

<u>No:</u>	BH2022/00287	<u>Ward:</u>	Rottingdean Coastal
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land Adjacent Hillside Ovingdean Road Brighton BN2 7AA		
<u>Proposal:</u>	Reserved Matters pursuant to outline application BH2019/03135 for approval of layout, scale and appearance relating to the erection of 1no. dwelling (C3).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	16.02.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.04.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.06.2022
<u>Agent:</u>	Mrs Umut Gedik Kilic NARCH Design and Build 4th Floor Hamilton House, Mabledon Place, London, WC1H 9BB		
<u>Applicant:</u>	Mr Bulent Ekinci Black Homes Ltd 5 Windsor Close, Hove, BN3 6WQ		

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 **APPROVE** planning permission subject to the following Conditions and Informatives as set out hereunder.

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	2112-01E	J	30 August 2022
Proposed Drawing	2112-01P	J	30 August 2022
Proposed Drawing	2112-02	J	30 August 2022
Proposed Drawing	2112-03	J	30 August 2022
Proposed Drawing	2112-04	J	30 August 2022
Proposed Drawing	2112-05	J	30 August 2022
Proposed Drawing	2112-06	J	30 August 2022
Proposed Drawing	2112-07	J	30 August 2022
Proposed Drawing	2112-08	J	30 August 2022
Proposed Drawing	2112-09	J	30 August 2022
Proposed Drawing	2112-10	J	30 August 2022
Proposed Drawing	2112-11	J	30 August 2022

2. No development above ground floor slab level of any part of the development hereby permitted 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) all brick, tiling and render (including details of the colour of render / paintwork to be used);

- b) all cladding to be used, including details of their treatment to protect against weathering;
- c) the proposed window, door, juliette balcony and column treatments; and
- d) samples of all other materials to be used externally.

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

Reason: To ensure a satisfactory appearance to the development and to comply with Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission Brighton & Hove City Plan Part Two.

- 3. The development hereby permitted shall not be occupied until drawings detailing the positions, height, design, materials and type of all proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM33 of the Proposed Submission Brighton & Hove City Plan Part Two.

- 4. 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 Policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Proposed Submission Brighton & Hove City Plan Part Two.

- 5. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies QD27 of the Brighton and Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM18 and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

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. SITE LOCATION

- 2.1. The application relates to a vacant plot close to a bend to the west side of Ovingdean Road, which slopes down steeply towards the east. A property called Hillside is located immediately to the north as is a substation, which has no direct access to the road. The site is mainly covered with trees, all of which are covered by a Tree Protection Order (TPO). However, it is noted that seven were unlawfully felled on 11 July and the rest (23) were irreversibly damaged by chainsaws. The site is within the Urban Fringe, a Source Protection Zone and a Nature Improvement Area (NIA).

3. RELEVANT HISTORY

- 3.1. **BH2022/02350**: Variation of Condition 3 a) of outline planning permission BH2019/03135 to permit an additional year for all reserved matters to be submitted to the Local Planning Authority for approval. Approved 6 September 2022
- 3.2. **BH2019/03135**: Outline application with some matters reserved for erection of 1 no. dwelling (C3). Approved 17 December 2019
- 3.3. **94/0405/OA**: Proposed chalet bungalow and garage. Refused 9 August 1994 for the following reasons:
1. The proposal represents a cramped and intrusive form of development out of character with the general form of existing development in the area which fails to satisfy Policy ENV1 of the Borough Plan.
 2. Inadequate visibility splays are provided at the junction of the access with the public highway.
 3. The development is unsatisfactory in that it would result in the loss of trees which are the subject of a Tree Preservation Order, to the detriment of the amenity of the site and the surrounding area.

