposed, further detail shall be secured by condition.
- 8.13. The proposal is not considered to result in unacceptable levels of on street parking, as set out in detail below. The proposed conversion is considered to preserve the character and appearance of the conservation area.
- 8.14. The principle of the subdivision is therefore considered acceptable, subject to the detailed assessment set out below.

The Proposed New Dwellings

- 8.15. The surrounding area comprises a mixture of dwellings type including a number of large detached two/three storey buildings (similar to the existing building on site) the majority of which have been extended and converted into flats. There are also several larger purpose built blocks of flats, including Whistler Court which is directly adjacent to the north of the site and Bellevue Court which is three plots to the south. There are also a number of other blocks within the street, some of which are up to eight stories in height.
- 8.16. A number of the properties have constructed additional dwellings to the rear and the majority of the blocks of flats include parking areas / garages to the rear meaning there is a well-established precedent for back-land development.
- 8.17. Additional residential development on site to the rear would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.

Design and Appearance:

The Proposed Subdivision

- 8.18. The existing rear elevation includes a number of extensions including a hipped roof projection with an adjoining gable projection, two single hipped extensions and a single storey extension with a roof terrace above. At roof level the property also includes two dormer windows; one of which abuts the hipped roof projection. The accumulation of these extensions / alterations gives the rear elevation a somewhat disjointed appearance with a number of features that do not relate to one another. The proposed rear works would involve the removal of the existing harmful extensions and the erection of a replacement rear extension which would span the majority of the width of the rear elevation, including a three storey gable which would match the height of the existing extension and would project the same depth as the existing ground floor extension. The gable extension would also include an adjoining hipped roof section with a dormer window at second floor level. To the rear the works would also include a single storey projection with a roof terrace

above. To the front elevation, a central dormer is proposed which would match the style of the existing with a reduced width and an existing rooflight would be replaced.

- 8.19. The additional bulk and height of the extensions proposed to the rear would be significant, and would add notable depth to the dwelling. Given the scale of the plot however, and the set-back of the adjacent block of flats in addition to the numerous additions to other properties within the vicinity; it is considered that extensions of this scale and form can be accommodated on site. Furthermore, as noted above, the proposal would remove a number of older ad-hoc additions which would unify the rear elevation into a readable and rational extension with sympathetic detailing.
- 8.20. To the front of the site, the proposed removal of the garage is welcomed and whilst it would be preferable for the front boundary wall and garden to be reinstated, the implementation of two parking spaces is considered an improvement in comparison to the existing arrangement and is therefore accepted.

The Proposed New Dwellings

- 8.21. The existing site steps up significantly from west to east with raised rear garden and lawn area. The proposed dwellings to the rear of the site would be arranged in an 'L' shape with house 1 set lengthways, running parallel to the northern boundary of the site and house 2 running perpendicular across the site. The site would be partially excavated in order to set the ground floor of the buildings into the ground, with the first floor providing access to the gardens at the rear.
- 8.22. The design of the dwellings would be fairly unobtrusive, with the upper storey of house 1 set into a gable roof and house 2 with a lower flat roof. Both dwellings, although set on higher ground, would be set down from the ridge of the main building and would cover a relatively modest footprint. The plots would be significantly smaller than the majority of adjacent buildings however, as identified above, the majority of the buildings within the street have been converted into flats and several include back-land dwellings of a similar scale to that proposed within this application.
- 8.23. Overall it is considered that two dwellings of this scale can be supported within this back-land plot, and although non-traditional in design, the proposed design and finish of the dwellings would be modest and discreet, ensuring the main building would retain primacy. The material finish of a mixture of render and timber would soften their appearance and further reduce the prominence of the buildings in relation to the main property on site. Full details of materials shall be secured by condition.

Landscaping:

- 8.24. In terms of landscaping, as noted above, the majority of the rear garden would be excavated in order to accommodate the proposed dwellings to the rear of the site. The area immediately adjacent to the main building would also be excavated in order to allow for the extension whilst creating a private

amenity area for the lower ground level flats. Within the centre of the site, a terraced landscaped garden is proposed which is for communal use of all occupiers of the site which is welcomed.

- 8.25. The new houses would have areas of hardstanding and lawn to the front of the dwelling in addition to raised gardens at the rear. The existing boundary treatment would be retained. Full details of the proposed landscaping, including details of the planting scheme proposed in addition to details of boundary treatments shall be secured by condition.

Impact on Amenity:

- 8.26. 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.
- 8.27. The properties most likely to be affected would be those directly adjacent including the flats within 24 Preston Park Avenue to the south and Whistler Court to the north. Given the level of separation of the works from properties to the rear, it is not considered that any significant harm would arise in this direction.
- 8.28. 24 Preston Park Avenue is a 3 storey property which has been subdivided into 12 flats in addition to two further ground floor flats, one of which is set within a rear single storey extension, known as The Cottage, 24B Preston Park Avenue.
- 8.29. Whilst the extensions to the existing building would be visible from a number of side facing windows, in addition to several rear facing windows in oblique views, the predominant outlook of the flats to the front and rear would be retained. It is also noted that a new side window is proposed and new windows are proposed at upper levels to the rear elevation, which would provide additional sight lines towards neighbouring gardens. The new side window would retain a similar outlook to the existing window and therefore is not objected to and the overlooking from rear windows is considered acceptable in a residential setting such as this.
- 8.30. Turning to the north, Whistler Court is a five storey block of flats which is set to the rear of the application building and affords a number of views over the application site and the building itself. A number of the flats have outlook to the south from living rooms and kitchens which look at / over the application site. As a result, the proposed extensions to the existing building would be visible and would result in some loss of outlook to the lower level flats. Given the level of separation, the existing arrangement in addition to the fact that the main outlook to the front, and over Preston Park would not be impacted, the resultant relationship is considered acceptable. Furthermore, subject to the securement of the privacy screen to the northern edge of the terrace, it is not considered that any significant overlooking / loss of privacy would occur.

