

<b><u>No:</u></b>	<b>BH2019/03132</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Glenside Wincombe Road Brighton BN1 5AR</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing dwelling house (C3) to form two 1no bedroom flats, one 2no bedroom flat and one 3no bedroom flat (C3) with new front balcony at first floor level, revised fenestration and other associated works.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 290585	<b><u>Valid Date:</u></b>	21.10.2019
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.12.2019
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove Hove BN3 6HS		
<b><u>Applicant:</u></b>	Mr & Mrs Colin Blowers Glenside Wincombe Road Brighton BN1 5AR		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	10	a	21 October 2019
Proposed Drawing	11	b	21 October 2019
Proposed Drawing	12	b	21 October 2019
Proposed Drawing	13	c	21 October 2019
Proposed Drawing	14	b	21 October 2019
Proposed Drawing	15	b	21 October 2019
Location and block plan	01		21 October 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 ground and first floor windows in the west elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

**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.

4. 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.

5. The development hereby permitted shall not be occupied until the redundant vehicle crossover [on the western side of the site] has been converted back to a footway by raising the existing kerb and footway.

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

6. 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 one and two bedroom units, 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.

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. The development hereby permitted shall not be occupied until the 1.8m obscure glazed screen to the first floor terrace on the eastern elevation on the approved plans has been fully implemented and shall thereafter be retained as such.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and 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 to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a two storey detached house on the southern side of Wincombe Road.
- 2.2. The local streetscene is comprised of substantial two storey detached or semidetached residential houses set on large plots.
- 2.3. The application seeks permission to convert the existing dwellinghouse into 4 self contained flats comprised of 2 x 1 bedroom flats, 1 x 2 bedroom flats and 1 x 3 bedroom flat.

**3. RELEVANT HISTORY**

- 3.1. BH2019/00509 Conversion of existing single dwelling (C3) to form 2no. one bedroom flats, 2no. two bedroom flats & 1no. three bedroom flat (C3). External alterations include raising the roof ridge height, insertion of front, side & rear rooflights, conversion of garages to habitable space, new first floor front balcony & side terrace, new front boundary wall & revised fenestration. Refused 17.04.2019 and dismissed at appeal. The LPA's reasons for refusal included:
  1. The increased height of the proposed development would result in a building which would be over dominant in comparison to the neighbouring properties and disrupt the rhythm of the streetscene. The additional features, such as the front balcony would appear incongruous and would fail to reflect the prevailing character and

appearance of the streetscene. The scheme is therefore considered contrary to policy QD14 of the Brighton and Hove Local Plan.

2. The proposed scheme would result in an unneighbourly form of development, resulting in increased overlooking and loss of privacy to The Cottage, 236 Dyke Road, and 234 Dyke Road. The proposed first floor terrace on the east elevation would also result in undue levels of noise disturbance to the bedroom areas of The Cottage. The proposed development would therefore cause harm to neighbouring amenity, contrary to policy QD27 of the Brighton and Hove Local Plan.
  3. The proposed living accommodation in flat 5 would provide future occupants with constrained and limited accommodation that offers a poor outlook. The development therefore fails to provide an acceptable standard of accommodation for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.2. BH2017/02712 Conversion of existing single dwelling to form 2no. one bedroom flats, 2no. two bedroom flats & 1no. three bedroom flat (C3). Roof alterations incorporate raising the ridge height, new rooflights & front dormer. External alterations include new balcony & terrace, new front boundary wall & revised fenestration. Refused 23.02.2018

#### **4. REPRESENTATIONS**

- 4.1. **Thirteen (13)** letters have been received objecting to the proposed development for the following reasons:
- Overdevelopment
  - Increase in parking and traffic within the area
  - Increase in noise and disturbance
  - Poor design
  - Flats within the area are empty and haven't been sold
  - Previous concerns have not been addressed
  - Family housing in short supply
  - Loss of privacy
  - Overlooking
  - Out of character with the area
  - Would set a precedent for further subdivisions in the area

#### **5. CONSULTATIONS**

5.1. **Environmental Health:** Comment

This application seeks to develop on a domestic garage/workshop. Given the previous use, there is the potential that contaminants (such as oil) could have been stored on site, and that spillages may have occurred.

- 5.2. It is therefore appropriate to apply a condition to ensure that if there are any unexpected findings encountered during the construction process, works cease and a formal risk assessment by professional and competent individuals takes place to guide further action. This is referred to as a discovery strategy.

