

<u>No:</u>	BH2020/00776	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 Princes Crescent Hove BN3 4GS		
<u>Proposal:</u>	Demolition of existing house and erection of new detached two-storey dwellinghouse (C3).		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	10.03.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	05.05.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.06.2020
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr & Mrs Ornellas 6 Princes Crescent Hove BN3 4GS		

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 Plan	TA1259/01	-	10 March 2020
Proposed Drawing	TA1259/10	A	14 April 2020
Proposed Drawing	TA1259/11	A	14 April 2020
Proposed Drawing	TA1259/12	A	14 April 2020
Proposed Drawing	TA1259/13	A	14 April 2020
Proposed Drawing	TA1259/14	A	14 April 2020
Proposed Drawing	TA1259/15	A	14 April 2020
Proposed Drawing	TA1259/16	A	14 April 2020
Proposed Drawing	TA1259/17	A	14 April 2020
Proposed Drawing	TA1259/18	A	14 April 2020
Proposed Drawing	TA1259/19	A	14 April 2020
Proposed Drawing	TA1259/20	A	14 April 2020
Proposed Drawing	TA1259/21	A	14 April 2020
Proposed Drawing	TA1259/22	A	14 April 2020
Proposed Drawing	TA1259/24	A	14 April 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 No development above ground floor slab level shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
- a) details of the brickwork and tiles to be used
 - b) details of the flat roof between the two proposed front wings
 - c) details of the proposed window and door treatments including joinery details, including dormer window cheeks
 - d) details of the materials to be used in the construction of the rear glazed extension.
 - e) Details of all downpipes and rainwater goods
 - f) Details of the front door
 - g) Details of the rear garage door fronting Westbourne Place
- Development shall be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development; to reduce the demand for new building materials; and to comply with policies HE6 of the Brighton & Hove Local Plan and SA6, CP8 and CP15 of the Brighton & Hove City Plan Part One.
- 4 The side-facing windows at first floor level servicing the laundry/linen store and ensuite bathrooms; and the side-facing rooflights servicing bedroom 5 and the second-floor bathroom/dressing area of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) 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.
- 5 Access to the areas of flat roof hereby approved shall be for maintenance or emergency purposes only and no area of flat roof shall be used as a roof garden, terrace, patio or similar amenity area.
- 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.
- 6 The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 8 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 policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

- 9 The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 10 The photovoltaic panels hereby approved shall be fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 11 Within nine months of the demolition/dismantlement of the existing rear extension, the gap in the flint wall shall be filled in (to a height matching that of the rest of the wall) and made good. All new flintwork and works of making good of the flintwork shall match the original flint walls in the type of flints, coursing, strike and density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 12 The works of demolition/dismantlement hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition/dismantlement in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 13 Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
- 14 Prior to the installation of the new vehicle gates fronting Princes Crescent hereby approved, details (including 1:20 scale elevational drawings and plans showing the inward-opening method) shall be submitted to and approved in writing by the Local Planning Authority.
- Development shall be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development; to ensure the smooth running of the adopted highway; and to comply with policies TR7 and HE6 of the Brighton and Hove Local Plan and CP9 and CP15 of the City Plan Part One.
- 15 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. Details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme for any green roof to the facility.
- The approved details 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; to encourage travel by means other than private motor vehicles; to ensure that the development contributes to ecological enhancement on the site and to comply with policies TR14 of the Brighton & Hove Local Plan, CP10 of the City Plan Part One and SPD14: Parking Standards.
- 16 No development above ground floor slab level shall take place until a scheme setting out highway works to implement the reinstatement of redundant vehicle access on Westbourne Place has been submitted to and approved in writing by

the Local Planning Authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

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

- 17 Prior to the first occupation of the development hereby permitted the redundant vehicle accesses on Westbourne Place shall be removed and replaced with curbing to match the existing.

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

- 18 The development hereby permitted shall not be occupied until the dwelling hereby permitted has 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.

- 19 The works of demolition/dismantlement hereby permitted shall not be begun until an Energy and Embodied Carbon brief, and a Deconstruction and Reuse strategy, detailing the proposed measures to salvage building fabric from the existing dwellinghouse, have been submitted to and approved in writing by the Local Planning Authority. The demolition/dismantlement shall be carried out in accordance with the approved details.

