

<b><u>No:</u></b>	<b>BH2020/00325</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Avon Court 12 Dallington Road Hove BN3 5HS</b>		
<b><u>Proposal:</u></b>	<b>Proposed raising of ridge height involving new roof construction, together with 2no front dormers and 3no rear extensions to form 1no two bedroom flat (C3). (Revised description)</b>		
<b><u>Officer:</u></b>	<b>Russell Brown, tel: 296520</b>	<b><u>Valid Date:</u></b>	<b>03.02.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>30.03.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>ATP Design Ltd 24 Bridgemary Grove Gosport PO13 0UG</b>		
<b><u>Applicant:</u></b>	<b>Mr Lekan Saromi C/o ATP Design Ltd 24 Bridgemary Grove Gosport PO13 0UG</b>		

This application was deferred from Planning Committee on the 6<sup>th</sup> May.

## 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 and Proposed Drawings	ATP_07_300120_PP	G	11 May 2020
Proposed Drawing	ATP_07_120520_SS		12 May 2020

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. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

4. The development hereby permitted shall not be occupied until the cycle parking space shown on the approved plans has been fully made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of 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.

5. The external finishes of the development hereby permitted shall match in material, colour, style 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

**Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 3 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 site relates to a two storey building (Avon Court) with a large pitched roof and two flat-roofed canted bays to the front elevation that break the eaves line. It is located within a terrace on the south side of Dallington Road, which runs between School Road to the east and Grange Road to the west. The building features a fire escape staircase to the rear, which is partially visible from School Road. The site is within a largely residential area, but there are industrial buildings on School Road and Kingsthorpe Road to the north where there are some new build dwellinghouses. The site is within Controlled Parking Zone (CPZ) R.

- 2.2. Planning permission is sought for the raising of ridge height involving a new roof construction, together with two front dormers and three rear roof extensions to form an additional two bedroom dwelling (Use Class C3). Changes were made during the course of the application to the size of the front dormers and the addition to the rear roofslope from a single mass to three individuals extensions as well as to increase the ridge height of the roof.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/03201:** Proposed roof alterations incorporating 2no front gable extensions over existing canted bays, 2no front dormers, 2no front rooflights and a full-width rear extension to form 2no additional one bedroom dwellings (C3). Refused on 23 December 2019 for the following reasons:
1. The proposed extensions, by reason of their scale, massing and form, would be out of keeping, over-dominant, unsympathetic and inappropriate resulting in significant harm to this property and the wider surrounds. Accordingly, the proposal is considered contrary to Policies CP12 of the Brighton & Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
  2. The proposed flats would by virtue of the accommodation proposed, the layout and insufficient floor to ceiling heights throughout, result cramped and gloomy units that would provide a poor standard of accommodation for future occupiers. Accordingly, the proposal is considered to be contrary to Policy QD27 of the Brighton & Hove Local Plan.

### 4. REPRESENTATIONS

- 4.1. **Five (5) objections** were received raising the following concerns:
- There are currently no properties with front dormers in the road or on neighbouring roads. They are not in keeping with the area. The development would radically and detrimentally change the appearance of the building and the character of the area.
  - The road is about to become busier with the large School Road and Rayford House developments (over 140 new homes) and the traffic and noise will be too much, and the area would be overcrowded. Additional traffic would hinder the access for those with disabilities and it would be harder for existing residents to find a parking space.
  - The description of development is misleading as this is a full-scale building project.
  - This would set a precedent for the same to happen on the other four small blocks on the road.
  - The noise and disturbance from the development would cause anxiety to rise and exacerbate existing health issues.
  - The development of brownfield sites in this tiny area of Hove is completely unsustainable.
  - The pressure put on the infrastructure by already consented development is huge and contributes to a major reduction in residents' standard of living.

- The reference to parking within the Design & Access Statement is incorrect in terms of car ownership levels and the idea of people working and living in the city not owning a car. It does not mention the CPZ and makes incorrect maximum car parking space assumptions. Where exactly would the proposed cycle parking be located?
- There is already significant development of new housing in the immediate area where additional parking will be required. If planning permission is given for these flats it sets a precedent for other blocks within the street / area.
- No-one has been inside to inspect or survey the premises as to its suitability for the outlandish proposal.
- The previous planning application was a very bad idea at the time and is a bad idea two months on, and nothing seems to have changed.
- The front dormers would afford views into the bedrooms of properties on the other side of the narrow street, therefore significantly affecting neighbours' privacy.
- There is no requirement for undersized flats (both in terms of total floor area and bedrooms) within this area.
- No parking assessment or Travel Plan have been submitted that include a cumulative assessment of the existing large scale developments on School Road being granted approval.
- There is no recognition of potential noise transfer through floors or how they intend to achieve Part E building regulations, which may require thicker floors than anticipated and therefore reduce floor to ceiling height.
- Hadley Court was never a 2-story block that had an additional story added at a later date and the rear dormer on a property on Grange Road does not directly overlook Dallington Road, as stated in the Design & Access Statement.

