

<u>No:</u>	BH2020/01969	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39A Preston Park Avenue Brighton BN1 6HG		
<u>Proposal:</u>	Subdivision to create 2no dwellings; 1no 5-bedroom dwelling and 1no 4-bedroom dwelling (C3). Part two storey to the south elevation of existing annexe and part single storey extension to east elevation of existing annexe. Erection of new first floor balcony, replacement of all windows and revised fenestration. Erection of a garage and associated landscaping (Part-retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	06.08.2020
<u>Con Area:</u>	Preston Park Avenue	<u>Expiry Date:</u>	01.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr & Mrs. Errol and Joanne Barrett 39A Preston Park Avenue Brighton BN1 6HG		

This application was deferred from Committee on the 13 January to allow Members to carry out a site visit.

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	106.3 01	P0	21 July 2020
Proposed Drawing	106.3 10	P0	21 July 2020
Proposed Drawing	106.3 11	P0	21 July 2020
Proposed Drawing	106.3 12	P0	21 July 2020
Proposed Drawing	106.3 07	P1	23 September 2020
Proposed Drawing	106.3 05	P2	20 October 2020
Proposed Drawing	106.3 06	P2	20 October 2020
Proposed Drawing	106.3 08	P2	20 October 2020
Proposed Drawing	106.3 09	P1	20 October 2020
Proposed Drawing	106.3 03	P4	20 October 2020

2. 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.

3. Prior to first 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:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. 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;
 - c. details of all existing and proposed 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.

4. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times. The car parking layout hereby approved shall be implemented in full accordance with plan 106.3 03 P4 to ensure that there is delineation between cars and pedestrians, prior to first occupation of the dwellings.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

5. Notwithstanding the submitted plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

6. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter. There should be one bee brick in the extension for Stable Cottage and a separate bee brick incorporated into the garage.

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.

7. The construction of the external garage to Stable House and the construction of the part one part two storey extension to Stable Cottage hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement (Ref: NJCL 788) received on the 12th October 2020 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

8. The flint walls to the boundary of the development proposed shall be retained and (if necessary) repaired using like for like materials and traditional methods.

Reason: To preserve the character and appearance of the conservation area and to be in accordance with policy HE6 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part One.

9. The external finishes of the development hereby permitted shall match in material, colour, style, bonding 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 HE6 of the Brighton & Hove Local Plan and CP15 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 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

- 2.1. The application site comprises a large, detached, two storey building in a horseshoe shape, set around a courtyard. It was used as an annexe to the care home at 38-39 Preston Park Avenue to the west. The application site is set behind properties on Preston Park Avenue to the west, Preston Drove to the north, and Beaconsfield Villas to the east. It is accessed by a separate driveway fronting Preston Park Avenue and has another point of access from Preston Drove, shared with a row of dwellings created in a mews.
- 2.2. The existing building is two-storey with rendered walls and tiled roof the existing windows and doors are a mix of wooden white windows and white uPVC. The grounds are currently arranged as a one plot with entrances linking the building through to Preston Drove and Preston Park Avenue.
- 2.3. The application is located in the Preston Park Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/01244** - Erection of single storey rear extension incorporating biodiverse green roof and roof terrace, with associated alterations. Withdrawn
- 3.2. **BH2020/01243** - Splitting existing 1no. Dwelling into 2no. Dwellings (additional unit to be two storey, three bedroom dwelling (C3)) and internal alterations with installation of new fenestration to existing house. Proposal also incorporates erection of garage/home studio unit and landscaping enhancement. Withdrawn
- 3.3. **BH2017/00018** - Erection of single storey offices (B1) with other associated alterations. Refused 09.05.2017. Appeal Dismissed.
The reason for refusal was 'the proposed building, by virtue of its scale, design and siting would cause significant harm to the character and appearance of the existing property and surrounding Preston Park Conservation Area, contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.'
- 3.4. **BH2016/01883** - Erection of single storey offices (B1) with other associated alterations. Refused 01.09.2016.
- 3.5. **93/0611/CA** - Demolition of existing out-building and erection of 2 storey extension comprising 4 bedrooms, lounge and kitchen as annexe to existing building. Approved 23.11.1993.
- 3.6. **93/0610/FP** - Demolition of existing out-building and erection of 2 storey extension comprising 4 bedrooms, lounge and kitchen as annexe to existing building. Approved 23.11.1993.