Reason: To reduce the demand for new building materials; and to comply with policies SA6 and CP8 of the City Plan Part One.

- 20 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.

- 21 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.

- 22 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.

- 23 The development hereby approved shall not be occupied until the following items indicated on the approved plans have been fully implemented.

- Integrated photovoltaic solar panels
- Solar thermal panels
- Composting bin(s)
- Below-ground 1500L rainwater harvesting tank

These facilities shall thereafter be retained for use at all times.

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.

- 24 The development hereby approved shall not be occupied until the following items indicated on the approved plans have been fully implemented.

- Bee Bricks
- Bird Boxes
- Bat Boxes

These facilities shall thereafter be retained at all times.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP10 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 advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
- 3 The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 4.
- 4 The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
- 5 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.

- 6 The water efficiency standard required under condition 21 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a substantial two-storey detached dwellinghouse on the west side of Prince's Crescent within the Pembroke & Princes conservation area. The rear of the site abuts the east side of Westbourne Place and the boundary of the Sackville Gardens conservation area. The original property has been previously enlarged with a disproportionately slender, two-storey rear wing.
- 2.2. Planning permission has previously been granted for substantial alterations to the existing building, including the creation of a second forward-facing two-storey wing, and demolition of the aforementioned rear wing to be replaced with a part single part two-storey rear extension that links the main dwellinghouse with a detached outbuilding in the northwest corner of the property. This permission has been amended via subsequent applications and remains extant until October 2021.
- 2.3. Subsequent to these previous approvals the applicants have discovered that given the fabric and structural integrity of the building it would be more cost effective to demolish the existing building and rebuild the entire structure rather than extend the existing building. Accordingly, planning permission is now sought to demolish the entire building and erect a new dwellinghouse which is substantially similar in terms of scale and appearance to that previously approved albeit the current proposal omits a previously approved basement level and subterranean garage.

3. RELEVANT HISTORY

- 3.1. **BH2019/03533** Variation of condition 1 of application BH2019/00660 (Variation of condition 1 of application BH2018/02760 (Remodelling of property incorporating two storey front extension, part one part two storey rear extension, enlargement of existing roof with insertion of rooflights, revised fenestration and other associated alterations.) to allow amendments to approved drawings.) to allow amendments to approved drawings. Approved
- 3.2. **BH2019/02256** Variation of Condition 1 of BH2019/00660 (Variation of condition 1 of application BH2018/02760 - Remodelling of property incorporating two storey front extension, part one part two storey rear

extension, enlargement of existing roof with insertion of rooflights, revised fenestration and other associated alterations) to make amendments to the approved drawings. Refused

- 3.3. **BH2019/00660** Variation of condition 1 of application BH2018/02760 (Remodelling of property incorporating two storey front extension, part one part two storey rear extension, enlargement of existing roof with insertion of rooflights, revised fenestration and other associated alterations.) to allow amendments to approved drawings. Approved
- 3.4. **BH2018/02760** Remodelling of property incorporating two storey front extension, part one part two storey rear extension, enlargement of existing roof with insertion of rooflights, revised fenestration and other associated alterations. Approved

4. CONSULTATIONS

4.1. Planning Policy:

No comments

4.2. Private Sector Housing:

No comments

4.3. Conservation Advisory Group:

The Group noted it had seen several applications of different intentions on this site. However it was surprised by the present application to demolish and to rebuild. The Group recommended refusal for the building to be demolished 11 in favour and 1 abstention, and also recommended refusal to the rebuild, again 11 voted in favour of refusal with 1 abstention. The Group recommends that the proposal be put before the Planning Committee. It believes the proposals are harmful to the conservation area and made the following comments;

- The present proposal is for a building of a contemporary design on a larger footprint which bears no architectural relevance to other buildings in the CA, the listed Grade II Cromie's Barford Court opposite, or the Tudorbethan style that exists elsewhere.
- The construction of a flat roof garage in the front garden, over the building line, would be freely visible from street level and would be harmful to the site and CA.*
- The fenestration again is contemporary in design and the additional roof lights on the front elevation are unacceptable
- In the proposed site Block Plan, item L, marked on the plan's legend denotes a new site entrance, however this is not marked on any of the other plans in the submission. Does this mean a breaching of the attractive front boundary wall which again would not be acceptable?
- The removal of the central chimney stack, an architectural feature, from the existing building would be harmful to this part of the CA
- The relationship to Barford Court of any proposed new build is one of the key factors, and at present the proposal does not enhance the relationship

that the present building has with this important Grade II mansion island site.

