

<u>No:</u>	BH2023/01573	<u>Ward:</u>	Whitehawk & Marina Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	44 The Cliff Brighton BN2 5RE		
<u>Proposal:</u>	Conversion of existing maisonette (C3) at ground and lower ground floors, to form 2no. self-contained flats (C3).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	01.06.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	27.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Dr A Paoella C/o DowsettMayhew Planning Partnership Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		

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	04		1 June 2023
Proposed Drawing	05	A	6 October 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 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.

4. The areas labelled as 'store' shall be used for storage only and shall at no time be used as bedrooms or other habitable accommodation.
Reason: To prevent an unacceptable standard of accommodation and to protect the amenity of future occupiers, to comply with Policies DM1 and DM20 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 two-storey plus lower ground floor detached building on the southern side of The Cliff. The residential building is currently split into two separate residential units (planning use class C3) comprising a maisonette on the ground and lower ground floors and a flat on the first floor. The site is not listed and is not located within a conservation area, but lies approximately 150m south-east of the South Downs National Park. The rear garden of the site includes a cluster of three detached outbuildings, and a large excavated sunken garden.

3. RELEVANT HISTORY

- 3.1. **BH2022/01221** - Erection of 2no single storey log cabins in rear garden (retrospective). Refused, appeal allowed
- 3.2. **BH2022/00750** - Replacement of existing rear patio doors with bi-folding doors at lower ground floor level. Approved
- 3.3. **BH2021/03575** - Erection of a privacy glass screen along the western elevation of the rear roof terrace (Retrospective) Approved
- 3.4. **BH2021/02657** - Revised fenestration at lower ground floor level to include 2no windows to replace existing window (retrospective). Approved
- 3.5. **BH2020/02637** - Certificate of lawfulness for existing use as an independent single dwellinghouse (C3). Refused, appeal dismissed
- 3.6. **BH2019/01183** - Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part Retrospective). Refused, appeal allowed
- 3.7. **89/206/F** - Erection of 3-storey building comprising 4 bedroom maisonette with 3-bedroom 'granny flat' over. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion of the maisonette (C3) at ground and lower ground floor to create two self-contained flats (C3).
- 4.2. The application originally also included the retention of two of the rear outbuildings, however these were subsequently allowed on appeal (see above, ref. BH2022/01221) so no longer form part of the application.
- 4.3. Amended plans have been received during the life of the application to include a cleaning cupboard in the communal entranceway, and to increase the size of the larger bedroom in the lower ground floor flat.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters of objection have been received, raising the following points:
 - Building is let out as an HMO/party house
 - Noise disturbance
 - The rear outbuildings are subject to an appeal
 - Owner does not live in the house
 - Rubbish bins overflowing
 - Too many cars using the site
 - Proposal uses neighbouring garage
 - Outbuildings are unsightly and close to neighbouring listed garden
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Private Sector Housing:**

In the proposed LGF Flat the 2 bedrooms are accessed via an open-plan lounge/kitchen/diner. It is essential that there is adequate means of escape from both bedrooms should a fire occur without the need to pass through the lounge/kitchen area as these are considered 'high risk' rooms in case of fire.
- 6.2. **Southern Water:**

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.
- 6.3. **Sustainable Transport:** Verbal comment: No objection
 - The applicant is proposing to retain the existing garages (one for each dwelling) and this is considered acceptable. The site is located outside a CPZ.

- Parking Standards SPD14 requires a minimum of 2 cycle parking spaces for 3 - 4 bedroom dwellings. The applicant does not indicate any cycle parking spaces however, there appears to be enough space within the garages for cycle parking.
- The proposed changes are likely to increase the number of trips to the location, however this unlikely to generate enough reason for objection.

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
CP1	Housing delivery
CP9	Sustainable transport
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
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

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

Principle of 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. 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.
- 9.3. 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. The subdivision of the maisonette would result in the creation of an additional dwelling on site at a time when the Council does not have a five-year housing supply, and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery as set out in the NPPF.
- 9.6. The existing maisonette is described on the submitted plans as having seven bedrooms.
- 9.7. The proposed subdivision of the maisonette would however engage the requirements of Policy DM3 of the City Plan Part Two, which are:
- a) *The original floor area is greater than 120sqm or the dwelling has 4 or more bedrooms as originally built;*
 - b) *At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms²; and*
 - c) *The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.*
- 9.8. The maisonette to be converted had four bedrooms as originally built, with a floor area in excess of 250sqm. DM3(a) is therefore met.
- 9.9. Both of the proposed flats would be suitable for family occupation. The lower ground floor (LGF) flat would have two bedrooms and access to the rear garden. The upper ground floor (UGF) flat would have three bedrooms and access to the rear terrace. DM3(b) is therefore met.

9.10. As will be set out later in this report, both of the proposed flats would provide an acceptable standard of accommodation in accordance with Policy DM1. DM3(c) is therefore met.

9.11. No objection is therefore raised to the proposal in principle.

Impact on Amenity:

9.12. 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.