4. APPLICATION DESCRIPTION

- 4.1. The proposal seeks permission to subdivide the property to form two dwellinghouses; 'Stable House', a five bedroom to the west, accessed from Preston Park Avenue; and 'Stable Cottage', a smaller four-bedroom to the east, accessed from Preston Drove. Each would have their own garden areas and parking, with the following works proposed to facilitate the subdivision:
- extend the annexe part of the building to the southern and eastern elevations by way of a part 1 part two storey extension.
 - replacement fenestration
 - construction of an external garage
 - Construction of a balcony and Juliet balcony to proposed unit 1.
 - associated landscaping, car parking, cycle parking and refuse and recycling facilities.
- 4.2. The parts of the application that are retrospective in nature are the new windows shown on the revised plans to both proposed dwellings and the pergola feature in respect of the larger Stable House.
- 4.3. A number of amendments to the plans were received during the course of the application including the removal of balconies. The overall site plan was also amended to alter the car parking, cycle parking and refuse/recycling layout in respect of Stable Cottage and the subdivision of the plots changed to allow it more outdoor space.
- 4.4. The description has also been updated to better reflect the proposal, namely the subdivision of the site into two dwellings.

5. REPRESENTATIONS

- 5.1. **Fourteen (14) letters** have been received, objecting to the proposed development for the following reasons:
- Restriction of view
 - No reassurance about potential loss of trees
 - Additional traffic
 - Residential amenity
 - Noise
 - More intensive use of Preston Drove driveway
 - Unacceptable impact on habitable rooms of 1 The Mews
 - Reduced safety and security for the Mews development.
 - Implications of fire safety for development
 - Disturbance from Stable Cottage
 - Detrimental impact on property value
 - Access to Stable cottage has only been a secondary access
 - Over development
 - Adversely affects conservation area

- Loss of privacy
- Use of courtyard garden by children compromised
- New dwelling would be cut off from Preston Park Avenue entirely
- The new development is narrow with limited space for turning and manoeuvring or delineation between users.
- Additional comings and goings
- South facing balconies will overlook Preston Park Avenue and Beaconsfield Road.
- Awkward subdivision of plot
- Preston Drive access is controlled by pin number and intercom, how will the new dwelling be accessible?
- Overshadowing
- Loss of green corridor between Beaconsfield Villas and Preston Park Avenue.

- 5.2. Please note that of the **14 letters** received there are only **9** unique individual representations accounting for some duplication between respondents and those without name or address.
- 5.3. **Councillor Hugh-Jones** has objected to the proposal. A copy of the letter received is attached to this report.

6. CONSULTATIONS

- 6.1. **Arboriculture:** No objection
First Comment - 17/08/2020:

To enable arboricultural comment we will require a tree survey conforming to BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendations, along with protection measures during the construction phase for all trees being retained on site.

Second Comment - 12/10/2020:

- 6.2. The method statement is fairly generic, but from an arboricultural viewpoint there isn't anything to object to, with all trees proposed for retention and stated as unaffected by works. We would want to see protective fencing measures in place pre commencement, also confirmation on the current car parking concrete slab & whether there is any intention to update this? There would be a significant incursion into specified root protection area (RPA) of T1 Sycamore and the disturbance of any roots beneath. If this were to be considered an agreed construction method statement for any works would be required.
- 6.3. **Environmental Health:** No comment received
- 6.4. **Heritage - Verbal Comment:** No objection
 Whilst the site is located within the Preston Park conservation area, the site is setback from the two street elevations quite substantially.

