

<u>No:</u>	BH2019/03819	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjoining 9 Ridgeway Gardens Brighton BN2 6PL		
<u>Proposal:</u>	Erection of 1no three storey dwelling house (C3).		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	24.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.02.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	JDRM Architectural Design LLP Otherspace Lofts 11 Jew Street Brighton BN1 1UT		
<u>Applicant:</u>	Ms Paige Chipper Flat 4 Harbourside Inn 124 Fort Road Newhaven BN9 9EL		

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
Proposed Drawing	2147(21)1000 B		24 December 2019
Proposed Drawing	2147(21)1001 C		11 March 2020
Proposed Drawing	2147(31)0000 C		11 March 2020
Proposed Drawing	2147(31)0001 C		11 March 2020
Proposed Drawing	2147(31)0002 C		11 March 2020
Proposed Drawing	2147(31)0003 C		11 March 2020
Location and block plan	2147(10)1000 A		24 December 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-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.

4. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan and policies CP12 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all 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) samples of all new hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities 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 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.

7. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented

and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

8. Prior to first occupation the planters and metal balustrading to the second floor roof terrace shall be installed and shall thereafter be retained at all times.

Reason: In order to protect adjoining properties from overlooking and to comply with policy and QD27 of the Brighton & Hove Local Plan.

9. 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.

10. 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.

11. 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 accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 10 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. 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. This application relates to an area of land to the north eastern end of Ridgeway Gardens. The site comprises of a private hardstanding for two vehicles and vegetation to the rear. Immediately adjacent to the site is a turning head for vehicles and beyond a terrace group of properties which are finished in brick with some timber or hanging tile feature panels. Three additional terraced properties are located to the far end of Ridgeway Gardens.
- 2.2. Planning permission is sought for the erection of a three storey property on an existing hardstanding within Ridgeway Gardens. The new dwelling would provide under croft parking at ground floor with living accommodation to the storeys above. The rear of the proposal would also be visible from within Connell Drive.

3. RELEVANT HISTORY

None identified.

4. REPRESENTATIONS

- 4.1. **Six (6)** letters of representation have been received objecting to the proposed development on the following grounds:
 - Restricted access to neighbouring parking spaces
 - Already to many cars in the street
 - Loss of land for wildlife
 - Loss of daylight
 - Loss of view
 - Overlooking
 - Loss of privacy
 - Loss of parking space
 - Increase in noise
 - Impact on the accessibility of ridgeway gardens for residents
 - Site provides storage of neighbouring bins
 - The design sticks out and doesn't blend in

- Due to land levels the house will be more prominent than existing neighbours
- The removal of the verge will mean there is nowhere for pedestrians to walk on Connell Drive
- Not enough space for construction works
- The site provides needed spacing between buildings
- Overshadowing
- The site is unsuitable for a dwelling

5. CONSULTATIONS

5.1. **Sustainable Transport** No objection subject to condition

5.2. **Urban Design Officer** Received 05.03.2020 Seek modifications
Scale and massing

The three-storey + roof height of the proposal is equivalent to the adjacent terrace on Ridgeway Gardens. However, the perceived height of this terrace is reduced by its horizontal proportions and, by comparison; the proposed single dwelling appears as tall in isolation. The effort made to break down the overall mass of the proposal is noted and is considered to be successful in some ways.

5.3. Though the actual height and mass of the proposed dwelling is considered to be acceptable, amendments are sought to reduce the verticality and thus the perceived height of the proposed dwelling.

Internal layout

5.4. The proposed plans are well considered and do well to generate a spacious family home on what is an awkward infill site. The external terrace would better serve living accommodation to facilitate family living as a 3b6p home, rather than the master bedroom. The applicant should consider relocating the living accommodation at second floor level, with the potential for additional access from Connell Drive. Repositioning the stair in the northern corner of the site would facilitate a generous living accommodation at second floor as well as reconfiguration of first floor level to accommodate two generous double bedrooms and a family bathroom.

Architectural form

5.5. The innovative design approach to the proposal should be commended and presents an exciting opportunity on the site.

5.6. Whilst the angled eaves present an interesting and unusual architectural form, and respond to the tapered plan arrangement, they contribute towards the increased perceived height of the proposals. The applicant is encouraged to consider how elevational and fenestration composition could help to alleviate this.

- 5.7. The proposed materials palette to match existing adjacent properties, whilst appropriate to context, would benefit from more contemporary detailing and textures.

Further comments received 11.03.2020 following the submission of amendments

- 5.8. The scheme has been improved through a number of amendments and the dwelling presents a high quality of design.

