

<u>No:</u>	BH2023/00999	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Crescent Drive South Brighton BN2 6RB		
<u>Proposal:</u>	Conversion of part ground floor and basement to create a self-contained two-bedroom residential unit.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	03.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	29.05.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.09.2023
<u>Agent:</u>	Shear Architectural Design Unit Echo 3 Maritime House Basin Road North Portslade BN41 1WR		
<u>Applicant:</u>	Mrs Sangita Bharadwa 34 Crescent Drive South Brighton BN2 6RB		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	PL1	C	10 August 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

4. The development hereby approved shall not be occupied as a self-contained unit 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 Policies DM18 and DM21 of Brighton & Hove

City Plan Part 2, 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.

5. The development hereby permitted shall not be occupied as a self-contained unit until secure covered cycle parking facilities have been installed within the site and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
6. Notwithstanding the details on the drawings hereby approved, the self-contained unit hereby approved shall not be first brought into use until solid opaque privacy screens of 1.7 metres in height on the existing eastern boundary of the upper terrace have been installed. The screens shall thereafter be retained.
Reason: To protect the amenity of future occupiers and to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
7. The eastern annexe area at ground floor level shown on the approved plans shall only be used as accommodation ancillary to and in connection with the use of the main property (34 Crescent Drive South) as a single dwellinghouse and shall at no time be occupied as a separate or self-contained unit of accommodation.
Reason: In order to protect residential amenity as the annexe is unacceptable as a new dwelling and in accordance with Policies CP12 of the Brighton & Hove City Plan Part One and DM1 and DM20 of the Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall not be used/occupied as a self-contained dwelling until the extended crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.
9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplan (PL1 Rev C) received on 10 August 2023. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.
10. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted

Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION

- 2.1. The application relates to a detached residential property on the southern side of Crescent Drive South in Woodingdean. The property has been substantially extended over the years. The surrounding area is predominantly residential in character. It is not within a conservation area or otherwise protected or designated.

3. APPLICATION DESCRIPTION

- 3.1. The application seeks permission to convert part of the ground floor and basement to create a self-contained two-bedroom residential unit. The area to

be converted is to the western wing of the dwelling. A patio and grassed garden area would be provided to the rear for the new unit.

- 3.2. A large seven-bedroom dwelling would be retained over the remainder of the ground floor and incorporating the whole of the first. There are bedrooms and facilities on the eastern side of the property at ground floor level which are used as accommodation for extended family but this 'annexe' area is accessed via the utility area for the main dwelling and is not self-contained.
- 3.3. Amended plans have been submitted during the course of the application to clarify the existing and proposed layouts.
- 3.4. There is an open planning enforcement investigation into the use of part of the dwelling as an unauthorised single dwelling. The Council Tax department has the space listed as a separate unit. However, it is understood that the applicant is no longer advertising the space as such, until planning permission is secured.

4. RELEVANT HISTORY

- 4.1. **BH2022/01907** Change of use of part ground floor and basement from residential to create mixed use annexe with part time holiday let ancillary to host dwelling. Withdrawn 25.08.2022.
- 4.2. **BH2020/02376** Non-material amendment to application BH2019/00636 to permit alterations to window size and materials and to alter size of extensions. Approved 23.09.2020.
- 4.3. **BH2019/00636** Erection of side and rear extensions with associated alterations, landscaping and levelling garden. Approved 29/04/20
- 4.4. **BH2018/01180** Erection of side and rear extensions with associated alterations, landscaping and levelling garden. Refused 14/06/19. Appeal dismissed 26/11/18.
- 4.5. **BN80/1825** Single storey extension to lounge at rear also the formation of a garden room. Approved 06/11/80
- 4.6. **BN70/1260** Proposed single-storey extension to form guest bedroom, bathroom and utility room. Approved 06/08/70
- 4.7. **54/389** Erection of garage and garden store. Approved 27/4/54.
- 4.8. **51/200** Detached House. Approved 1/5/51.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- Densification of site,
- Development not characteristic of area,
- Overdevelopment,
- Parking issues,
- Highway safety,
- Loss of privacy,
- Noise nuisance,
- More refuse/ recycling,
- Rooms rented without planning permission.

5.2. Objections relating to financial gain are noted; however this is not a material planning consideration.

6. CONSULTATIONS

Internal:

6.1. **Private Sector Housing:** No objection

6.2. **Sustainable Transport:** No objection subject to cycle parking and vehicle crossover conditions.

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 City Plan Part Two (adopted October 2022);
- 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).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM3	Residential conversions and the retention of smaller dwellings
DM18	High Quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, and impact on the character of the area and neighbouring amenity. The standard of accommodation to be provided, sustainable transport and sustainability / ecology matters are also material considerations.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement.
- 9.3. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. 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).

