

<b>No:</b>	<b>BH2019/01049</b>	<b>Ward:</b>	<b>Patcham Ward</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Land To The Rear And Side Of 146 Mackie Avenue Brighton BN1 8SB</b>		
<b>Proposal:</b>	<b>Demolition of existing garages and erection of 2no two storey three bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.</b>		
<b>Officer:</b>	Russell Brown, tel: 296520	<b>Valid Date:</b>	08.04.2019
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	03.06.2019
<b>Listed Building Grade:</b>	N/A	<b>EOT:</b>	
<b>Agent:</b>	Mr Simon Bareham Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b>Applicant:</b>	Mr Roger Abrahams C/o Lewis And Co Planning SE Ltd		

## 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	TA1064/ 01	B	6 November 2019
Proposed Drawing	TA1064/ 10	F	6 November 2019
Proposed Drawing	TA1064/ 11	C	8 April 2019
Proposed Drawing	TA1064/ 12	C	6 November 2019
Proposed Drawing	TA1064/ 13	C	8 April 2019
Proposed Drawing	TA1064/ 14	B	8 April 2019
Proposed Drawing	TA1064/ 15	B	8 April 2019
Proposed Drawing	TA1064/ 16		7 November 2019
Report/Statement	Arboricultural Assessment and Method Statement		8 April 2019
Report/Statement	Tree Management Schedule		12 November 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. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Arboricultural Assessment and Method Statement (Nicholas Jones Consultants Limited, 13 March 2019) are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
4. The Ash trees on site shall be maintained in perpetuity as set out in the submitted Tree Management Schedule (Nicholas Jones Consultants Limited, 12 November 2019) hereby approved, other than as may be permitted by prior approval in writing from the Local Planning Authority.  
**Reason:** To continue to enhance the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 (as amended), and in accordance with Policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
5. 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 Policy CP8 of the Brighton & Hove City Plan Part One and SPD16 Sustainable Drainage.
6. The development hereby permitted shall not be occupied until the modified crossover and access has been constructed. It shall be permanently retained as approved thereafter unless planning permission is obtained from the Local Planning Authority.  
**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.
7. 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.

8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% 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.

9. None of the 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.

10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with Policy HO13 of the Brighton & Hove Local Plan.

11. The side elevation windows at second floor level and the rear elevation windows at first floor level of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

12. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. They 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 Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

13. 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.

14. 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 dwellinghouses as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties, to the character of the area and to the protected trees to the rear, 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.

15. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 application of translucent film to clear glazed windows does not satisfy the requirements of condition 11.
3. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. Planning permission is sought for the demolition of four existing garages and a front boundary wall to provide 2, three bedroom dwellinghouses (Use Class C3) of two storeys with habitable roofspace, together with hard and soft landscaping, two car parking and associated works.
- 2.2. The application site is located to the southern side of Mackie Avenue and it is bounded to the south west by mixed use commercial with residential flats above and the north east by residential semi-detached properties. The application site comprises land currently used for garaging separated from the highway by a brick wall and recycling facilities. The site includes a group of Ash trees subject to a Tree Protection Order (TPO) and vegetation to the rear as well as a green access route which runs to the rear of the neighbouring terrace immediately to the south of the site. The area is predominantly residential with semi-detached houses interspersed with bungalows.
- 2.3. It is not located within a Controlled Parking Zone (CPZ).

## **3. RELEVANT HISTORY**

- 3.1. BH2015/03658: Planning permission was refused for the demolition of existing garage and erection of 3 two storey three bedroom dwellings. An appeal was also dismissed in May 2016.
- 3.2. BH2017/03450: In September 2018, planning permission was refused for the demolition of existing wall and garages and erection of 2no three bedroom semi-detached dwellings. The reasons for refusal were:

1. The site layout and density would jeopardise the future preservation of 2 on-site trees which are the subject of a Tree Preservation Order, to the detriment of the visual amenities of the area and contrary to policy QD16 of the Brighton and Hove Local Plan.
  2. The proposed development, by reason of the proximity of the building to 146 Mackie Avenue and its forward projection, would have an awkward relationship with the adjacent building, appearing unduly prominent and cramped, representing an overdevelopment of the site and causing significant harm to the character and appearance of the locality. The proposals would, therefore, be contrary to policy CP12 of the Brighton and Hove City Plan Part One.
  3. The standard of accommodation provided for future occupiers of the proposed development would be compromised by the close proximity of the buildings rear facing windows and outside amenity space to the canopies of mature trees to the rear. The resultant overshadowing would result in gloomy conditions, particularly within the gardens and living areas. The proximity would mean that the outlook from the rear facing windows of the bedrooms within the roof would be unacceptably limited. The proposed development is considered to offer unacceptable living conditions for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.3. BH2018/03022: T1-T2-T3- Reduce height by no more than 1.5m to strong lateral growth, Crown reduce lateral spread by no more than 2m until the lowest lateral branches where up to 2.5m max may be reduced, Crown lift to 4.5m above ground level. Approved 15<sup>th</sup> November 2018