4.2. Following re-consultation to include the increase in the ridge height of the roof, **two (2)** additional objections were received raising the following points:

- All the same objections previously submitted still stand.
- This latest amendment seems to be all smoke and mirrors in order to persist with this hideous proposal to erect a garret above the leaseholders' flats.
- No amount of 'tweaking' to this appalling proposal can disguise that it is ugly, unwarranted and would provide 'rabbit hutches in the sky'.
- The prospect of having a building site above for a long time would be intolerable.
- The proposed design is very much out of keeping with the existing architecture of the street and is a prime example of poor aesthetics.
- The residents on the north side of Dallington Road would be overlooked and deprived of sunlight as a result of raising the roof line.
- There has been a lack of communication to residents regarding this proposal.
- Allowing this proposal would set a precedent as there are two identical blocks to Avon Court on this street.

- 4.3. **Councillor Nemeth** has objected to the application as submitted. A copy of the correspondence is attached to the report.

## 5. CONSULTATIONS

- 5.1. **Private Sector Housing:** No comments

- 5.2. **Sustainable Transport** (verbal):

- Pedestrian access remains as existing, which is deemed acceptable.
- SPD14 outlines that the maximum car parking standard for 1-2 beds in a Key Public Transport Corridor is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. As such, car-free development is deemed acceptable. The car parking permit uptake rate in CPZ R is 87%, which is above the industry standard indication of parking stress at 85%. Therefore, a restriction on future residents of the proposed flat from applying for a parking permit should be controlled by condition.
- SPD14 standards require one cycle parking space to be provided. This would be internally, inside the hallway. Whilst the space is deemed to be secure, and dry, it is unclear whether it is adequately sized or fit for purpose, and the type of stand has not been specified. A condition can be imposed to ensure that these details are provided prior to occupation of the flat.
- Refuse and recycling bins for the flat have been shown to the front close to the street for easy access to the collection point on-street. Bins should not be left out on the public (adopted) highway.
- The proposals may result in a slight uplift in trips; however, it is not considered that this will have an adverse impact upon surrounding highway and transportation networks. The Highway Authority does not wish to request developer contributions in this instance.

## 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 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. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP12	Urban design

#### Brighton & Hove Local Plan (retained policies March 2016)

TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Documents

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the design of the extensions, their impact on neighbouring amenity, on highways and the proposed standard of accommodation.

### **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 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).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing an additional housing unit to the city, and contribute to the City's ongoing five year supply requirements. A net increase of one dwelling (such as that in this proposal) would only be a very minor contribution to meeting the five year supply.

**Design and Appearance:**

- 8.5. Following the refusal of the previous application (ref. BH2019/03201), both the upwards extension of the two canted bays in the form of gables and the insertion of two rooflights to the front elevation have been removed from the proposal. The submitted scheme under this application has been amended as previously mentioned.
- 8.6. This application involves the raising of ridge height involving a new roof construction, the construction of two dormers to the front roofslope and three rear extensions comprising two larger dormers with a smaller one for the internal staircase set slightly lower down the roofslope.
- 8.7. A new roof would replace the existing, but with slightly steeper front and rear roof slopes resulting in a higher ridge height than the existing roof by approximately 26cm. Given that this is a relatively insignificant amount and the existing and proposed situation would not be easily noticeable in the context of the streetscene with Avon Court still sitting below the ridge height of no. 14, the change is considered acceptable. Avon Court would still be higher than no. 10 and the change would not be markedly different. The tiles would match the existing as best practicable, which is possible since they would be capable of reuse, and no objection is raised.
- 8.8. In terms of the proposed front dormers, it is recognised that they would impact on the streetscene given their prominent location. However, it is not considered that they would unbalance the building (since they counter-balance one another) nor would they disrupt the continuity of the terrace. Front dormers are a common feature within the local area, including the pair to 'The Nook' at 20 Kingsthorpe Road, which have subsequently found to be non-original and are of a similarly sympathetic scale, design and positioning to those proposed to Avon Court. Furthermore, the proposed front dormers do not give the appearance of an extra storey on top of the building, and are otherwise subordinate additions being well set in from the side of the building, set up from the eaves and set down from the roof ridge. In terms of the detailing, the dormer checks (areas of cladding either side of the window) have been minimised and the window itself lines with those below. The materials

proposed would match the existing (clay tiles to the dormer faces and the roof like those on the roofslope and white uPVC casement windows).