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 (adopted 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
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
QD27	Protection of amenity

Supplementary Planning Documents:

SPD11 Nature conservation and development

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the character and appearance of the dwelling and its impact on the wider streetscene, the standard of accommodation provided, impact on neighbouring amenity, highways issues and sustainability issues.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Design and Appearance:

- 8.4. Planning permission is sought for the erection of a three storey property on Ridgeway Gardens providing under croft parking at ground floor with living accommodation to the storeys above. The rear of the proposal would also be visible from within Connell Drive.
- 8.5. The Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 8.6. It is acknowledged that the site is very constrained and that as a result this has dictated many aspects of the design and layout of the property. It is though noted that the scheme forms an innovative design approach to the proposal and presents an exciting opportunity on the site.
- 8.7. The proposed three storey dwelling is equivalent in height to the adjacent terrace to the south west on Ridgeway Gardens. It is noted that the perceived height of the terraced properties by comparison is reduced by its horizontal proportions.
- 8.8. The scheme has been amended during the lifetime of the application to reduce the verticality of the proposed dwelling. The architect has followed

several suggestions by the Design Officer to add horizontal emphasis to the build and to break down the mass of the proposal to be more in keeping with the surrounding context, as set out below. The scheme now proposes an inset metal balustrade to provide necessary safety provisions but it set back from the main parapet by planters which will further soften the appearance of this element of the scheme.

- 8.9. The amendments have resulted in a slight reduction in height of the overall property and a reduction in height of the parapet wall to the terrace area. This reduction in height reduces the area of brickwork above the fenestration to the kitchen/living area. In addition, amendments to the fenestration proportions ensure a consistent appearance across the property.
- 8.10. The scheme now features a distinct concrete plinth between the ground and first floor which is successful in referencing the change in land levels on the site as well as reducing the perceived height of the proposals.
- 8.11. The proposals result in a contemporary dwelling which incorporates the use of lighter tones to enhance the appearance of the property from within the street scene. The proposals now include a dark grey brick at ground level with a lighter brick to the floors above. In addition, as suggested by the Design Officer the proposed timber -cladding will be untreated and allowed to weather to a light grey finish. It is considered that these compositional amendments result in a dwelling with lighter materials which on the upper floors reduces the visual heaviness of the property and as such these materials are to be sought by condition.
- 8.12. In order to break up the rear elevation and to add interest to the property when viewed from within Connell Drive the scheme proposes fenestration with feature timber panels whilst retaining the privacy of future occupiers. In addition to both the front and rear elevation 3 courses of brick headers are proposed to break up the verticality of the façade. These amendments to the original scheme are considered to reduce the perceived prominence of the property from within Connell Drive.
- 8.13. It is considered necessary to seek a condition to remove permitted development rights from the property as it is considered that any additional fenestration or roof alterations may have a detrimental impact upon the visual amenities of the streetscene and also to the clean lines of the dwelling proposed.
- 8.14. It is considered that the proposed development would result in suitable addition to the site and is in accordance with Policy CP12 of the Brighton and Hove City Plan Part One.

Impact on Amenity:

- 8.15. 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.

- 8.16. The proposed dwelling would be positioned between two groups of terrace properties on Ridgeway Gardens. The larger of the existing terrace groups No's 1-9 have views to the north-west towards the Methodist church and to the rear over Connells Drive. The smaller terrace group forming No's 10-12 are orientated so that they have views from the front to the west, along Ridgeway Gardens.
- 8.17. Both No's 9 and 10 which form the end property of each terrace group have flank walls which face the site.
- 8.18. With regards to No.9 Ridgeway Gardens, given the flank wall to this neighbouring property, the separation distance of the application property to this neighbour (8.4m) and the front building line of the new development, no significant impact would be had to the outlook or light received by windows to this neighbouring property.
- 8.19. Two large windows are positioned at first floor level towards this neighbouring property, given the height of the properties and that no fenestration is present to this side elevation of No.9, the windows would not cause a loss of privacy to this neighbouring occupier.
- 8.20. It is acknowledged that the proposed external terrace would be positioned towards No.9 Ridgeway however future occupiers would be prevented from standing at the outermost parameters of the terrace given that the scheme proposes a balustrade set back from the main parapet by a raised planter.
- 8.21. Due to the topography of the surrounding street scenes, the rear garden of No.9 is set at a higher land level than Ridgeway Gardens. The garden to this neighbouring property is screened from the street by a high timber fence and trellising. Given this arrangement whilst the propose terrace would have the potential to provide some views to this neighbouring property these would be limited. Furthermore, given that No.9 forms a terraced property, these buildings already have mutual overlooking and therefore any impact would not be significant.
- 8.22. The proposed dwelling would be sufficiently set away from No.10 to the North and retains appropriate spacing to this property. The agent has provided information to demonstrate the impact of the proposed dwelling upon the sunlight levels received by the occupiers of this neighbouring property. The information provided demonstrates that whilst there may be a small increase in overshadowing to the occupiers of this neighbouring property this is limited to a short time frame, approximately between 10-12pm and most likely to occur during winter time. The level of overshadowing likely to occur is not considered to be so significant as to warrant the refusal of this application.
- 8.23. The rear of the proposed development would front Connell Drive. Connell Drive features two storey properties on higher land with front garages to the

east and a grazed embankment to the west. The proposed dwelling would front this grassed area.