#### 4. REPRESENTATIONS

- 4.1. **Six (6)** representations have been received objecting to the proposed development for the following reasons:
- Parking stress
  - Increased noise
  - Damaging impact on protected trees
  - Overdevelopment of the site
  - Negative impact on neighbouring amenity such as overlooking, overshadowing, etc
  - Detrimental impact on the visual amenities of the area

#### 5. CONSULTATIONS

- 5.1. **Arboricultural Consultant:**
- The arboricultural impact assessment and method statement submitted with the application is in accordance with the recommendations of BS5837:2012.
  - There would be a small incursion into the Root Protection Area (RPA) of one ash tree (T1) equating to 2.75% of the total RPA. The remaining part

of the RPA would be protected throughout construction by temporary ground protection. This is considered acceptable.

- The proposed works, subject to compliance with the submitted details, will not have a significant or adverse impact on the health of the trees or the amenity value they provide.
- However, conditions preventing the removal of or damage to trees (if not otherwise replaced on a like-for-like basis) and securing compliance with the AIA and method statement shall be attached to any consent.

5.2. **Highway Authority:** No objection subject to recommended conditions relating to the new crossover and the reinstatement of the footway from a crossover, hardstanding and details of secure cycle storage.

## 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);
- Shoreham Harbour Joint Area Action Plan (October 2019)

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
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

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

TR7	Safe Development
TR14	Cycle access and parking
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

Supplementary Planning Documents and Guidance:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPGBH 9	A guide for Residential Developers on the provision of recreational space

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main planning considerations material to this application are the principle of development, the design of the dwellinghouses, their impact on trees, neighbouring amenity, the standard of residential accommodation created and the impact on the highways network.

### **Principle of development**

- 8.2. There are no local planning policies that protect garages, although any subsequent impact on the local area, particularly on the availability of on-street parking spaces, through the loss of private parking spaces must be acceptably mitigated. This will be discussed in more detail within the highways section of this report.
- 8.3. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The Council's most recent land supply position was published in the 2018 SHLAA Update (February 2019) which showed a marginal surplus (4.5 years supply) assuming a 20% buffer as per NPPF paragraph 73 given that there has been significant under delivery of housing over the previous three years. 4130 of these new homes will be delivered within the built up area. The site also counts as a small 'windfall site', and the gain of two dwellings contributes towards meeting the planned housing requirements for the city and ongoing five year supply requirements. The impact of the proposal on the character and appearance of the area, the design of the proposed development, the impact on neighbouring amenity, the standard of accommodation created and other matters are discussed below.

### **Density**



- 8.4. The Patcham neighbourhood has a gross density of approximately 17 dwellings per hectare (dph). The proposed development would provide approx. 23.5 dph.
- 8.5. On the basis that the proposal would reflect the neighbourhood's positive characteristics (two storey semi-detached dwellings and diverse architecture reflecting changing styles through time) and would better contribute towards creating a sustainable neighbourhood (the dwellings meet optional technical standards for access and the nationally described space standards, and incorporate environmental sustainability improvements), Officers consider the proposed density acceptable and in line with City Plan Part One Policy CP14.

**Design, appearance and landscaping**

- 8.6. The site is located at a prominent junction of Mackie Avenue and Kenmure Avenue. In terms of visual qualities along Mackie Avenue and neighbouring roads, the area has a variety of properties both in terms of scale and appearance. There is also a fall in land levels from the north to the south.
- 8.7. Brighton & Hove City Plan Policy CP12 and Local Plan Policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.
- 8.8. It is considered that the height, width, form and overall appearance of the properties would complement the immediate neighbouring residential development. With the exception of changes to the front door and porch arrangement, inclusion of obscure glazed windows at high level within the side elevations and the inclusion of two rooflights to each property, they are identical in scale and appearance compared with the previous 2017 application.
- 8.9. Therefore, the proposed semi-detached pair would align with the front building line of the residential properties to the north-east of the site, and would be the same distance from no. 146 to the south-west. It was previously concluded in a report that the relationship between the existing and proposed buildings would be awkward when the site is viewed from the south-west. This was because nos. 140-146, which comprises commercial and residential units, follow the curve of the road and are set back from the established building line of houses (no. 148 onwards) that are to the north east and the curve of the road is no longer evident.
- 8.10. Following a site visit and further design-based rationale being submitted in support of the current site layout, Officers consider that it is more appropriate for the new dwellings to follow the building line of the two storey semi-detached pair to the north east (nos. 148 and 150) rather than the three storey mixed use building that follows the curve of the corner of Mackie Avenue opposite Kenmure Avenue. Whilst in plan form and in views from the car park in front of nos. 140-146 the step or stagger in the building line