6.5. Should ensure that the proposed development (if approved) does not impact on any of the flint boundary walls, this can be secured by condition.

6.6. **Planning Policy:** No comment

6.7. **Sustainable Transport:** No objection

First Comment - 27/08/2020:

6.8. Pedestrian access to the proposed dwelling entrance appears to be level and therefore acceptable.

6.9. No objection to the change of use subject to conditions requiring cycle parking, refuse and recycling collection point/store is secured close to the vehicle entrance

6.10. Cycle parking is indicated for both existing and proposed dwellings on the proposed plans and are within minimum Parking Standards SPD14.

Additional Comment (following amended site plan) - 16/10/2020:

Cycle parking:

6.11. The applicant has amended the location of the new dwelling's cycle parking from the drive to an area in the lawned garden beneath a large tree. It is recommended that the cycle parking be located elsewhere in a location away from the tree as there is no tarmac path (or similar) to allow for convenient access during inclement weather. It is also unclear if the ground is even at the base of the tree. A 'Notwithstanding the plans hereby approved' cycle parking condition is recommended to be attached in this instance (see suggested condition below).

Car parking:

6.12. It is recommended in the new driveway layout that a protected pedestrian path be created for the new dwelling, to improve pedestrian access. This would also encourage a reduction in car ownership/ parking by the new dwelling. Notwithstanding the proposed car parking arrangement on the new plan, the amended hardstand could allow further vehicles to be parked (and therefore would not accord to Parking Standards SPD14).

7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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).

7.3. 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.

8. 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 which closed on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the proposed change of use and subdivision to form two dwellinghouses is acceptable, the impacts of the proposed alterations and extensions to the existing building on design and appearance, including the impact on the wider conservation area, the impacts on neighbouring amenity and transport and ecology matters.
- 9.2. The proposal is part-retrospective in nature as some of the external alterations have already taken place, as noted above.
- 9.3. Due to the ongoing coronavirus pandemic a physical site visit has not taken place during the assessment of this application. Instead a desktop assessment has been made using up to date photographs of the site provided by the agent and street view imagery, which is considered sufficient to assess the acceptability of the proposal.

Principle of Development:

- 9.4. 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.
- 9.5. 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).

Existing and Proposed Use:

- 9.6. 39A Preston Park Avenue has recently been sold by the Grace and Compassion Benedictines (GCB). Prior to the sale the property was used as ancillary accommodation for the care home at 38-39 Preston Park Avenue. The building at 39A did not directly provide care for residents but did accommodate the sisters after the 1988 refurbishment of the buildings when nos. 38 and 39 were combined.
- 9.7. Although the building at 39A Preston Park Avenue is in residential use, it is not considered by the Local Planning Authority to have been in use as a C3 family home. As the property is not in use as a C3 residential use the application does not need to be assessed against local Plan policy HO9.

- 9.8. The marketing details for the sale of the property and the short statement from the previous users of the site, GCB, sets out a demonstrably link between 38-39 Preston Park Avenue and 39A Preston Park Avenue. Furthermore, prior to the submission of this application (BH2020/01243) an earlier application shows an existing layout featured a chapel and showed a layout featuring a number of bedrooms consistent with the account from GCB that the property was used as ancillary accommodation for the sisters of the Order who cared for residents in 38-39 and carried out the work of the charity.
- 9.9. It is therefore considered that policy HO11 applies. Policy HO11 seeks to retain existing residential care stock where possible. In cases where this is not possible the preferred use for sites is residential. The policy states that *'former homes will often be ideally located to provide opportunities for additional housing'*. In this instance the care home facility is not lost entirely, but reduced in scale to aid long-term viability of the site. The ancillary accommodation at 39A Preston Park Avenue, procured in the 1980s, is no longer required in connection with the care home/convent operations. In this instance, although there is a loss of facilities for the care home/convent, it is only a partial loss as the rest of the care home remains operational. As the care home continues to operate it is considered that policy HO11 is therefore complied with.
- 9.10. Accordingly, the change of use of the building at 39A is considered to be in accordance with local policies and would provide additional housing units which would contribute to current housing targets, representing a small windfall development of housing.

