

<b><u>No:</u></b>	<b>BH2023/01950</b>	<b><u>Ward:</u></b>	<b>Patcham &amp; Hollingbury Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>18 Woodland Way Brighton BN1 8BA</b>		
<b><u>Proposal:</u></b>	<b>Replacement of rear garage with garden annex incorporating change of use from residential (C3) to holiday let accommodation (Sui Generis).</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.07.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	15.09.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	ADC Ltd Citibase Brighton 95 Ditchling Road Brighton BN1 4ST		
<b><u>Applicant:</u></b>	Ms Rainbow 18 Woodland Way Brighton BN1 8BA		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	ADC 1526/LP		11 July 2023
Proposed Drawing	ADC 1526/04		11 July 2023
Proposed Drawing	ADC 1526/05		11 July 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 short term visitor accommodation hereby approved development shall be occupied by a maximum of two (2) persons at any time.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM20 of the Brighton & Hove City Plan Part Two.
4. The short term visitor accommodation hereby approved shall not be let to or occupied by any person or group for more than 28 consecutive days at a time.

**Reason:** To protect future occupiers from unsuitable long term accommodation and to prevent the unit from being used as longer term accommodation to the detriment of residents in accordance with policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

5. 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

6. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under Schedule 2, Part 2, Class A shall be carried out including the erection, construction or material alteration of any gate fence, wall or means of enclosure without planning permission obtained from the Local Planning Authority.

**Reason:** To ensure the holiday let is not inappropriately subdivided from the main property and to safeguard amenity and to protect the character and appearance of the locality, to comply with policies CP12 of the Brighton and Hove City Plan Part One and policies DM18, DM20 and DM21 of the Brighton and Hove 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 detached single storey dwelling with accommodation in the roof space on the northern side of Woodland Way. There is a single storey garage at the rear of the site accessed via an unmade track leading from Braybon Avenue.

- 2.2. The local area is residential in character comprising detached dwellings set in verdant plots but with minimal spacing between each dwelling. Rear garages/single-storey outbuildings of varying footprints are present to each of the dwellings on the northern side of Woodland Way, each served by the same unmade track.

### 3. RELEVANT HISTORY

- 3.1. None identified.

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the replacement of the rear garage with a single storey garden annex building, and for the use of this building as a holiday let (sui generis).

### 5. REPRESENTATIONS

- 5.1. **Six (6) letters of objection:**
- Additional traffic
  - Noise
  - Loss of privacy
  - Out of character for neighbourhood
  - Use of private track
  - Drainage and sewage capacity
  - Precedent for similar developments
  - Anti-social behaviour from holiday let occupiers

### 6. CONSULTATIONS

- 6.1. **Sustainable Transport: Verbal comment**  
Acceptable, subject to the cycle parking condition to be attached.
- 6.2. The applicant is proposing the access to the rental home from the private road which leads to the back of 18 Woodland Way, where the development is proposed.
- 6.3. It is noted that this road has no sufficient surface to serve a non-residential trip. Moreover, there is no pedestrian footway, so the proposed development is likely to cause some risks to the pedestrians.
- 6.4. Ideally, street infrastructure should be provided (footway).
- 6.5. No cycle parking is proposing. Parking Standards SPD14 requires a minimum of 1 cycle space for the 1-2-bedroom dwellings. There appears to be space

on site to accommodate secure cycle parking. A cycle parking scheme should be secured via condition.

- 6.6. The conversion of the garage would result in the loss of two on-site car parking spaces. This site is not located in a Controlled Parking Zone, and the proposal is unlikely to result in significant parking capacity issues on the highway.

## 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 Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP6 Visitor accommodation  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design

#### Brighton & Hove City Plan Part Two

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM33 Safe, Sustainable and Active Travel  
DM37 Green Infrastructure and Nature Conservation  
DM43 Sustainable Drainage  
DM44 Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Nature Conservation & Development

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals, the impact upon neighbouring amenity, the standard of accommodation provided and sustainable transport matters.

### **Principle of Development:**

- 9.2. Policy CP6 of the City Plan Part One states that the council will support the provision of a wide-ranging type of visitor accommodation. The proposed conversion of the garage to short term visitor accommodation/a holiday let (sui generis) would further this objective.
- 9.3. There would be no net loss of residential dwellings as the main building would be retained.