- 5.3. **Planning Policy:** No Comment
- 5.4. **Sustainable Transport:**  
Comment (previous comments for application BH2019/00509  
Access will remain as existing via a level entrance on the ground floor.
- 5.5. The applicant is proposing to remove two car garages and the existing car parking space immediately in front of the property. The existing parking space to the side of the property is to be retained with access via the existing dropped kerb. This will leave a redundant vehicular access and associated dropped kerb. The Highway Authority would recommend that the existing crossover is reinstated back to footway via the inclusion of the suggested Grampian condition. The removal of the existing parking provision could create overspill of parking into the surrounding streets, particularly in light of the significant uplift in residential units on the site. However, it is not considered that additional on-street demand of this level would amount to a serve impact. Furthermore, the site is located in CPZ A, which should mitigate some of the parking demand. Therefore in this instance the Highway Authority have no objections.
- 5.6. The applicant is proposing cycle parking in line with minimum number required as stated in SPD14. However the details of the type of cycle parking are unclear and further details would need to be secured by condition.
- 5.7. The change of use from a 3-bedroom family home to a five-unit site (which could accommodate up to 16 people) is anticipated to generate an uplift in trips. In order to provide for the needs of users of all abilities accessing the development on foot, it is recommended that a Grampian condition requiring the applicant to undertake footway improvements be attached to any planning consent in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9.
- 5.8. **Private Sector Housing:** No Comment

## 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces

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

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

SPD14	Parking Standards
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## 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 works and how this impacts upon the standard of accommodation for future occupiers and the amenity of existing neighbours.

### **Principle of Development:**

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent 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).

- 8.4. The application is a re-submission of previously refused applications BH2019/00509 and BH2017/02712. The 2019 application was subsequently dismissed at appeal. The LPA considered the principle of the conversion was acceptable, however had a number of concerns. These concerns included the design of the loft conversion and addition of the front balcony, the impact on neighbouring amenity, and the standard of accommodation,
- 8.5. The appeal decision for application BH2019/005090 (Appeal Ref: APP/Q1445/W/19/3227892) agreed with the LPA in regards to the proposed works at roof level, which included raising the ridge height. The Inspector stated that the extensions at the roof level would be overly dominant, out of keeping and disruptive to the streetscene and the wider character and appearance of the area. The Inspector also agreed that the accommodation being created at roof level would not provide adequate living conditions for future occupiers.
- 8.6. The Inspector, however considered the front balcony and the impact of the development on neighbouring properties to be acceptable.
- 8.7. The current application (BH2019/03132) has been revised, with the removal of all works at roof level. In all other respects, the proposals are identical.

**Policy:**

- 8.8. Policy HO9 of the Brighton and Hove Local Plan relates to conversions of dwellings and requires the original internal floor space of the application site, excluding any later additions to exceed 115m<sup>2</sup>. The original floor space complies with this. Furthermore, the proposed scheme to convert the existing dwelling into smaller residential accommodation is also dependent providing one of the units provided is suitable for family occupation. The ground floor unit would have three bedrooms and access to some amenity spaces and thus would be suitable as family accommodation.

**Design and Appearance:**

- 8.9. The external works include the introduction of a front first floor balcony and side first floor terrace with a 1.8m obscure glazed screen. The Inspector stated on the previous application that:

*'That whilst there are no other identical features in the immediate streetscene, I do not consider that either the front balcony or proposed obscure glazed screen would be unacceptable in terms of their impact on the character and appearance of the surrounding area or result in a contrived or unattractive development when viewed from the wider streetscene.'*

- 8.10. In light of the recent appeal decision, the external works are therefore considered acceptable.

**Impact on Amenity:**

- 8.11. The LPA considered the main impacts of the development to be an increased noise disturbance from the proposed front terrace and an increase in overlooking and loss of privacy from both new windows that were to be located within the roof extensions and from existing windows due to the additional occupancy as a result of the conversion.
- 8.12. The removal of the roof extensions and reduction of 1 residential unit is considered to be an improvement on the previously refused scheme in terms of reducing the levels of overlooking and loss of privacy as well as reducing the intensification of the site.
- 8.13. The Inspector considered the impact on amenity of adjoining properties and gave particular regard to the amenity of 234 Dyke Road, 236 Dyke Road and The Cottage. These are the nearest properties to the application site. The Inspector considered that the original proposal would not result in significant harm to neighbouring properties.
- 8.14. With regard to the impact on No. 234 Dyke Road, the Inspector stated that:

*'The rear elevation of the appeal property faces south-east and currently looks out over the rear garden and rear elevation of Number 234 Dyke Road. The number of residential units within the development that would have views out of the rear elevation will increase from one to three, when counting the Flat being created in the roof space.'*

*'The rear elevation of the property currently has 6 windows (3 at ground floor and 3 at first floor). Two windows within both the ground and first floor currently serve habitable rooms, whilst the third ground floor level window serves a kitchen and the third first floor level window serves a utility room. No restrictions in regard to the uses of these rooms have been drawn to my attention and in the absence of such restrictions the owner could change their use into habitable rooms without a formal planning permission being required.'*