- Any works to be carried out should include the re-instatement of the attractive cobbled wall to the west of the site, fronting Westbourne Place.

4.4. *It should also be noted that the Conservation Advisory Group raised "no objection on conservation grounds" to application BH2019/03533 which they assessed in January 2020, which featured an appearance very similar to that currently proposed. The Group was also consulted with on the previous application, BH2019/02256, where they stated it did not have an issue with the remodelling of the building.*

4.5. **Transport:**

No Objection subject to the inclusion of planning conditions regarding cycle parking provision; the removal of the redundant vehicle crossover; and a scheme describing the methodology of necessary works to the public highway.

4.6. **Heritage:**

This application proposes a building to the same appearance as the previously approved application BH2019/03533. This proposal was considered acceptable when originally submitted largely due to the significant enhancement to the Westbourne Place street frontage, from the removal of the two storey extension, and the reduction in the anomalous set back from Princes Crescent as a result of the front extensions.

4.7. The current proposal states that the cost of improvements makes the approved scheme unviable; however information supporting this does not appear to be included. It is also mentioned that a new structure would enable enhanced thermal efficiency, however other sustainability considerations encompassed by the One Planet approach, such as embedded energy in line with CP8 would not be met by the proposed demolition and re-build.

4.8. If these matters were to be suitably addressed, the opportunity to further improve the alignment of the building with the rest of the group should be taken.

4.9. This scheme introduces a separate garage in front of the house. This would be an uncharacteristic structure placed prominently in the street scene and the Heritage Team strongly resists this part of the proposal.

Further comments following amendments

4.10. A revised scheme omitting the garage from the front garden is welcomed and further information provided by the structural engineer and quantity surveyor provides the background to the decision to re-build.

4.11. Further details on the proposals to salvage and re-use existing materials will be necessary in due course and approval of all new materials to be used, along with window and door joinery details etc. can be required by condition. It should be noted that in the event that the condition of the existing roof tiles is

deemed too poor for their re-use, the specification of clay tiles would be considered necessary for this location.

- 4.12. It is disappointing that the anomalous alignment of the building cannot be addressed during the re-development of this site.

4.13. Urban Design Officer:

The site lies within the Pembroke & Princes Conservation Area and is opposite the grade II listed 157 Kingsway (Barford Court) and boundary walls. The existing dwelling is set back farther from Princes Crescent than its neighbours on either side and is accessed both from Princes Crescent and Westbourne Place to its rear.

- 4.14. The proposal is to demolish the existing dwelling and replace with a larger single, detached dwelling. This application follows approval (BH2019/03533) for extension and remodelling of the existing dwelling to an increased scale matching current proposals. The applicant states that extension and remodelling works would be unviable; thus demolishing and building new is more economical.

- 4.15. In principle, removing the existing dwelling and building new is acceptable. However, given the contribution of the existing dwelling to the character of the conservation area, the council expects high quality design, and opportunities to improve and enhance the conservation area setting to be taken.

- 4.16. The current proposals present some concerns with regard to:
- Sustainability
 - Site layout
 - Appearance

Further comments following amendments

- Sustainability / Climate Emergency:

- 4.17. The proposals now include measures of sustainability and biodiversity gains including *"raised potages to grow food, fruit trees to the front garden, solar and thermal PV panels, bird, bat boxes and bee bricks, as well as permeable paving to replace current non-permeable hard surfaces... [and] a 1500 litre tank under the rear garden area to harvest rainwater"*. Added to this, *"The rear vehicular access and garage are omitted together with the second previously driveway to the front, which significantly reduces reliance on car usage"*, as shown on revised drawing TA 1259-10A-140420-FRFC.