4. APPLICATION DESCRIPTION

- 4.1. The current application is for the Reserved Matters pursuant to the outline permission BH2019/03135 relating to the erection of one dwelling (C3). The application seeks approval for the following outstanding Reserved Matters: layout, scale and appearance.
- 4.2. Changes were made during the course of the application to
- As originally submitted the application also sought approval for landscaping. This was removed during the course of the application as insufficient information had been submitted to support the reserve matter and the applicant felt the information required would take too long. This resulted in application BH2022/02350 to extend the time to submit the reserved matters.
 - remove the basement floor;
 - reinstate the vehicle turning area; and

- reduce both the height of the dwellinghouse and the level at which it would sit within the site.

5. REPRESENTATIONS

5.1. **Twenty five (25) objections, three (3)** of which were from persons who are considered to be potentially directly affected, were received during the consultation period, including on behalf of **Ovingdean Residents & Preservation Society**. The objections raised the following issues:

- The screening of the development at Land South Of Ovingdean Road in views from the South Downs National Park would be compromised if the trees on site were to be felled, thereby adversely affecting the amenity of the area, wildlife habitats and attempts to counter global warming. There is no landscape plan submitted.
- It is still the case that the access would be on a steep hill near a dangerous blind bend, thereby posing a real danger to road users in both directions.
- The total floor area of the outline application appears to have been exceeded.
- A three-storey six-bedroom house on this plot represents overdevelopment.
- The size of the house is too tall and too large, out of keeping and out of proportion.
- There is little space for any cars to park at the proposed dwelling or to accommodate construction vehicles on site. A construction plan detailing safe delivery, loading and parking of construction vehicles should be required.
- Insufficient off-road car parking given the size of the proposed house
- Additional traffic
- The housing needs of Ovingdean are already being addressed.
- The plans do not show the height of the building above the edge of the field to the west, but some or all of the roof would be visible from across the valley, which would be detrimental to the ambiance of the area and out of keeping with the nearby conservation area.
- The infrastructure is not present to cope with the number of new inhabitants.
- This is not a suitable site for any development.
- It appears that the relative levels of the land involved may not have been properly recognised so it will be necessary for the developers to dig deep into the hill to create a suitable flat site.
- If a property and usable garden is to be built on this site a good many of the 30 densely packed TPO trees would have to be felled, which is considered unacceptable.
- No details of how the proposed property would be linked to the existing footpath to allow access for pedestrians and wheelchair users have been submitted.
- The substation is far too near to the property for safety and would limit access for maintenance.

- 5.2. **Councillors Mears and Fishleigh** have objected to the application and requested that the application go to Planning Committee. Copies of the correspondence are attached to the report.

6. CONSULTATIONS

6.1. **Transport (verbal): objection**

Comments made on the scheme as originally submitted:

- The site layout in terms of the turning area and access to the substation are not as approved. The turning area is wider and closer to the verge on the 'Existing Site Plan', but on the proposed plans is occupied by steps up to ground floor level and an entrance gate. The driveway does not allow sufficient space for a simple turning manoeuvre, thereby encouraging vehicles to reverse onto the public highway and from it onto site. Only pedestrian access is provided to the substation, which is likely to be unacceptable given there is no space for off-street parking for vehicles servicing it.
- By proposing boundary treatment up against the access, this potentially reduces the visibility splays approved by the original application. However, it is noted that the gate is set back from the public highway, allowing vehicles to wait on the site access before safely turning onto the public highway.
- Pedestrian access is a concern given that the entrance gate opens out onto the verge and that occupants and visitors would likely have to walk across the crossover.
- No cycle parking is provided.
- The amount of car parking is compliant.

The comments raised by the Transport team have been addressed through amendments.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6 Sustainable Neighbourhoods

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2:

The Inspector published her Final Report into the Examination of the City Plan Part Two on 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM1 - Housing Quality, Choice and Mix

DM18 - High quality design and places

DM20 - Protection of Amenity

DM33 - Safe, Sustainable and Active Travel

Supplementary Planning Documents

SPD17 Urban Design Framework

Other Documents

Urban Characterisation Study 2009

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The access to the development has previously been granted permission under the original outline permission BH2019/03135. The main considerations in the determination of this application relate to the layout, scale and appearance of the proposed development.

