

<b><u>No:</u></b>	<b>BH2024/00673</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>214 Preston Road Brighton BN1 6RA</b>		
<b><u>Proposal:</u></b>	<b>Demolition of 4.no garages and erection of three storey detached dwelling house (C3) arranged over upper ground, lower ground and first floors incorporating revised front wall and construction of new cross-over. Conversion of adjacent non-attached garage to form ancillary studio space.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	06.05.2024
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	01.07.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	31.07.2024
<b><u>Agent:</u></b>	Hudson Madigan London W1T 6EB	First Floor Silverstream House	45 Fitzroy St
<b><u>Applicant:</u></b>	S A Partnership 9DG	Trafalgar House Quarry Road	Newhaven BN9

## 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>
Proposed Drawing	P05	B	14 March 2024
Location and block plan	P06	D	6 May 2024
Proposed Drawing	P01	D	14 March 2024
Proposed Drawing	P02	B	14 March 2024
Proposed Drawing	P04	B	14 March 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. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse 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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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) samples/details of all brickwork, tile hanging, timber cladding and roofing materials;
  - b) details of the proposed fenestration;
  - c) 1:20 scale plan and section drawings of the diverse seeded plug-planted green roof, including depth of substrate and seeding mix; and
  - d) details of all other materials to be used externally, including the solar panels.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

5. 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 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.

6. 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 the Brighton & Hove City Plan Part Two and SPD14: Parking Standards.

7. The new/extended crossover and access serving the proposed on-site car parking space shall be constructed prior to the first occupation of the development hereby permitted.

**Reason:** In the interests of highway safety and to comply with policy CP9 of the City Plan Part One.

8. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

10. The residential unit hereby approved shall not be first occupied until it has been built, to achieve 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.

11. 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.

12. The development hereby permitted shall incorporate at least three swift bricks/boxes within the external walls of the development 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.

13. The residential development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

**Reason:** To ensure that the development is sustainable through ensuring low energy consumption and CO2 emissions, to protect tenants from fuel poverty and to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.

14. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development, how the proposed development may existing flow paths across the site, and surface water flood resilience measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DM42 of the Brighton & Hove City Plan Part Two.

15. Privacy screening measuring at least 1.7 metre in height shall be erected to the western and southern boundary of the rear upper terrace hereby approved and thereafter shall be permanently retained as such at all times.

**Reason:** To safeguard the privacy of the occupiers of the property and adjoining properties and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

16. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with Policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

17. The development hereby permitted shall not be commenced until the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A full asbestos survey of the premises, undertaken by a suitably qualified specialist; and if any asbestos containing materials are found:
  - b) A report shall be submitted to the Local Planning Authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with Policies DM40 and DM41 of the Brighton & Hove City Plan Part Two.

18. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the front of the site has been converted back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

19. The studio shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation, including as holiday lets.

**Reason:** In order to protect the amenities of neighbouring properties and potential future occupants because the studio is unacceptable as a separate unit and in accordance with policy DM20 of Brighton & Hove City Plan Part 2.

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 water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher,

8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. 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 above 5m height, 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.
7. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>.
8. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control of transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

### **Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or

transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

## **2. SITE LOCATION**

- 2.1. The application relates to a site located on the northern side of Harrington Road, to the rear of 214 Preston Road, a substantial, two storey, late nineteenth century detached house. It comprises a row of four single-storey garages with associated front forecourt. The site also includes a narrow garage/store structure which is attached to the adjoining a three storey residential property to the east (2 Harrington Road). The site adjoins the rear of 214 Preston Road to the west. The land slopes upwards towards the east so dwellings on Harrington Road sit slightly higher, and the rear of dwellings on Preston Road slightly lower.
- 2.2. The site is located within the Preston Park Conservation Area and subject to a related Article 4 direction. The site is also mostly within a surface water conveyance zone and partly within an accumulation zone that runs along Preston Road.