appears relatively prominent, the impact of perspective means that any perception of a large step or stagger in the building line is softened. This would be the case in angled views from the open space to the west and from Plainfields Avenue. Siting the buildings in this position would also be beneficial in obscuring the obtrusive side elevation of 148 Mackie Avenue, hiding the poor quality cladding and over-scaled dormer.

- 8.11. Furthermore, the current proposal makes best use of the site considering the location of the protected trees to the rear, the need to provide sufficiently sized external amenity space and car parking spaces to the front. If the houses had been moved backwards, this would have meant increasing their width, bringing them closer to adjoining properties and representing a cramped form of development as referred to in one of the previous refusal reasons.
- 8.12. Therefore, Officers now consider that the proposed dwellings would not have an awkward relationship with the adjacent building (no. 146) since this is of a totally different scale, form and location within the street, and indeed it has an alternative purpose, both in terms of use and forming the corner of the curve in Mackie Avenue. Whilst the step in building line would be approx. 3.4m, this would not be unduly prominent due to only being visible in some views from the south-west, most notably in the car park pertaining to no. 146. Officers do note that whilst it may be preferable to site the buildings exactly in-between nos. 146 and 148 this is not possible due to the location of access to drains and the rear gardens of nos. 140-146. Notwithstanding these constraints, it is not considered that they appear cramped or squeezed into a gap within the streetscene.
- 8.13. As previously noted, the density of the proposed development would only be slightly above the prevalent density in the neighbourhood and, in this case, a density of less than 50dph is considered acceptable.
- 8.14. The proposed dwellinghouses are more traditional in their appearance to reflect the immediate neighbouring dwellings and whilst the residential part of the street has a mix of building types, the proposed dwellinghouses would have similar characteristics to the adjacent properties and no concerns are raised.
- 8.15. In terms of landscaping, a proposed plan has been provided, which shows lawns and timber decked patios surrounded by close boarded timber fences to the rear with permeable pavers to the parking areas at the front, bounded by planting. This is considered acceptable.
- 8.16. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.17. It is considered necessary to restrict permitted development rights to avoid an adverse impact upon the trees to the rear, the architectural form of the

new dwellinghouses and the appearance of the area from any kind of extension, outbuilding or new opening.

### **Trees**

- 8.18. Following consultation with the Council's Arboricultural Consultant, it is clear that the amount of incursion into the Root Protection Area (RPA) of the ash tree (marked as T1 on the Tree Protection Plan) is minor in scale and would not warrant a refusal of this application. As such, the current proposal would overcome the first refusal reason of BH2017/03450 in that it would not jeopardise the future preservation of any of the trees on site the subject of a Tree Preservation Order (TPO).
- 8.19. It is noted that the remaining part of the RPA (97.25%) would be protected throughout construction by temporary ground protection as identified in the submitted Arboricultural Assessment and Method Statement, compliance with which is recommended to be secured by condition.
- 8.20. In terms of refusal reason 3 of BH2017/03450, this refers to the canopies of mature trees to the rear. It is worth noting that Trees T1, T2 and T3 have been reduced in height by a maximum of 1.5m, laterally crown reduced by up to 2.5m and have been crown lifted to 4.5m above ground level (as approved by BH2018/03022). This impact upon the proposed standard of accommodation will be discussed later on in this report.
- 8.21. Given that the principle of undertaking works to these trees has been established by BH2018/03022, the development is unlikely to put the trees under pressure to be removed. Tree works shall be controlled in the future through a tree maintenance schedule, which has been submitted, and compliance with it shall be secured by condition. Officers consider that it has been demonstrated that the development would not have an adverse impact on the well-being of the trees.

