

<u>No:</u>	BH2024/00309	<u>Ward:</u>	Hollingdean & Fiveways Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjoining The Farriers 24G Hythe Road Brighton BN1 6JS		
<u>Proposal:</u>	Demolition of existing single storey structures and creation of a new single dwellinghouse (Use Class C3)		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	13.02.2024
<u>Con Area:</u>	Adjacent to Preston Park	<u>Expiry Date:</u>	09.04.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.08.2024
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Laura and Simon Napper C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 Plan	23-P15-01		2 February 2024
Block Plan	23-P15-02		2 February 2024
Proposed Drawing	23-P15-60	I	1 July 2024
Proposed Drawing	23-P15-70	I	1 July 2024

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 dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (23-P15-60 revision I) received on 01.07.2024. 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.

4. No extension, enlargement or other alteration of the dwellinghouse or erection of outbuildings as provided for within Schedule 2, Part 1, Classes A, B, C, D and 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 protect visual amenity and for these reasons would wish to control any future development to comply with Policies DM18, DM20, DM29 and DM21 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of City Plan Part One.
5. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented 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. 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 use.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. 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 DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. 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 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.

10. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

11. Notwithstanding the details on the drawings hereby approved, the balcony hereby approved shall not be first brought into use until opaque privacy screens of 1.8 metres in height have been installed on the west side boundaries of the balcony. The screens shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application relates to an existing storage/workshop, with ancillary accommodation above, adjoining 24 Hythe Road (a residential property). The building is narrow, with double wooden doors leading to an undercroft, behind which is a large single storey building covering the rear yard area. The plot extends in a 'dog-leg' across part of the rear of no. 24 Hythe Road.
- 2.2. Formerly, the site was part of a much larger plot with land adjacent to and to the rear of 24 Hythe Road. The plot contained a number of single storey buildings fronting Hythe Road, and a two storey historic stable block to rear of 24, all used as a commercial garage/workshop.

- 2.3. In 2014 permission was granted to demolish all single storey buildings at the site, including those at the current application site, convert the stable block into a single dwelling and retain the single dwelling at 24 Hythe Road. Along the Hythe Road frontage permission was granted to erect a terrace of three dwellings. These dwellings have now been constructed.
- 2.4. The conversion of the stable block into a single residential dwelling is currently underway.
- 2.5. The site is not located within a conservation area but the rear boundary of the wider site borders the Preston Park conservation area.

3. APPLICATION DESCRIPTION

- 3.1. The current application relates solely to the building adjacent to 24 Hythe Road which currently has a workshop/storage below and dwelling above. The application seeks planning permission for the conversion of the building into a one-bedroom dwelling including the demolition of an existing single storey building to the rear of the undercroft, and extensions at ground floor, first floor and roof level incorporating a first floor rear terrace.
- 3.2. Revised plans have been submitted during the course of the application to address initial concerns regarding overdevelopment and the standard of accommodation. A further neighbour consultation has taken place. The main revisions include:
 - A reduction in the depth of the rear extension from 5.63m to 3.13m
 - Provision of a larger rear garden
 - Revised layout and a reduction of the accommodation to become a one bedroom unit
 - Full height rear windows within the rear extension
 - A reduction from 3 to 2 front rooflights
 - Reduction of the width of the rear dormer
 - Improved access path to the stable block dwelling behind the application site

4. RELEVANT HISTORY

- 4.1. BH2014/02826 Erection of 3no. four bedroom dwellings, conversion of stable block to four bedroom dwelling and enlargement of garden to existing dwelling. Approved 25.11.2014.
- 4.2. BH2014/00297 Erection of first floor rear extension and extension to roof over, with rooflights to front and rear and alterations to window layout of existing rear dormer. Approved 19.05.2014.
- 4.3. BH2014/00505 Erection of 8 no. one, two and four bedroom houses and enlargement of garden to existing dwelling. Refused 17.04.2014.