- 4.18. These additions are considered to be a positive contribution to the scheme and are to be commended. The proposed solar PV panels and solar thermal panels are noted; however the applicant is encouraged to consider whether a larger array could be accommodated in order to minimise reliance on the national grid, whilst respecting the character of the conservation area. For example, could a greater number of solar PV panels as well as the solar thermal panels be accommodated on the roof of the garden room to the west of the site?

- 4.19. Previous comment with regard to energy performance encouraged the applicant to "consider pushing the energy performance beyond the (minimum) 19% over Part L requirements" and, though commitment to this minimum target is acceptable, an improvement on this target would be considered a positive mitigation of the loss of the existing dwelling. Confirmation of building fabric and energy performance can be dealt with by condition.
- 4.20. With regard to reuse of existing materials, the applicant states that "This has already been identified within the Contract to ensure that materials can be reused where possible and otherwise salvaged for reuse elsewhere". Confirmation of materials to be salvaged for reuse is sought by condition.
- 4.21. The revised site plan along with suggested conditions negates the requirement for an energy & embodied carbon brief as well as a deconstruction & reuse strategy as previously advised.
- Site Layout:
- 4.22. The applicant has confirmed that the south-facing windows on the neighbouring property to the north of the application site are primary aspect for this property and thus moving the proposed dwelling eastwards to align with the prevailing building line of Princes Crescent would be overbearing to this neighbouring dwelling. These considerations are noted.
- 4.23. If the proposed dwelling is to remain in the position of the existing, care should be taken not to increase potential overlooking of residential amenity to the west. In this regard, the proposed west-facing dormer at 2nd floor level and the west-facing bay window/sun room at 1st floor level are considered to be concerning. These elements also present concerns with regard to architectural form (see below).
- Architectural Form / Composition / Materiality:
- 4.24. Previous comment had advised that the proposals were neither heritage-led nor contemporary in appearance; that if designed in accordance with the architectural style and detailing of the surrounding conservation area, this should include traditional window styles and other traditional detailing; but that there was the opportunity for a contemporary design solution whilst remaining sensitive to the conservation area.
- 4.25. The applicant has stated that they "*do not wish to create a contrasting high contemporary home on this site, but continue to proceed with a more sympathetic solution for the area*", but has presented design revisions with the intent to "contemporise the look of the house". It is considered that the revised proposals remain neither heritage nor contemporary in appearance and, as the ambition is not for a contemporary design, that they could be more sympathetic to the prevailing architectural context.
- 4.26. The fenestration design is considered to be incongruous with the predominantly traditional appearance of the dwelling. The size and verticality of proposed windows is such that they dominate the elevations and detract from the genteel character of the existing elevational composition and that of

neighbouring properties. This is of particular concern at 1st floor level, where it is considered that the scale and cill height of windows to bedrooms 2 and 3 on the rear elevation is more appropriate and should be extended to bedroom 4 and the master bedroom on the front elevation. The proposed full height glazing over the front door can be accommodated as this is recessed between the two primary volumes and thus is less impactful. Aligned with comment above, the proposed west-facing dormer at 2nd floor level and the west-facing bay window/sun room at 1st floor level are considered to be over dominant to this elevation.

- 4.27. The removal of the vertical tile hanging from first floor serves to harshen the appearance of the dwelling, which could be softened by the reintroduction of this element; this would also contribute towards a more sympathetic relationship to surrounding architectural context.

5. REPRESENTATIONS

- 5.1. **Three (3)** letters have been received objecting to the proposal on the following grounds:
- Loss of privacy to garden
 - Loss of privacy to rooms
 - Rear dormer will be used as a 'viewing area'
 - The rear dormer should be fitted with obscure glazing
 - The council has not provided any support in the renovation of a neighbouring property
- 5.2. A letter of support has been received from **Councillor Appich**. A copy of the letter is attached to this report.

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 JAAP (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage

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

TR7	Safe development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Brighton & Hove City Plan Part 2

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.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the demolition/dismantlement and subsequent development; the

design and appearance of the proposed dwellinghouse and the impact it would have on the historic significance of heritage assets in the vicinity; and the impact on the amenities of local residents. Consideration is also given to the potential impact on the adopted highway and on local biodiversity.