*'Bearing in mind the above, I do not consider that the development would result in an unacceptable level of increased occupancy or cause overlooking or loss of privacy, as they would not increase to such a degree, over and above that which currently occurs, so as to harm living conditions.'*

- 8.15. With regard to the impact on No. 236 Dyke Road, the Inspector stated;

*'Number 236 Dyke Road is located to the south-western side of the application site and the Council raises concerns in regard to increase overlooking and loss of privacy arising from both increased occupancy and from the second-floor windows.'*



*With the exception of the rooflight windows in the second floor, no new windows are proposed in the south-west facing elevation of the development. The proposed ground and first floor windows in this elevation that serve habitable rooms are all secondary windows and therefore a condition could be imposed that would meet the standard tests as set out in the National Planning Practice Guidance related to the 'Use of Planning Conditions' (Paragraph: 003 Reference ID: 21a-003-20190723), requiring those windows to be obscure glazed and fixed shut. In regard to the new rooflights proposed within the roof space these are shown to be installed at a level where direct overlooking and / or loss of privacy would be unlikely to occur.*

*Bearing in mind the above, I do not consider that the development would result in an increased level of overlooking or loss of privacy to such a degree, over and above that which currently occurs, so as to harm living conditions in this instance.'*

8.16. A condition is recommended to ensure that the recommended windows are obscure glazed.

8.17. With regard to the impact on The Cottage, the Inspector stated:

*'Concerns have been raised in regard to the proximity of the development to this property, including in regard to increase comings and goings from an intensified use. Other concerns raised include: disturbance from the roof terrace, at first floor level, and potential elevated noise arising from its use; negative impact on outlook, especially from bedroom windows; and overlooking and reduce privacy arising from the additional windows at second floor level.*

*The existing front door access to the appeal property is accessed off the driveway and is located to the north-eastern side of the house. The Council's Planning officer report notes the adjoining property, The Cottage, has habitable room windows that overlooks the drive and front door access to the appeal site. I noted this on site but do not consider that the development would increase comings and goings to such a degree so as to materially increase the impact on the living conditions of the occupiers of 'The Cottage' in this regard.*

*In terms of the proximity of the first-floor roof terrace, I consider it to be adequately screened so as to avoid overlooking. This roof terrace area is only accessible from the lobby area and I do not consider that a level of use would be likely to occur which would result in an unacceptable level of noise disturbance arising from its use. The occupiers of The Cottage already have an outlook facing over the appeal site and the proposed development would not change that outlook to such a degree so as to have an unacceptable impact.*

*In summary, I do not consider that detrimental or adverse levels of impact would occur on the living conditions of adjoining occupiers, especially properties at numbers 234 Dyke Road, 236 Dyke Road and The Cottage.*

*The proposed development is therefore compliant with Saved Policy QD27 of the Local Plan, in this regard, which seeks to protect the amenity of an area, its users, residents and occupiers, including a development's future users, residents and occupiers.'*

- 8.18. Given the above assessment made by the Planning Inspector, it is therefore concluded that the proposed works would not result in any adverse impacts to the amenity of neighbouring properties.

**Sustainable Transport:**

- 8.19. Sustainable transport comments were provided for the previous application BH2017/02712. Given the similarities of the scheme, these comments are still considered relevant.
- 8.20. The applicant is proposing to remove two car garage spaces and one car parking space. One parking space would remain. The redundant vehicular access and associated dropped kerb would be required to be reinstated back to footway by condition.
- 8.21. The removal of the existing parking provision could create overspill of parking into the surrounding streets, particularly in light of the significant uplift in residential units on the site, but this is not considered to amount to a serve impact. Furthermore, the site is located in CPZ A, which should mitigate some of the parking demand. Consequently there is no objection to the loss of parking. A condition requiring the development to be car free is proposed, however given that the site already benefits from a parking permit, it would be proportionate to restrict further permits to the one and two bedroom units only.
- 8.22. The applicant is proposing cycle parking in line with the minimum number required as stated in SPD14. However the details of the type of cycle parking are unclear and further details would need to be secured by condition.
- 8.23. The transport officer has recommended that highway improvements are secured as part of the development. Since these comments were provided by the Transport Officer, the scheme has been reduced by one 2 bed unit. It is considered that given the size of the original dwelling and the number of occupants it could house, the conversion into four smaller units would not have such a significant uplift in trips to and from the site as to reasonably ask for footway improvements.

**Standard of Accommodation:**

- 8.24. The current proposal would provide two 1 bedroom flats, one 2 bedroom flats and one 3 bedroom flat. The layouts of these flats are identical to those proposed in the previously refused application. These units were all considered to provide an acceptable standard of accommodation in terms of layout, size, with all rooms having acceptable levels of natural light and outlook. The Inspector did not disagree with these conclusions.

8.25. It is therefore considered that the proposed conversion would provide an acceptable standard of accommodation for future occupiers.

**9. EQUALITIES**  
None identified.