9.13. The proposed use as two three-bedroom residential flats (C3) is considered unlikely to result in a significant increase in activity on site, or comings and goings, compared to the existing use of the maisonette. The site is located in an established residential area and the proposal would be compatible with its surroundings in terms of the nature and intensity of activity likely to take place. In terms of bedroom numbers on site (and therefore the potential maximum overall numbers of occupants) there is no increase proposed.

9.14. The concerns raised by public representations regarding noise disturbance from holiday let use are noted. It is understood that this use ceased some months ago, however the application currently under consideration is for dwelling use within planning use class C3 and must be assessed on that basis. Were holiday let use to recommence to a significant enough degree to constitute a material change of use then this would require planning permission in its own right.

Standard of Accommodation:

9.15. The proposed units would have the following dimensions:

- The LGF flat of 120sqm (plus 20sqm of space suitable only for storage), comprising two bedrooms (12.3sqm as amended and 10.2sqm), a dining area and an open-plan kitchen/living space.
- The UGF flat of 110sqm, comprising three bedrooms (18.4sqm, 18.1sqm and 14.9sqm), a living area and an open-plan dining/kitchen space.

9.16. The flats would be accessed via a communal hallway, with a cleaning cupboard (originally erroneously labelled as a w/c). The LGF flat would have access to the rear garden, whereas the UGF flat would have access to the rear terrace of 50sqm.

9.17. In terms of the internal living environment, both flats are considered to be acceptable. There would overall be good access to natural light and outlook from all habitable rooms, and space for furniture and circulation would be generous. The northern (smaller) bedroom of the LGF flat would be more restricted in terms of daylight and outlook with a retaining wall close to the only window serving this room. However given that this is an existing bedroom, and that the remainder of the LGF flat is acceptable in terms of light and outlook, this would not be considered to warrant refusal of the application.

- 9.18. Both flats would comply with the Nationally Described Space Standards (NDSS) in terms of overall internal area and ceiling heights, with the NDSS requiring a floor area of 61sqm for the LGF flat (two-bedroom, three-person), and 95sqm for the UGF flat (three-bedroom, six-person).
- 9.19. Significant concerns were originally held regarding the size and layout of the double bedroom in the LGF flat. Whilst it was recognised that it is an existing bedroom, the proposed subdivision would result in this room becoming the primary bedroom of the LGF flat and its minimal size (11.5sqm as originally proposed) and awkward proportions would have limited its functionality and versatility.
- 9.20. The amended plans would increase the size of this bedroom to 12.3sqm and improve the width of the narrowest part by the entrance door. Whilst this bedroom remains imperfect, it is recognised that on the basis of the amended plans it would comply with the NDSS and would also represent a modest improvement on the existing arrangement in terms of the useability of the space. On this basis it is considered that this bedroom can be accepted.
- 9.21. The parts of the LGF flat labelled as 'storage' would not be suitable for habitable spaces and a suitably worded condition is recommended to secure this.
- 9.22. As set out previously, both flats would have access to private outdoor amenity space. The amenity space for the lower ground floor would be overlooked from the upper ground floor terrace. However this would not be an uncommon arrangement for flatted accommodation and is considered not to warrant refusal of the application in view of the benefit arising from the provision of an additional dwelling.
- 9.23. Accordingly, both of the proposed flats would provide an acceptable standard of accommodation in accordance with Policies DM1 and DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.24. The proposal is unlikely to significantly increase the number of trips to the site, and is unlikely to result in a significant highways impact.
- 9.25. The applicant is proposing to retain the existing garages (one space for each dwelling) and this is considered acceptable. One of the garages is understood to currently serve no. 42 The Cliff (identified as also being within the applicant's ownership) however this would not be a reason for objection in planning terms.
- 9.26. The site is not located within a Controlled Parking Zone (CPZ) and the Transport team have not raised concerns about the capacity on-street to absorb any uplift in demand.
- 9.27. Parking Standards SPD14 requires a minimum of 2 cycle parking spaces for 3 - 4 bedroom dwellings. No cycle parking is shown on the plans, however there would appear to be space within each of the garages and a suitably worded condition is recommended to secure this.

Design and Appearance:

- 9.28. No external alterations are proposed.

10. CONCLUSION

- 10.1. The proposal is considered acceptable in principle as it would comply with Policy DM3 and would result in the formation of an additional residential unit, benefiting the city's housing supply. The impact upon neighbouring amenity is considered acceptable, as is the standard of accommodation as amended. No significant concerns regarding sustainable transport are anticipated.
- 10.2. Approval is therefore recommended, subject to conditions.

11. EQUALITIES

- 11.1. The proposed lower ground floor flat would not benefit from level access to the highway and is therefore unlikely to comply with M4(2) standards. This is regrettable, however there does not appear to be space on site to accommodate a ramped access of suitable gradient, and the installation of a lift would be an unreasonable requirement given the modest scale of the proposed development.