5. REPRESENTATIONS

- 5.1. Representations have been received from seven (7) people, objecting to the proposed development for the following reasons:
- Loss of original building
 - Impact of construction vehicles on parking demand
 - Pressure on the on street parking and traffic
 - Increase in noise
 - Overshadowing
 - Overdevelopment
 - Loss of access to the rear of the development
 - Development to be used as short term lets
 - Impact on the property value [officer note: not a material planning consideration]
- 5.2. One (1) letter of representation has been received commenting that they support the application as long as appropriate sound proofing measures are included and no overlooking occurs.
- 5.3. Three (3) letters have been written in support of the application on the following grounds:
- Good design
 - Good use of the site
 - Provision of additional dwelling
 - The dwelling will be a family home
- 5.4. As a result of the re-consultation on the amended scheme, five (5) additional letters have been received objecting to the proposal on the following grounds:
- Impact on parking and access
 - Noise from construction
 - Impact on the historic character of the site and stable block
 - Overlooking and noise and disturbance from the terrace
- 5.5. Following the re-consultation, a letter has been received from **Councillor Theresa Fowler** objecting to the application, noting support for homes in Brighton but that it could impede emergency services to properties to the rear, could become AirBnBs and asking that it come to Committee. The full representation is attached to this report.

6. CONSULTATIONS

Internal:

- 6.1. **Economic Development:** No Comment
- 6.2. **Planning Policy:** No Comment
- 6.3. **Sustainable Transport:** No Comment

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
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the existing property, streetscene and surrounding area (including adjacent conservation area), impact on neighbouring amenity, transport issues, standard of accommodation and sustainability issues.

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. The local housing need figure for Brighton & Hove using the standard method is 2,333 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 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 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 proposal would result in the creation of an additional unit of residential accommodation which is considered a positive, if small, contribution to the housing supply within the city. The proposal would make effective use of a sustainable site.
- 9.6. The existing site is currently vacant. Its former use was commercial garage at ground floor which consisted of a ground floor workshop. The first-floor forms ancillary accommodation, however as shown on the floor plans and stated within the Design & Access statement, there is no permanent link between the ground and first floor, it is accessed by a ladder. It is unclear from the information submitted when the site was last used and how long it has been vacant.
- 9.7. As detailed in the history above, application BH2014/02826 granted permission to demolish all commercial buildings at the site, which included the ground floor of the current application site and buildings to the east. The application site, under this 2014 permission, retained a timber door as advised by the Heritage Officer and provided undercroft access and a parking space for the converted stable block which is sited to the rear of the application site. Part of the land was also reassigned to 24 Hythe Road to increase the size of their existing rear garden.

- 9.8. The plans for the 2014 application did not incorporate the first floor of the current application site. A separate application in 2014 was approved to extend the first floor and roof level and incorporate these areas into the existing dwelling at 24 Hythe Road, adjoining to the west of the application site, to create additional bedrooms. These works were approved however never implemented.
- 9.9. The principle of the loss of the commercial building at the application site has already been accepted by both of the applications approved in 2014. The impact of the proposal on extant application BH2014/02826 (with the final phase being the works to the stable block currently under construction) however needs to be taken into consideration as part of this application. Whilst the demolition of the ground floor of the site is acceptable in principle, the proposal would result in additional development on the site that was never accounted for in the 2014 application. The 2014 application was considered acceptable based on the removal of the ground floor buildings of the application site, as this area provided an undercroft access to the stable block, off street parking space, and sufficient separation to ensure the site was not overdeveloped or cramped.
- 9.10. The amended plans submitted under the current application have substantially reduced the level of development proposed at the site and results in greater separation from the stable block. Therefore in principle the development is considered acceptable and would not have an adverse impact on the wider site and approved developments. Further assessments are made in detail below.
- 9.11. The principle of the extensions and formation of a dwelling at this site is therefore considered unacceptable.