Subdivision:

- 9.11. The subdivision of the building would not be noticeably different; however, the subdivision of the overall plot would be. Currently there is a main building and an annexe, with an extension proposed to the annexe which is discussed later in this report.
- 9.12. The subdivision of the plot is necessary to create space around the proposed dwellings for cycle parking, parking and outside amenity space. Aside from the land forming the extension for the smaller property the open character of the space would remain. As existing the property benefits from a large garden and the subdivision and create of an additional; residential use would not be harmful to the overall pattern of the development in the wider area.

Design and Appearance:

- 9.13. Permission is sought for alterations to the larger of the proposed units and a part one-, part two-storey extension to the smaller proposed dwelling; the creation of balconies to both dwellings, and associated alterations. An external garage is also sought for the larger proposed dwelling.
- 9.14. The proposed extension to the eastern dwelling would significantly increase its footprint and provide a good standard of accommodation, within a good-sized plot. The two-storey element will increase the projection to the south of the building allowing for more bedroom space and living area. The single storey extension would be to the east and incorporate three roof lights in the roof. It

would be appropriately detailed with materials to match the existing building, except for the new windows which would be grey framed and also considered acceptable. The materials to be used in the remainder of the development are also considered acceptable, and in keeping with the surrounding properties and the conservation area.

Impact on Preston Park conservation area:

- 9.15. In considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.16. The verbal comments of the Conservation Officer are supportive of the scheme, this does represent development within a conservation area, however it is substantially different to that proposed and assessed under the appeal in relation to BH2017/00018. The previously refused and appeal dismissed proposal sought a building with a footprint of 72 sqm and the extensions proposed as part of this property create an additional 45.5 sqm to the footprint of Stable Cottage, the smaller eastern unit. This proposal would provide a resulting development has significantly less footprint and bulk compared to what was refused. The development now proposed is also substantially different as it would be an extension rather than detached so would not lead to significant further fragmenting the 'green' nature of the rear part of the curtilage. Even with the proposed extension to the existing annexe part of the building there is still significant space within the plot and the development would be set away from shared boundaries.
- 9.17. Although the proposed external garage (in association with Stable House, the larger western unit) represents a further 20sqm of built up footprint, the whole site is arranged in such a way that the open nature of the plot is not severely compromised by the additional building, to warrant refusal on this basis. The style of the building is also in keeping with the proposals with appropriate materials and detailing proposed.
- 9.18. The development applied for is fully residential, therefore the character of the area would not change. The proposed layouts of the new dwellings would result in both having outdoor spaces relative to the size of the dwellings. It is also noted that the development does not propose to remove the flint walls within the garden. It is noted that the Conservation Officer requested that a condition be attached to any approval to ensure that the flint walls are retained. The retention of open greenery, trees and the flint walls do preserve the character and appearance of the conservation area whilst allowing for an increase in residential units.
- 9.19. Accordingly, the development would be acceptable in terms of the conservation area and not in conflict with policies HE6 or CP15.

Landscaping:

- 9.20. The exact details of the proposed landscaping are to be agreed later and a landscaping condition is recommended to achieve this. The recommended approved layout features a pergola, courtyard, upper garden and front lawn area for the larger Stable House and a long rectangular garden for Stable Cottage. The external amenity areas for both proposed properties allow for planting space and incorporate the retention of trees on site. The arboriculturist has been consulted on matters relating to trees and confirmed that the plans are acceptable in this regard. They have requested that a condition is attached to ensure that the trees are protected during construction. This has been incorporated into this recommendation to require that no external works in relation to Stable Cottage can proceed until the tree protection measures are in place and that these must be maintained and retained throughout construction.

Access:

- 9.21. The subdivision set out above will create two dwellings with their own parking and amenity areas. Stable House, the larger unit, would only be accessible through a driveway linking to Preston Park secured with a high green wooden gate. Stable Cottage would be accessed via an access to/from Preston Drove shared with an existing row of dwellings in a mews. There would be no linkage between the units, either by car or on foot.