### **Impact on neighbouring amenity**

- 8.22. 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.
- 8.23. The proposed development is not considered to have a significantly detrimental impact on future occupiers. The positioning, bulk and scale of the proposed building is not considered to represent a harmful impact on the amenity of neighbouring residential properties.
- 8.24. It is considered necessary to restrict permitted development rights to avoid an adverse impact upon neighbouring amenity given the close proximity of dwelling to the side and rear of the site from any kind of extension, outbuilding or new opening. For example, new windows or a new outbuilding within the rear garden of one of the dwellinghouses could cause overlooking to neighbouring gardens.

### **Standard of accommodation**

- 8.25. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.26. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.27. The proposed houses would feature three bedrooms and a bathroom to the upper floors, and an open-plan living room / kitchen at ground floor. The houses would have a Gross Internal Area (GIA) of 114m<sup>2</sup>, which complies with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that more than 75% of the GIA would have an internal floor to ceiling height of above 2.3m. The bedrooms and living areas are sufficiently sized and would allow adequate room for furniture and circulation.
- 8.28. The proposed gardens are modestly sized. It is noted, however, that there is an extensive public open space to the west of site as well as Mackie Park a seven minutes' walk to the west and Ladies Mile Local Nature Reserve a 10 minutes' walk to the east. In this instance, therefore, it is considered that the provision of outdoor amenity space for occupiers would be adequate and in accordance with Policy HO5.
- 8.29. Concern was raised in the consideration of the previous application about the close proximity of the dwellings' rear facing windows and external amenity space to the canopies of mature trees within the garden, and the subsequent detrimental impact on the proposed standard of accommodation. Since then, the trees have been the subject of works laid out in paragraph 8.20. It has been confirmed that the tree protection and layout plans are accurate in terms of having been produced post-works. As a result it is considered that the gardens of the dwellings would now benefit from acceptable amounts of natural light through the absence of overshadowing during the afternoons. Compliance with a tree maintenance schedule shall be conditioned as laid out in paragraph 8.19.
- 8.30. With regards to the impact on the living areas from the trees, although the internal accommodation for the two houses has not been re-arranged, the combination of natural light from the front (north) and the tree works means that the impact would not be sufficient, nor would it justify a refusal of permission.

- 8.31. The third reason for refusal also mentions the outlook from the rear-facing second floor bedroom windows as being limited. Two conservation style rooflights have now been proposed to light this space and offer some outlook, or at least views of the sky. In light of the standard of accommodation being acceptable when viewed in its entirety, it is considered that the outlook is now sufficient for future occupiers.
- 8.32. As such, proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

### **Highways**

- 8.33. The proposal could cause the displacement of four cars onto the street. Even if the garages were in use for vehicle storing, it is unlikely that any of the vehicles would be parked on the street as they are likely one or more of the following:
- are not in daily use;
  - do not have a parking permit;
  - do not have an MOT;
  - do not have insurance;
  - are waiting to be repaired; or
  - are waiting to be sold.
- 8.34. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in the wider Brighton area, or create parking stress on surrounding streets.
- 8.35. The proposed off-street car parking spaces are within the maximum standards and therefore this is considered acceptable. Overspill parking cannot be controlled as the site is not within a CPZ.
- 8.36. No objections are raised to the proposed changes to pedestrian access arrangements and access for vehicles are also considered acceptable subject to conditions regarding the modifications to the crossovers and dropped kerb, retention of the hardstanding for parking and to ensure its porosity and/or permeability. This and the means of drainage can be included within a landscaping scheme. It is considered that this would also help to ensure the surplus areas / green verges cannot be parked upon.
- 8.37. Four cycle parking spaces, two for each dwelling, are required and it has been suggested that these could be accommodated within the rear gardens. Since both gardens can be assessed to the sides of the dwellings without needing to pass through them, this is considered acceptable. It is not considered necessary to condition details as the stores would not be visible from the public realm, only that they need to be provided as secure and dry.
- 8.38. Refuse and recycling bins can be left on the large area of hardstanding to the front of the dwellings. It has been confirmed that the waste and recycling facilities located on the site can be moved within one month's notice being

served. The relocation of the telecommunications cabinet is not a planning consideration.

**Sustainability**

- 8.39. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

**Summary**

- 8.40. It is considered that the current proposal has sufficiently overcome the previous reasons for refusal of the previous scheme. The weight given to the proposed dwellings making a small, but vital contribution to the City's housing supply is considered to outweigh any harm caused and it is considered that conditions can further satisfactorily address any outstanding impacts. The application is therefore recommended for approval.

**9. EQUALITIES**

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.