- 8.24. The dwelling would maintain an appropriate height when viewed from Connell Drive and would not impact upon the amenities of the opposite occupiers due to the separation distance between the site and the nearest residential properties. Furthermore the property opposite the site (No.32) forms an end of terrace property and a grass embankment is present to the west of this and as a result forms an open space within the streetscene, further reducing adverse amenity impact to these neighbouring properties.
- 8.25. The rear elevation of the property features several window openings; however these comprise narrow slot windows which feature timber panelling adjacent. In addition the windows are to be obscurely glazed and fixed shut. In addition there is a single high level window to the North East which is fixed shut. The inclusion of these windows is not considered to alter the level of privacy currently enjoyed by neighbouring properties to the north or east of the site.
- 8.26. It is however not considered necessary to secure this by condition given that the measures proposed are to protect the privacy of future occupiers. Given the separation distance to the properties on Connell Drive, were the windows to be clear glazed this would not give rise to unacceptable levels of overlooking to neighbouring occupiers.
- 8.27. It is considered that the proposed development would not significantly impact upon the amenities of neighbouring properties and is considered acceptable in accordance with Policy QD27 of the Local Plan.

Standard of accommodation

- 8.28. The 'Nationally Described Space Standards' (NDSS) 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 8.29. Amendments were suggested by the Design officer as to how the internal layout of the property could be re-worked to improve the accommodation provided. The agent has however presented robust justification of the original proposed layout and demonstrated that the original scheme offers the best design solution.
- 8.30. The proposed development provides 1no. three bedroom dwelling suitable for 6 persons with accommodation set over three floors. The proposed unit

would provide 108sqm which would meet the stated requirements as set out within the Nationally described space standards.

- 8.31. The property would provide a useable floor area with sufficient circulation space after the placing of likely furniture items. In addition each of the bedrooms proposed would exceed the minimum space standard for double occupancy. Furthermore each habitable room within the property is considered to benefit from sufficient light, outlook and ventilation.
- 8.32. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development provides private external amenity space by way of a terrace area at second floor level. The external terrace would provide approximately 33sqm of amenity space. This level of external amenity space is comparable to the rear gardens of properties 8, 9 and 10 Ridgeway Gardens and therefore is deemed acceptable. Furthermore the site is within close proximity to Happy Valley Park which comprises open public green space.
- 8.33. The proposed standard of accommodation provided is therefore considered acceptable and in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport

Cycle Parking

- 8.34. The proposed cycle store location is deemed acceptable in principle and in line with parking standards SPD14. Further spacing and specification details are requested to ensure the store is secure and large enough to accommodate two cycles. These details are sought by condition.

Vehicular Access

- 8.35. The proposed crossover and hardstand are as existing. Whilst they are not standard in dimensions they are deemed to be acceptable for this proposal, and in this location.

Car Parking

- 8.36. The application site is not located within a Controlled Parking Zone. The applicant indicates 2 car parking spaces on the existing hard stand for the proposed house. This is one space above the maximum required by Parking Standards SPD14. However in this instance, no objection is raised as residents could park on the adjacent unrestricted turning head if they do own a second car which would not be desirable and in addition if a reduction in parking space was requested it would require amendments to the retained crossover and this is deemed to be excessive in this instance.
- 8.37. The location of the proposed house does result in the removal of the two existing private parking spaces. It is unclear if these are used by nearby existing residents; however there appears to be adequate alternative space on-street in the local area if this was the case and therefore there is no objection.

Sustainability

- 8.38. The applicant has indicated that the new dwelling would incorporate a number of carbon reduction improvements to achieve 32% against part L for energy efficiency.
- 8.39. However in line with Policy CP8 of the Brighton and Hove City Plan Part One which requires new development to demonstrate a high level of efficiency in the use of water and energy, a condition is sought to ensure the development achieves 19% above Part L for energy efficiency, and to meet the optional standard for water consumption.

Biodiversity

- 8.40. 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.

9. EQUALITIES

- 9.1. In this instance compliance with Policy HO13 is not secured by condition. Whilst street level access is proposed the primary living accommodation is located on an upper floor, accessed by a narrow staircase. It is considered unlikely that a stairlift would be feasible given the layout proposed.