Standard of Accommodation:

- 9.22. The proposal seeks to retain the existing character of the building as a larger residence by providing two, large dwellings, namely Stable House (318.02 sqm) and Stable Cottage (3/4 bedrooms; 164.46 sqm).
- 9.23. Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF.
- 9.24. The standard of accommodation for the proposed dwellings will be assessed individually. Elements of the Nationally Described Space Standards (NDSS) have been used as a reference point when assessing the standard of accommodation. These standards have not yet been adopted, however it is acknowledged that similar standards are sought to be included in City Plan Part Two, which gives an indication of the direction of planning policy within the city.

Stable House (Unit 1):

- 9.25. The proposed dwelling at Stable House would have five bedrooms ranging from 7.88sqm to 28.8sqm, it is noted that three of the five bedrooms are en-suites and that only one bedroom does not have walk-in/built-in storage.
- 9.26. Stable House would include ample living accommodation including a feature lounge on the first floor. On the ground floor there is a choice of living areas and a bathroom. There are ancillary spaces annotated to accommodate a library, utility and gym/games room. There are separate bathrooms on both floors of the property, access to bathroom facilities will be good throughout the dwelling.
- 9.27. All of the bedrooms and habitable rooms would have outlook, and access to light and natural ventilation. The size of the unit is more than enough to comply with

the suggested sizes set out in the NDSS for a five-bedroom unit and when ancillary areas to bedrooms and living areas are taken into account the spaces provide a high standard of amenity in accordance with paragraph 127F of the NPPF.

Stable Cottage (Unit 2):

- 9.28. The proposed dwelling at Stable Cottage would have three/four bedrooms ranging from 8.91sqm to 34.7sqm. Although the plans have annotated a 'study' this has been assessed as a bedroom as it is large enough to be considered a single bedroom, hence the reference to three/four when discussing property size.
- 9.29. Stable Cottage would benefit from a large living/dining/kitchen area on the ground floor with direct access to the garden. There would be a separate shower and toilet on the ground floor and separate utility room. There would be a bathroom on the first floor which is large enough to accommodate a standard size bath.
- 9.30. All of the bedrooms and habitable rooms would have outlook, and access to light and natural ventilation. The size of the unit is more than enough to comply with the suggested sizes set out in the NDSS for a four-bedroom unit and when ancillary areas to bedrooms and living areas are taken into account the spaces provide a high standard of amenity in accordance with paragraph 127F of the NPPF.

Outdoor space:

- 9.31. Each property would also have access to outdoor private amenity space. The division of garden areas has been subject to alteration from what was initially proposed. The proposed garden of Stable Cottage has been enlarged from what was originally proposed and while it only benefits from one garden area when compared to Unit 1 which has a front lawn, courtyard and upper garden, both areas are considered reflective of the sizes of the dwellings proposed. Both gardens are proposed to be appropriately screen with timber fencing and hedges to ensure that there is some privacy. The provision of outdoor space is therefore compliant with policy HO5.
- 9.32. The proposal for the two dwellings would represent a high standard of accommodation internally and externally for both dwellings. This would be consistent with policies HO5 and QD27 of the Brighton & Hove Local Plan and paragraph 127F of the NPPF.

Impact on Amenity:

- 9.33. 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.
- 9.34. The proposed residential use for two dwellings is consistent with the surrounding character. The proposed extension to Stable Cottage to the rear and side would not be close to any neighbours other than the adjoining Stable House. The

additional residential uses will create more comings and goings from the property, but an additional household is not considered to be significantly harmful compared to the existing use as ancillary accommodation in association with the care home.