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 proposal is replacing an existing dwellinghouse with a new one and will cause no change in the housing stock. This is considered acceptable and there is no conflict with the development plan in this regard.

Design and Appearance

- 8.5. The proposal, in terms of the main dwellinghouse, largely mimics the appearance previously found acceptable under permission BH2019/03533, but will feature brick facades rather than hanging tiles. The front elevation would include the previously approved pair of double bay windows with a glazed central gallery between the bay windows. The hipped roof form would be replicated, as will the conservation style rooflights and a small rear dormer facing Westbourne Place.
- 8.6. The existing rear wing and the associated ground floor garage beneath it, which were to be removed as part of the previous proposals will similarly be omitted from this scheme. This is welcomed in terms of the benefits it will have to the Westbourne Place streetscene.
- 8.7. The appearance of the dwelling is influenced by the addition of several sustainability enhancements including photovoltaic panels on the south-facing roof-slopes. Due to the height of the building and its siting - set back reasonably far from the adopted highway - it is not considered that the panels will appear dominant or incongruous from where they may be visible. Both the rooflights and solar panels will be conditioned to prevent them from overly projecting above the roof plane.
- 8.8. An ambitious landscaping scheme has been submitted, showing fruit trees, raised bed potagers, cycle parking, compost bins, and other hard and soft landscaping across the site.

- 8.9. It is noted that the existing gate fronting Princes Crescent would be replaced with one of an alternative design. From the streetscene drawing it appears as if it would be of a cast iron design similar to the existing, however more details would be required by condition prior to any alterations.
- 8.10. A condition will be attached to ensure that no cables, wires, aerials, pipework, meter boxes or flues shall be affixed to the front or rear elevations, in order to reduce the risk of the property appearing cluttered and impacting on the visual amenity of the conservation areas.
- 8.11. The proposal represents an improvement over the scheme previously approved (most recently under BH2019/03533 on 23rd January 2020) in terms of sustainability. The demolition and replacement of the existing building allows the opportunity to replace the failing existing fabric and use modern energy-saving techniques to reduce the long-term carbon footprint of the building. Discussions have also been had with the agent regarding the possibility of salvaging and re-using as much of the existing fabric as possible. This will not only help to integrate the scheme with its setting as quickly as possible but it will also help to reduce the reliance on new building materials, reduce the potential use of landfill capacity and the vehicle movements associated with these activities.
- 8.12. Whilst it is noted that the application has not taken the opportunity to explore other beneficial design changes (as noted by the Urban Design Officer), it largely replicates the appearance of what could result from the extant permission and on that basis the proposal is not considered to have a harmful impact in terms of its design and appearance.

Impact on Heritage Assets

- 8.13. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.14. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.15. The appearance of the previous extensions were considered acceptable in terms of the impact they would have on heritage assets, including the two conservation areas and the grade II listed building that is opposite. The removal of the existing harmful rear wing to the rear and reinstatement of the flint wall is considered to represent a significant improvement to the Westbourne Place streetscene. The reinstatement of the historic flint boundary wall would be secured by condition, as it has been previously.
- 8.16. The building itself is set far back within its plot and the impact of the more contemporary aspects of the design are thus reduced. The boundary wall fronting Princes Crescent has not been altered by the proposal.

- 8.17. A condition will be attached to any permission requiring evidence be provided to the Local Planning Authority prior to demolition showing that a contract has been entered into by the developer to ensure that development commences on the proposal, in order to reduce the risk of the premature demolition/dismantlement and the impact that could have on the local streetscene and conservation areas.
- 8.18. Although concerns have been raised about the proposed dwelling, notably by CAG, in this instance it is considered that the current proposal would have a neutral impact upon the heritage assets given the extant permissions and a neutral impact would preserve the character and appearance of the conservation area together with the setting of the listed building opposite.