Design and Appearance:

- 9.12. The site is located within a street of mainly terraced properties, which vary in style and design. Some plots on this side of the road are more recent infill additions.
- 9.13. Whilst the site itself is not located within a conservation area it is adjacent to the Preston Park Conservation Area to the rear and is within its wider setting. When considering whether to grant planning permission for development within the setting of 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 the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.14. The proposals include a number of alterations and extensions to the existing building.
- 9.15. From the Hythe Road streetscene, the parts of the proposal that would be evident would be the loss of timber garage door leading to views of the single storey ground floor extension. As part of the 2014 application a timber garage door was retained to the front of the undercroft which was considered to retain some of the historic character of this part of the plot and to maintain the relationship with the historic stable block to the rear. The 2014 application

included the demolition of the ground floor of the application site to create a driveway and access to the stable block behind the garage door. The current application would see the loss of this garage door. Whilst this is regrettable, as the site is not within a conservation area and the scheme is considered to be acceptable in appearance, its loss is not objected to.

- 9.16. The replacement ground floor extension would be smaller than the buildings it replaces and a small garden would be incorporated at the rear. It would have a flat green living roof and white facing brick to the elevations. Due to the loss of the existing front garage door and opening that is to be introduced, the modern extension would be visible from the streetscene. However the setback from the front building line of the first floor, and the terraced buildings either side would reduce its prominence and visibility within the streetscene.
- 9.17. A contemporary scheme is not objected to here given its siting and relationship to the wider streetscene. An appropriate amount of separation would be retained between the proposed development and the stable block at the rear, which is accessed from the path retained alongside the application site, as such the site coverage is considered acceptable.
- 9.18. The extensions at the rear include infilling the rear first floor and dormer above. The extensions would not project beyond the rear building line of the adjoining property. A balcony would be created and obscure-glazed screens positioned around the perimeter. The extensions would remain subservient given their siting and scale. Whilst the terrace would be an uncharacteristic feature, given the rear siting, it is not objected to in design terms as it would not be highly visible from public vantage points. The window arrangements and their style and proportions at the rear are somewhat out of keeping with the general window style of the area and do result in a slightly incoherent appearance, however again the rear siting ensures that these features would not be highly prominent or visible.
- 9.19. The incorporation of two rooflights into the front roofslope is considered acceptable, given their relatively modest scale and sympathetic siting and noting there are other examples of front rooflights in the area.
- 9.20. The proposal is therefore not considered to cause significant harm to the character and appearance of the existing site, streetscene or the surrounding area, including setting of the adjacent Preston Park Conservation Area.

Impact on Amenity:

Impact on existing development within the vicinity of the site

- 9.21. The ground floor rear extension, given its siting and overall scale would not cause significant impact to the dwellings to the east of the site, and it would have less of an impact than the existing buildings currently on site.
- 9.22. As part of the development approved under the 2014 application, this part of the site was to be cleared and the rear garden to no. 24 would be extended. This was considered as part of the 2014 to be a benefit of the scheme and would have improved the amenity of no. 24. Part of the garden extension would no

longer be included as a result of this current proposal. The garden to no. 24 has since been partly extended, and has been in use and established for several years. On balance, the garden size is considered acceptable for the size of the dwelling it serves and on that basis, the no objections are raised on these grounds.

- 9.23. The ground floor extension would have rear windows, however they would not cause any significant overlooking or loss of privacy as they would be screened by the rear boundary fence of the garden.
- 9.24. The bulk of the first floor extension and roof extensions, due to their siting and projection are unlikely to result in any significant overshadowing or loss of light. The terrace would be positioned at first floor level. A 1.8m obscure screen would be positioned to the west elevation, which would ensure no overlooking or loss of privacy would occur towards No. 24. To the east the terrace would not project forward of the adjoining property and therefore no significant overlooking would occur towards Nos 26 Hythe Road.
- 9.25. The rear screen would drop down in height and therefore would offer no protection towards the south/stable block. This arrangement is considered acceptable, as the terrace would be in line with the front roofslope of the stable block and the only first floor windows facing the application site are obscure glazed. The ground floor openings on the front of the stable block are positioned further forward and would be largely screened by the ground floor extension opposed under this application. No significant loss of privacy or overlooking would therefore occur. The balcony could result in an increase in noise and disturbance, however given the scale of the balcony, any increase would not be significant.
- 9.26. Overall, the proposals would not have an adverse impact on the amenity of existing residential properties within the vicinity.