Officers have undertaken a site visit.

Principle of Development:

- 9.2. The principle of development has already been established through approval of the outline application and therefore does not form part of the consideration of this current application.

Layout:

- 9.3. The proposed layout is in compliance with the indicative plans submitted with the outline permission with the proposed dwelling being located to the northern end of the site close to the substation and nearer to the western boundary than the eastern to allow for a driveway and vehicle turning area.
- 9.4. Access was previously approved at outline stage. As originally submitted, changes were proposed to the access, however, following amendments the vehicular route to the dwelling would be via the previously approved splayed driveway for vehicles. Sufficient space for a simple turning manoeuvre and the new pedestrian pathway linking in with the existing to the north are incorporated into the design. The pedestrian entrance gate initially proposed has also now been removed. Space is left to all but the north side of the proposed dwelling where access to the substation would be maintained, both from Ovingdean Road and the National Park.
- 9.5. The southern part of the site would partly be taken up by a patio area with steps down to the garden.
- 9.6. As this site very much sits independently of the nearest plots and the dwellings they contain, it is considered that there is no need for the layout and positioning of the proposed dwelling within the site to mirror or otherwise be consistent with other dwellings along this road.
- 9.7. In terms of the impact on neighbouring amenity from the layout, its positioning on site is considered to be sufficiently far from the closet dwelling (Hillside) not to have any material impact in this regard.
- 9.8. In terms of internal layout, the proposed dwelling would be five bedroom, ten person over two storeys. There is not a figure for this in the Nationally Described Space Standard, which has been adopted by Proposed Submission City Plan Part Two Policy DM1. However, at 250m² it would comfortably exceed the standard for a five bedroom, eight person dwelling over two storeys of 128m². All the bedrooms would be sufficiently sized for double occupancy. It is considered that there is ample space for circulation and furniture, and that the layout is appropriate. Sufficient external amenity space would be provided in the form of a patio area and garden to the south.
- 9.9. It is noted that the site layout helps ensure that the proposed dwelling would comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), as required by Condition 5 of the outline permission, through the provision of a disabled access ramp. It is also noted that the gradient of the driveway would be 6°, which equates to 10.5% or 1:10.5, and

would be a fairly moderate slope. This is therefore acceptable for disabled access in this residential situation.

9.10. As such, it is considered that the layout is acceptable.

Scale:

9.11. The proposed scale is in compliance with the indicative plans submitted at outline stage with the proposed dwelling having a built footprint of 250m². It would be 16m long by 7.8m wide by 8.69m high with an eaves height of 5.77m. These dimensions are considered acceptable considering the size of the application site and neighbouring dwellings. The height allows for sufficient internal floor to ceiling heights of 2.55m on both floors.

9.12. Following concerns from Officers that the proposed dwelling could potentially be out of keeping with other dwellings to the north in respect of its height, a streetscene elevation was provided. This shows that the height of dwellings steps up the hill in a southerly direction. Ketts Ridge would step up to Hillside by 2.17m and the proposed dwelling would step up from the latter by 3.8m. Whilst this step up from Hillside to the proposed dwelling is by a greater amount than the step up from Ketts Ridge to Hillside, it is considered acceptable given the increased gap between the proposed dwellinghouse and Hillside and the fact that they are on a curved road where all the houses would not be seen together. The distance between the eaves and roof ridge on the proposed dwelling has, however, been reduced in height to be more consistent with those on Hillside and Ketts Ridge.

9.13. A topographical study has also been carried out to inform the levels on site, the land level the dwelling would be sited upon and the extent of any excavation that would need to be carried out. By building the proposed dwelling 2m below the natural ground level, this would also help mitigate the impact on the closest neighbouring dwelling, Hillside, and its garden in respect of being overbearing. In light of the changes to the height of the proposed dwelling and the level of the land it would be built upon, and a maximum of 6.4m of the proposed dwelling being visible from the garden of Hillside (as shown on Proposed Section A-A), it is considered not to be overbearing that would justify refusal of the application and the impact on neighbouring amenity would be acceptable. There would be no material impact on outlook, daylight or sunlight from the scale of the proposed dwelling. To ensure the development is built in accordance with the this, a land levels condition is recommended.