- 9.5. Policy DM3 of the City Plan Part Two permits the conversion of dwellings into smaller units of self-contained accommodation provided that the following criteria are met:
- The original floor area is greater than 120sqm or the dwelling has 4 or more bedrooms as originally built;
 - At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms; and
 - The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.
- 9.6. The aim of this policy is to manage the subdivision of single residential units into smaller self-contained units in order to ensure that conversions provide a high standard of accommodation and promote and retain housing choice in the city. Conversions of larger properties into smaller residential units plays an important role in increasing housing supply, contributes toward the provision of a wider range of housing and helps to meet the needs of a growing number of smaller households. It is also consistent with the objective of making the best use of the land available within the city.
- 9.7. The original property was modest in size and has been substantially extended over the years. The floor area as it stands would comfortably exceed the 120m² GIA required above for a separate dwelling.
- 9.8. However, with regard to policy DM3, the original floor area as measured should exclude later additions such as extensions, garages (including converted garages) and loft conversions since the dwelling was built. In this case the original floor area of the property (measured using historic plans and taking account of the planning history) is approximately 97m² and therefore below the 120m² required by the criterion above.
- 9.9. Notwithstanding this, the planning history and previous floor plans indicate that the upper floor did include four bedrooms prior to further development being carried out. There is nothing in the planning history to contradict this and it is accepted that the house was originally built with four bedrooms.
- 9.10. Furthermore, a family sized unit would be created (80m² with two double bedrooms) and a large family sized unit would be retained within the rest of the building. Therefore, the development would comply with the first two criteria of the policy above. The standard of accommodation is assessed in the relevant section below.
- 9.11. It is also recognised that the creation of an additional residential unit would make a positive contribution towards the city's housing target as set out in City Plan Part One Policy CP1.
- 9.12. Policy CP19 of the City Plan requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually, a mix of unit sizes would be sought which reflects the housing needs of the city. The mix of unit sizes would consist of a two-

bedroom flat and a retained seven-bedroom unit which is considered to be appropriate and accords with policy.

- 9.13. On balance, therefore, the proposal to convert part of the living space to provide a separate dwelling is considered to be acceptable in principle, subject to the detailed considerations set out below.

Design and Appearance:

- 9.14. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. Policies encourage the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 9.15. No external changes are proposed. The conversion of part of the ground floor and basement of the dwelling to a self-contained residential unit, in itself, is not considered to impact detrimentally on the character of the area in design terms.
- 9.16. The rear garden would be retained for the main dwelling with the new residential unit only having access to the sunken terrace. The proposal would not alter the wider pattern of built form within the locality and would not result in a cramped form of development and is considered acceptable in this regard.

Standard of Accommodation:

- 9.17. Policy DM20 of the CPP2 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. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.

New dwelling:

- 9.18. The new self-contained unit would be accessed through an entrance door to the rear, reached via the side gate and path. The plans show that the internal doors currently linking the space with the main house would be blocked up. It would have two double bedrooms and measure 80m² which complies with the NDSS (79m²) for a two-bedroom four person unit over two storeys. The overall design and layout would provide acceptable levels of head height, circulation space, light, outlook and ventilation.
- 9.19. In terms of private outside space, a 10m² lower patio/ garden area would be provided for the sole use of the proposed unit. The patio area is currently overlooked by the upper patio; however, this would be rectified by appropriate screening which could be secured by condition. Boundary treatment would also be sought via condition.

Retained dwelling:

- 9.20. The retained dwelling would remain a large family home measuring 274m² with 7 no. bedrooms (6 doubles and 1 single). The communal areas would measure approximately 70m². For comparison purposes, the NDSS requirement for 6 bedrooms (8 persons) over three storeys is 138m² so it substantially exceeds this, and would benefit from an upper patio area and a large garden.
- 9.21. The size of the family annexe area within the retained dwelling (43m²) would be insufficient to function as a separate, self-contained two-bed dwelling and therefore a condition would be imposed to ensure that the area is only used as accommodation ancillary to and in connection with the retained dwelling.
- 9.22. Refuse and recycling provision is proposed to the front of the site which is acceptable and can be secured by condition.
- 9.23. On this basis the proposal is considered acceptable in terms of the standard of accommodation provided.

Impact on Amenity:

- 9.24. Policy DM20 of the City Plan Part Two 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.
- 9.25. An additional unit of residential accommodation is unlikely to lead to such a significant increase in noise or activity to warrant refusal of the application. There would be some increased activity on the side access path, however given the small size of the unit and potential number of occupants, this is not considered to cause significant harm to neighbouring amenity. The lower patio area is already in use, and therefore the use of this area would be unchanged.
- 9.26. The impact on neighbouring amenity is therefore considered acceptable.

Sustainable Transport:

- 9.27. No cycle parking is indicated for the proposal. SPD14 requires a minimum of 3 cycle parking spaces for the development. There is space on the site for the required provision and a condition securing this is recommended.
- 9.28. Two vehicle parking spaces are proposed for the site overall on the shared driveway. This is acceptable however an extended vehicle crossover would be required which can be secured by condition.
- 9.29. The proposed changes are likely to increase the number of trips to the site however, any uplift in trips would not be so significant as to negatively impact on the road network or on neighbouring amenity and thus warrant refusal of the application.

Sustainability:

- 9.30. CPP2 Policy DM44 requires conversions and change of use of existing buildings to new residential dwellings to achieve at least a 31% improvement on the carbon emission targets set by Part L Building Regulations. An Informative is

recommended in this respect. The policy also requires conversions and changes of use of existing buildings to residential to achieve A minimum energy Performance Certificate EPC rating 'C'. This can be secured by condition.

10. EQUALITIES

- 10.1. It is noted that the new dwelling would have stepped access to its private entrance to the rear. However, there is the potential for level access through a shared main front door, should that be necessary in the future.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The application site is within a sustainable location with good access to public transport links and local facilities. The proposal would make better use of the land, reducing reliance on other sites. There is space on site for cycles to be stored, potentially reducing reliance on cars. The proposed fenestration would allow sufficient daylight and sunlight, reducing the reliance on artificial means of heating and light.