Impact on the stable block currently under conversion

- 9.27. The stable block is located at the rear of the site and the agent has confirmed that the conversion into a residential dwelling is currently taking place. The proposed extension would be built directly in front of the stable block. Under the 2014 application the front ground floor living room window facing the site would be unobscured. The proposed extension and garden boundary fencing would disrupt this openness, however the separation distance and level of development would not have a significant impact on the front of the stable block specifically the front windows. It is also noted that the 'front' windows are secondary windows to the rooms they serve, and the main outlook is to the side of the new dwelling.
- 9.28. The extensions at first floor, have even greater separation distances. Therefore the bulk of these extensions would not impact on the stable block. Obscure glazing and screening has been used for some of the first floor windows and the terrace, this would ensure that no significant overlooking or loss of privacy would occur. Any views available from the first and second floors would be similar to

those of the existing windows at these levels and would have a similar relationship as no 24 and the stable block.

- 9.29. The revised layout of the proposed dwelling would no longer compromise the amenity of the future occupiers of the stable block development.

Standard of Accommodation:

- 9.30. The proposal would create a one bedroom, 2 person, unit across three floors. There is no minimum standard set out in Policy DM1 for a one bed across three floors. A 1b2p unit across two floors should have a minimum of 58sqm. The proposed unit would measure 66.2sqm, which is considered sufficient to allow for the additional staircase and landing area. The floor area and general layout is therefore considered acceptable for a unit of this type. All rooms would have sufficient outlook and light.

- 9.31. The outdoor amenity space is provided at ground floor and by the first floor balcony. Given the unit size, the scale of the amenity space is considered acceptable in this instance.

- 9.32. Adjacent to the ground floor of the proposed dwelling would be the access passage to the stable block dwelling at the rear. The use of this passage would not have a significant impact on the proposed dwelling in terms of noise and disturbance as no window openings would face onto to the passage. It is also noted that this is not the sole access to the stable block which has an additional entrance on the southern side.

Sustainable Transport:

- 9.33. The proposed change of use is unlikely to give rise to any significant transport implications, particularly given the modest scale of the residential unit and the previous use.

- 9.34. The development would provide one off street parking space. The agent has confirmed that this space would remain allocated for use by the stable block dwelling, which was approved as part of the 2014 application. The site has an existing crossover which would be utilised, and which allowed for vehicles to previously enter the site.

- 9.35. The site lies within a CPZ and therefore any overspill parking or visitor parking would be managed through the parking restrictions of the road.

- 9.36. Cycle parking would be provided in a secure store at the front of the dwelling, and can be secured via condition.

- 9.37. It is noted that a neighbouring representation has raised a concern regarding the size of the off street car parking space. This would measure 5.1m by 2.5m which is considered sufficient for modern cars.

Sustainability and Biodiversity:

9.38. Policy DM44 requires conversions of residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'C'. This standard can be secured by condition.

9.39. The scheme also includes installing an array of solar panels on the flat roof of the dormer and a green living roof, which are welcomed. Bee and swift bricks can be secured via condition to enhance the biodiversity of the site.

Other:

9.40. It is noted that some neighbours have expressed concerns regarding potential disturbance during construction. Given the small scale of the development, it is not likely to give rise to significant levels of noise or disturbance and it is considered unnecessary to impose a Construction Environmental Management Plan.

9.41. Loss of property value is not a material planning consideration.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

11. COMMUNITY INFRASTRUCTURE LEVY

11.1. 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. In the event that planning permission were to be granted, the exact amount would be confirmed in the CIL liability notice issued following the decision.