9.14. As such, it is considered that the scale is acceptable.

Appearance:

9.15. The building would have a pitched roof with hips to the northern and southern sides as well as projecting gables to the eastern (front) and western (rear) elevations. The front projecting gable end would incorporate semi-circular arched glazing with a multi-pane glazing pattern. Other front and rear elevation windows would also feature a multi-pane glazing pattern. The first floor fenestration would be full-height and feature Juliette balconies. The southern elevation would feature two double doors and two single pane first floor

windows. The roof would have a substantial overhang to the front elevation supported by four columns, each of which would be split into two by prominent horizontal banding between the ground and first floors. The central-most columns would flank the front door, which would be mostly glazed in a four-over-four pattern.

- 9.16. The external design would therefore feature classical architectural features, such as the columns that are distinctive of the Georgian period, interspersed with contemporary design elements such as the door to the integral garage and ramp. The semi-circular arched glazing would have the effect of highlighting the entrance to the proposed dwelling.
- 9.17. The site is located within Ovingdean, which can be characterised as a downland settlement. The areas closest to the application site are characterised as very low density suburban style housing. Although in general the buildings are not of any significant architectural merit and lack any unifying features, the generally spacious setting and wider landscape, including the backdrop of the South Downs National Park (SDNP) combine to provide an attractive environment.
- 9.18. Therefore, whilst the proposed mix of styles is not entirely cohesive, no objections are raised to the design approach for this proposed detached dwelling, which is unlikely to be viewed in conjunction with the nearest residential properties and therefore not considered to be unacceptably incongruous.
- 9.19. No details of materials have been provided, but it is recommended that these are secured by a pre-commencement condition.
- 9.20. Turning to amenity, there would be no material impact on privacy from the windows within the proposed dwelling given the lack of windows and external amenity area to its northern side.
- 9.21. In terms of boundary treatments, these too are recommended to be secured by condition. It is, however, important that the front boundary / retaining wall is not any higher than 0.6m so as to not impede visibility splays. If required for privacy or security reasons, railings can be added up to 1.4m on top of the wall. It has also been agreed that an appropriately fire rated composite fence and gate would form the western boundary of the access to the substation.
- 9.22. As such, it is considered that the appearance is acceptable, subject to the imposition of conditions.

Landscaping:

- 9.23. As previously advised, the scheme as originally submitted included landscaping. This was removed from the application during the consideration of the application as insufficient information has been submitted. It is important to note that no development can commence until an application for the approval of the landscaping reserved matter has been submitted and approved by the Local Planning Authority.

- 9.24. It should be noted that this will need to include mitigation planting to replace those trees covered by a TPO that have been felled and damaged. If the reserved matters is not deemed acceptable at the time of submission, this may require amendments to the layout and a further reserved matters would need to be submitted.

10. CONCLUSIONS

- 10.1. The proposal for the approval of reserved matters relating to layout, scale and appearance are considered to be acceptable and would not result in a significant deviation from the scheme approved at the outline stage. It remains a policy compliant development which would provide an additional unit of residential accommodation in Ovingdean to meet a recognised need. The proposal would be compliant with Policies SA6 and CP12 of the City Plan Part One, TR7, QD27, HO5 and HO13 of the Local Plan and DM1 (carries significant weight), DM18 (carries limited weight), DM20 (carries more weight than QD27) and DM33 (carries significant weight) of the Proposed Submission City Plan Part Two. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed dwelling would be designed in accordance with Building Regulations Optional Requirement M4(2) and would therefore be fully accessible and adaptable.

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The proposal would provide sufficient daylight and sunlight via openable windows to all habitable rooms, thereby reducing reliance on artificial means of ventilation and heating. The harm to biodiversity through the damage caused to trees is to be offset under a subsequent reserved matters application for landscaping.