### **Design and Appearance:**

- 9.4. The existing garage is a nondescript single-storey structure, made in concrete with a corrugated roof. No objection is raised to its loss in relation to matters of design and appearance.
- 9.5. The proposed building would occupy the same footprint as the garage and would remain single-storey in scale, but would have a higher-quality appearance with walls stated to be finished in brick and a tiled pitched roof. Fenestration would be in white UPVC.
- 9.6. The gable end and steeper pitch of the roof as proposed would increase the visual impact of the building compared to the existing garage. However, the eaves lines would remain as existing, and it is considered that the proposed building would nevertheless remain subordinate in scale to the main house. Moreover, the building would sit comfortably within its context and due to its location would not be visible from the public realm.
- 9.7. The proposal is therefore considered acceptable in terms of design and appearance, in accordance with Policy CP12 of the City Plan Part One and Policies DM18 and DM21 of the City Plan Part Two.

### **Impact on Amenity:**

- 9.8. 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.

- 9.9. Concerns have been raised by public objections regarding the potential for noise disturbance arising from the proposed use as a holiday let/short term visitor accommodation.
- 9.10. Whilst these concerns are recognised, it is considered that the modest scale of the building limits the maximum number of occupants which in turn limits the anticipated impact upon neighbouring amenity.
- 9.11. It is considered that an occupancy of two (2) persons is the maximum that could reasonably be accommodated, and the applicant is agreeable to a recommended condition securing this upper limit.
- 9.12. In terms of overshadowing and sense of enclosure, no significant impact is anticipated due to the retention of the existing side eaves heights and the distance to sensitive windows in neighbouring properties given its location at the rear of the property. The gable ends would face south towards the existing dwelling and north over the unmade track.
- 9.13. In terms of overlooking, the proposed porthole windows to the gables and rooflights would not afford additional or increased views towards neighbours, as the accommodation is located on the ground floor with no first floor or internal mezzanine proposed.
- 9.14. In terms of comings and goings, the proposal would replace the existing double garage and it is unlikely that vehicle trips to and from the proposed accommodation (utilising the one retained parking space) would be significantly increased compared to what could take place under the existing arrangement. Subject to condition 4 and the limited use of the accommodation, it is not considered that the holiday let would result in increased noise and disturbance that would justify refusal of the application.
- 9.15. There is one dwelling that adjoins the unmade track - 21 Braybon Avenue but this is located at the eastern end of the track. The proposed holiday let would be located a significant distance from No.21 towards the western end of the track and it is considered that the proposal would be unlikely to give rise to significant additional disturbance in view of this track already serving nine other dwellings.
- 9.16. No conflict with Policy DM20 of the City Plan Part Two is therefore identified, subject to the recommended conditions.
- Standard of Accommodation:**
- 9.17. The proposed building is considered to provide acceptable short-term accommodation for up to two persons. It is considered that restrictions are necessary to ensure that the unit is not let to more than two people at any given time, and to limit the amount of time any visitor(s) may rent the unit for, since due to its limited size (22sqm) the building is considered not to be acceptable as self-contained accommodation for more than two people, or for an extended period of time.

**Sustainable Transport:**

- 9.18. The proposal would result in the loss of two of the car parking spaces on site. One space would be retained for use of the holiday let. The site is not located within a Controlled Parking Zone (CPZ) and the Transport team is satisfied that there is likely to be sufficient spare capacity to accommodate any overspill demand arising, this is therefore unlikely to result in a significant uplift in vehicle trip generation or a severe impact upon the highways network.
- 9.19. The Transport team's request to secure a footway along the unmade track is noted, however given that this is an existing access point for 10 dwellings (including the application site as existing) this would be unreasonable and unrealistic to require as part of this development.
- 9.20. A condition is recommended to secure details of secure cycle parking for occupants of the proposed short term visitor accommodation.

**Other Considerations:**

- 9.21. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

**10. EQUALITIES**

No issues identified.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. A bee brick is to be secured by condition, as are details of cycle parking to encourage sustainable travel to and from the site.