- 8.9. The full-width extension to the rear roofslope as initially proposed has been amended during the course of the application and is now broken into three individual parts; one serves a lounge, another the bedrooms and the extension in-between facilitates the internal staircase. The extensions are set over 60cm up the eaves, over 2.8m away from the sides of the building in the case of the larger additions and over 1m down from the roof ridge. The three dormers positioned in close proximity of each other would potentially be viewed as one continual block at a distance and given their size and areas of cladding are not in strict accordance with guidance contained in the SPG. Notwithstanding this, the dormers would take up less than two-thirds (62%) of the width of the roofslope overall given the expanse of the roof and would not give the appearance of an extra storey on top of the building. Again, the materials proposed would match the existing (clay tiles to the external faces of the two outer dormer and white render to that of the dormer in-between and white uPVC casement windows).. This together, with the presence of other larger dormers in the area, it is considered that the scheme as amended, whilst does not address fully the concern, is not likely to result in a harmful appearance that would warrant refusal of the application.
- 8.10. Views of the rear roofslope of the building are possible from School Road in the gap between the buildings fronting the south side of Dallington Road and those fronting the north side of Milnthorpe Road, but not directly from the latter, only from the private parking bay pertaining to Express House. However, it is not considered that the roof extensions would cause significant harm given the setback from School Road.
- 8.11. Examples of full-width roof extension have been given within the submitted Design & Access Statement and are at 17 and 19 Milnthorpe Road and 61 Grange Road and there are others within the locality. Given the width of the roofslope of Avon Court at over 17.5m compared with approx. 6m for the terraced properties on which the other roof extensions sit, larger roof extensions are considered to be permissible on this building.
- 8.12. As such, the application would be compliant with City Plan Part One Policy CP12, Local Plan Policy QD14, SPD12 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, and to improve the character and quality of an area, taking into account any local design standards or supplementary planning documents.

**Impact on Neighbouring Amenity:**

- 8.13. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.



- 8.14. Given the relatively insignificant increase in the ridge height of 26cm through the construction of a new roof, this change is not considered to have a significant impact on the amenity of occupiers of neighbouring properties.
- 8.15. The windows within the proposed rear roof extensions would overlook the rear garden of all adjoining properties. As such, it is acknowledged that some loss of privacy would occur to the rear gardens, but it is considered that no significant additional harm would be caused due to the existing situation where the gardens are already overlooked. Objections have been received raising the issue of overlooking from the proposed front dormers to the properties across the street. The separation front to front distance is at least 15.5m. The separation distance is considered sufficient to not result in additional overlooking.
- 8.16. The intensification of the residential use within this building is not considered to lead to a significant increase in noise and disturbance to neighbouring occupiers.

**Standard of Accommodation:**

- 8.17. 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.
- 8.18. 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.
- 8.19. A two bed, three person flat is proposed. The Gross Internal Area (GIA) of 66.1m<sup>2</sup>, bedroom sizes (14.3m<sup>2</sup> and 7.53m<sup>2</sup>) and internal floor to ceiling height (77.5% at 2.3m) are compliant. As such, this is considered acceptable and demonstrates that the proposal overcomes the previous reason for refusal. The flat has dual aspect (to the north and south) and therefore benefits from cross-ventilation. The lounge is now located on the south side and would receive sufficient sunlight along with the bedrooms. The kitchen and bathroom now have north aspect instead. It is considered that the six windows to the flat provides ample outlook.
- 8.20. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

**Highways:**

- 8.21. Car-free development is considered acceptable, especially since the permit uptake rate is 87%, which is above the industry standard indication of parking

stress at 85%. The restriction on future residents of the proposed flat from applying for a parking permit is recommended to be controlled by condition.

- 8.22. One cycle parking space is required to be provided and this would be internally, inside the hallway. This storage is considered to be secure, dry and adequately sized. A condition can be imposed to ensure that this space is fit for use as cycle storage prior to the first occupation of the flat.
- 8.23. Refuse and recycling bins for the flat have been shown to the front, which is adjacent to the street for easy access to the collection point on-street.
- 8.24. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Issues raised by consultation:**

- 8.25. Issues regarding quality of the building survey, the rationale behind the application, Building Regulations, health, property values and quality of architects are not relevant planning considerations and therefore have not been taken into account in the determination of this application. The description of development is not considered misleading.

## **9. CONCLUSIONS**

- 9.1. The proposal makes a minor contribution to the Council's housing targets through the provision of well-considered, subordinate extensions to this building that offer an acceptable standard of residential accommodation without having a detrimental impact on the building itself, the streetscene or neighbouring amenity. As such, this application is recommended for approval.

## **10. EQUALITIES**

- 10.1. The flat would not be wheelchair accessible or adaptable in compliance with Building Regulations Part M4.