Impact on Amenity

- 8.19. The impact on the amenities of local residents from the proposal would match that of the previously approved design. Strong concerns have been raised regarding the inclusion of a rear dormer window each time it has been proposed. This is due to the building being set well back within its curtilage, bringing the rear elevation of the building into closer proximity with the rear of its own plot and the rear gardens of properties on the west side of Westbourne Place.
- 8.20. However, as the rear dormer is at a similar distance to these neighbours' properties as the existing first floor windows are on the existing dwellinghouse it has not previously been considered to be so harmful as to materially reduce the privacy of these neighbours. It is noted that it served the upper floor gallery/hall rather than a bedroom or living room and so the actual use of the window as a means of outlook is likely to be very limited especially as the internal space within the dormer itself has a width of only approximately 1.3m.
- 8.21. Application BH2019/02256, which was refused, related to a much larger rear dormer that incorporated a Juliette balcony. The refusal was in part due to the size and appearance of the dormer but also the likely loss of privacy to rear gardens of neighbouring properties. The proposed smaller dormer does not raise these concerns.
- 8.22. Whilst the dormer does add an additional window to the rear elevation, given the character of the area total privacy within a rear garden is unlikely to be achievable and some mutual overlooking is inevitable. It is considered that the proposal is unlikely to lead to any loss of privacy more harmful than that which already exists.
- 8.23. Access to the areas of flat roof will be restricted by condition to maintenance or emergencies, given that use of such areas could afford unobstructed views into private amenity space.
- 8.24. Side-facing windows and rooflights at first floor level or higher will be conditioned to be fitted with obscure glazing and to be fixed shut to an internal height of 1.7m in order to protect to privacy of rear gardens of adjacent properties on Princes Crescent, given the proximity of the these windows and

the unobstructed views they would otherwise afford residents of what is currently private amenity space.

Standard of Accommodation

- 8.25. The property provides approximately 475m² of floor space split between two storeys and the habitable loft space. Five bedrooms are shown on the floor plans. Although the loft-space bedroom would only be served by a roof-light and the sloping ceiling may impact on the usability of the space, this is not unusual and within the context of the wider proposal and the extant permission it is not considered that this minor concern warrants refusal of the proposal.
- 8.26. The proposal would also continue to benefit from spacious outside amenity areas in the front and rear gardens, and there are no concerns in this regard. The site is also proximal to open public spaces such as the Western Lawns and the beach itself.

Impact on the Adopted Highway

- 8.27. It is not considered that the proposal would lead to any significant increase in trips to and from the site. The proposal would reduce the area of vehicle hardstanding, though the retained area is still significant and would continue to provide a safe vehicular turning circle. The hardstanding will be conditioned to be made from a porous material or to direct surface water run-off into a location within the site, to prevent water egress across the adopted highway.
- 8.28. The introduction of purpose-built cycle parking is welcomed and will encourage trips to and from the site by means other than private motor vehicle. The site is also close by to bus routes running along New Church Road.
- 8.29. Details of the cycle parking facilities will be required by condition, together with the provision of the green roof atop it.
- 8.30. It is also considered necessary that after the works have been carried out, that the adjacent highway be reinstated as on-street parking; this will be secured by condition.

Biodiversity

- 8.31. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. The proposal has included multiple biodiversity improvements including bee bricks, bird boxes, a green roof atop the cycle store, and the aforementioned wider landscaping plan. All these inclusions will be secured by condition in order that the proposal may introduce some significant benefits to the biodiversity of the site.

Other Considerations

- 8.32. Given the significant demolition and works on brown-field land that is occurring, it is considered that the potential for contamination on site exists. For this reason, a precautionary condition will be attached requiring the cessation of works if previously unidentified contaminants are found on site, in the interests

of the health and wellbeing of not only the workmen themselves but future residents.

Conclusion

- 8.33. The replacement of the existing with the proposed dwellinghouse is necessary in order to overcome issues caused by the failing quality of the existing fabric, and represents a more viable and sustainable solution. The proposed works would introduce improvements in terms of biodiversity and accessibility and would cause no more harm to the amenities of local residents than the scheme for which there is extant permission. The scheme will have a neutral impact upon the heritage assets and overall the proposal accords with both local and national policies. Accordingly the application is recommended for approval.

9. EQUALITIES

- 9.1. The replacement of the existing building allows for the opportunity to improve the accessibility of the building for those with mobility-related disabilities, be they necessary in the future. The proposal's compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) shall be secured by condition.