- 8.31. Turning to the new dwellings, it is clear that they would be visible from both Whistler Court and the Flats within 24 Preston Park Avenue. Given the modest scale of the dwellings and the adequate separating distance, there would be no significant harm to the occupiers of Whistler Court as a result of the new dwellings.
- 8.32. Similarly, it is not considered that the new dwellings would result in any significant harm to the flats within the main building at no. 24, in terms of loss of outlook or overlooking. The dwellings would be evident when viewed from the rear windows and garden area on 24B Preston Park Avenue, particularly due to the changes in levels, as the garden of 24B is set into the ground. As noted above the new dwellings are to be set into the ground, and their scale is relatively modest. Given these points and the 15m-20m separating between the new dwellings and the adjacent 24B, it is considered that the new dwellings can be accommodated without resulting in significant harm to neighbouring amenity.

Standard of Accommodation For Future Occupiers:

The Proposed Subdivision

- 8.33. The proposed conversion of the main building would include a 3 bedroom flat and a 2 bedroom flat at ground floor level, two 2 bedroom flats at first floor level and two 1 bedroom flats at second floor level.
- 8.34. The nationally described space standards, although not formally adopted by the Council do provide a useful guide against which to assess the overall unit size and bedroom sizes. All of the units would comply with the guidance. The units would also benefit from adequate levels of light and outlook. Two of the flats would have private external amenity areas, one of the first floor flats would benefit from a balcony and all units would have access to the proposed communal garden.
- 8.35. The outlook of the bedroom within flat 6 at second floor level would be confined to two rooflights which would be fairly restricted, however given the outlook from the living room and the overall size of the unit with adequate circulation and storage space, the standard of accommodation is considered acceptable and in accordance with Local Plan Policy QD27.

The Proposed New Dwellings

- 8.36. The proposed new dwellings would be set to the rear of the site and would be accessible via a stepped pathway running parallel to the southern boundary. House 1 would include 2 double bedrooms and a bathroom at ground floor level with a third double bedroom at first floor level in addition to the main kitchen / living / dining room at first floor level with access doors to the rear garden. House 2 would include two bedrooms at ground floor level (one single, one double) and a third double bedroom at first floor level, with access doors to the raised gardens. Both units would meet the nationally described space standards and would benefit from adequate levels of light and outlook. The private amenity area would be fairly restricted in size for the two dwellings, however in combination with the front garden / courtyard area, the

overall garden areas are considered commensurate for the level of occupation proposed.

- 8.37. In terms of the relationship between the flats and the new dwellings, the level of separation between the two is considered acceptable to alleviate any severe inter-overlooking.
- 8.38. Local plan policy H013 requires new residential development to be adaptable and accessible for all users and to meet optimal Building Regulations access standards. Whilst it is not considered reasonable to secure the standards on the conversion, they would normally be expected on new build dwellings. The new dwellings are however set at a higher level than the street and require stepped access. Due to the constraints of the site, the scale of development proposed, in addition to the scale of works that would be required in order to achieve a level access, it is not considered reasonable or practical to secure the optimal standards in this instance.

Sustainable Transport:

- 8.39. The sub-division of the existing dwelling and the provision of two additional dwellings on site would result in an uplift of trip generation. This has been calculated as an additional generation of 46 trips. Based on the council's developer contribution technical guidance, this would equate to a contribution of £6,900. This shall be secured via a legal agreement and will be allocated towards highway improvements within the vicinity of the site.
- 8.40. The applicant is proposing 14 cycle parking spaces which is in line with SPD14 guidance. The spaces are to be secured via Sheffield stands and will be covered by a canopy. This is considered acceptable and shall be secured by condition.
- 8.41. The applicant has submitted a parking survey which demonstrates that there is sufficient capacity (47% occupancy) which would accommodate the parking demand that the proposed development is likely to create. The applicant is proposing two off-street parking spaces and census data indicates that car ownership in this area is 0.8 per household (six spaces). Therefore, it is not considered that there would be a significant increase in demand for on-street parking permits in this instance and the development shall not be conditioned to be car free.

Sustainability:

- 8.42. Policy CP8 of the City Plan Part One requires 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 on the new build dwellings only.

9. CONCLUSION:

- 9.1. Whilst the scale of development proposed is significantly intensified in comparison to the existing use and the development would be noticeable by

immediate neighbours, this is considered acceptable. It is also noted that the overall development would provide a net gain of 7 residential units including a provision of a policy compliant affordable housing contribution. Furthermore the proposal would ensure the retention of much of the character of the building whilst upgrading and refurbishing the interior.

- 9.2. In consideration of the fact that an extant planning permission and Section 106 agreement was approved in February 2019 and further to the receipt and assessment of a financial viability assessment which has been assessed by the DVS and demonstrates that a contribution to affordable housing would not be viable, approval of this application subject to a Section 106 agreement to secure a contribution towards sustainable transport is recommended.

10. EQUALITIES

None identified.

S106 Agreement:

In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:

1. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