- 9.35. The proposed extension and alterations to the property are not considered to cause any significant harm to existing neighbouring residents that adjoin the boundary of the site. The part one part two storey extension is sited away from adjoining boundaries and there is a significant gap between the built footprint of the proposal and that building line of Beaconsfield Villas. The proposed external garage would not create any amenity harm to adjoining residents on the Preston Park Avenue side of the development. The alterations proposed would not harm the properties located off Preston Park Avenue or within The Mews development. It is noted that the proposed a balcony (off the feature lounge within Unit 1) may afford users distant views of the rear gardens of Preston Park Avenue to the south, however as this boundary is well screened from existing greenery this is unlikely to cause significant harm. Furthermore, no objections have been received from properties likely to be affected by the proposed balcony to Unit 1.
- 9.36. As discussed earlier in the report amendments to the scheme were sought during consideration. This included alterations to the proposed inset balcony to Unit 2 included as part of the original proposals. The balcony was not considered harmful to the gardens of Beaconsfield Villas as it was inset in nature and would have been screened to the east by the roof. As part of discussions it was recommended that this balcony either be altered to a Juliet balcony or removed entirely from the scheme as a balcony would create harmful overlooking to the garden area that would form part of Unit 1. The balcony was subsequently removed from the proposal and replaced with a window.
- 9.37. The removal of the inset balcony has not yielded a significant reduction in amenity harm as there was little amenity harm to begin with. The removal of the balcony has prevented harmful overlooking from a proposed upper floor balcony in unit 2 to the upper garden which the applicant wanted to retain as part of unit 1. Amendments to the plans were made and there is now a window in the south elevation. Although some views of the neighbouring garden will be possible this is not considered to be significantly harmful. Some overlooking of gardens from upper floor windows is expected in built up urban residential areas. This would not warrant refusal of the application.
- 9.38. During the application amendments to the driveway layout for Stable Cottage were sought to see if the car parking, using the existing access, could be situated further away from the basement window of 1 The Mews and potentially lessen the amenity impact of this close relationship. These amendments have not been sought in response to significant harm being identified, rather in response to an opportunity arising from the development to seek a better outcome in this existing tight neighbour relationship.

Sustainable Transport:

- 9.39. The proposed two dwellings five-bedroom and four-bedroom respectively would create additional demand on the Local Highway network. The proposals include provision for car parking in accordance with SPD14 and cycle parking and for both properties. Although indicative locations for the cycle parking have been provided, further details of the cycle parking are recommended to be secured by condition to ensure that the facilities provided are compliance with TR14 and SPD14.
- 9.40. The proposed units benefit from off street parking spaces and separate drives. The applicant is retaining the existing number of car parking spaces for the proposed dwellings and in this instance it is deemed that it would be unreasonable to object.. The proposed parking arrangements are recommended to be conditioned to ensure that car parking for residents/visitors is retained at all times and implemented in accordance with the plans submitted including the delineated footpath in respect of Unit 2.

Sustainability:

- 9.41. Regarding new build development policy CP8 seeks compliance with optional Building Regulation Standards for energy and water use. As a conversion of an existing building no standards beyond normal Building Regulations are sought.

Biodiversity:

- 9.42. The proposal includes an extension to Stable Cottage and a part one part two storey extension to Stable Cottage. These would be suitable for a bee brick in each structure which would contribute towards ecological outcomes in the city. A condition requiring a bee brick has been attached to improve ecological outcomes on the site in accordance with policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Other matters:

- 9.43. Several objections received refer to the site access from Preston Drove as being via a privately owned courtyard, with some referring to limitations on access rights. The LPA are aware that there is a dispute over access here, but this is a civil matter and therefore needs to be resolved separately outside of the planning process.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £10,443.00. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.
- 10.2. The calculation quoted above is subject to the submission of evidence to show that the building has been in its continuous lawful use for at least six months in the three years prior to the day that planning permission is granted.

11. EQUALITIES

- 11.1. The development does refer to the conversion of an existing building therefore policy HO13 cannot be fully applied. It is however noted that both proposed properties appear to have level access and could be suitable for persons with mobility difficulties. Stable Cottage goes further and has bedroom, bathroom and living facilities on the ground floor so could be particularly suitable for individuals with additional needs.