## **3. RELEVANT HISTORY**

- 3.1. There is a long planning history for applications on the site and the adjoining property at 214 Preston Road. The most relevant planning applications and pre-application enquiries are set out below:
- 3.2. **PRE2023/00209** Demolition of 4no. garages and erection of two-storey detached dwellinghouse arranged over lower, upper ground and first floors and the conversion of adjacent non-attached garage to form a studio space (ancillary to the main accommodation). Advice issued 9/1/2024
- 3.3. In general, it was considered that the scheme could be considered positively but consideration should be given to siting the first floor further away from the rear of 212/214 Preston Road. Heritage comments advised the scale and design could be supported. In regard to amenity, it was suggested any new scheme should be accompanied by a daylight/sunlight report and information

on the use of the studio must be provided to understand the impact on neighbouring residents.

Officer Note: It is considered that the present application has generally followed this advice in terms of the positioning of the first floor accommodation and the provision of a daylight/sunlight report.

- 3.4. **BH2023/00373** Demolition of 4no. garages and erection of a new two-storey detached dwellinghouse (C3) arranged over lower and upper ground floors, with landscaping, parking area, bin and cycle storage. Approved 30/6/2023
- 3.5. **PRE2020/00292** Demolition of existing block of 4no. garages and erection of a four bedroom house at ground and basement levels with associated access, parking and amenity space. Advice issued 09.03.2021
- 3.6. **BH2007/03890** Demolition of 4 existing garages and erection of 2 three-storey houses. Refused on 27.12.2007. The reasons for the refusal were as follows:
- “1. *The application site is of an insufficient size to accommodate a substantial three-storey building. This is reflected by a proposal which by reason of excessive plot coverage and bulk in close proximity to side and rear boundaries of the site would appear a cramped form of development out of keeping with the prevailing character and appearance of the Preston Park conservation area. The proposal would therefore fail to preserve or enhance the character and appearance of the area and is contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.*
  2. *The proposal provides inadequate amenity space for future occupants of the dwellings and inappropriate to the scale and character of the development. The proposal is therefore considered contrary to local plan policies QD27 and HO5 of the Brighton & Hove Local Plan.*
  3. *The development by reason of its height and massing coupled with inadequate separation to side and rear boundaries of the site would appear an overbearing feature creating a significant sense of enclosure for occupiers of adjoining properties. The development would therefore result in significant harm to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.*
  4. *The development by reason of its close proximity to side (east and western) boundaries of the site would result in significant loss of light and outlook for occupiers of 214 Preston Road and 2 Harrington Road. The development would therefore result in significant harm to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.*
  5. *The presence of window openings to the rear elevation of the proposed building would cause direct downward overlooking of adjoining garden areas resulting in significant loss of privacy for occupiers of adjoining properties. The development would therefore result in significant harm*



*to neighbouring amenity contrary to policies QD3, QD27 and HO4 of the Brighton & Hove Local Plan.”*

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the demolition of the existing four garages on site and the erection of a three-storey, four-bed detached dwelling house (C3) arranged over upper ground, lower ground and first floors and incorporating a revised front wall and construction of new vehicle cross-over. The proposed dwelling is of a more contemporary appearance and features a series of flat roofs. Materials proposed include brick, tile hanging and cedar cladding with grey aluminium windows.
- 4.2. The application also proposes the conversion of the adjacent garage structure to form an ancillary studio space.

#### **5. REPRESENTATIONS**

- 5.1. **Five (5)** letters of objection have been received in response to publicity, raising the following points:
- Harm to the original brick wall around the site
  - Loss of light and overshadowing to neighbouring properties
  - Loss of light would impact neighbouring gardens
  - Overdevelopment to form 3 storeys of accommodation
  - Development would be too high
  - Harm to neighbouring amenity including overshadowing and loss of privacy
  - Loss of property value
  - Noise and disturbance from the occupation of the new studio
  - Noise and disturbance and traffic issues through construction
- 5.2. Full details of representations received can be found online on the planning register.

#### **6. CONSULTATIONS**

- 6.1. **Heritage:** No objection  
Note the proposal is very similar to proposed submitted for the pre-application (PRE2023/00175), though the massing is more balanced to the west at the upper ground floor. The retention of the brick front boundary wall is preferable, as per the pre-application advice, and should be regarded as an improvement. Some minor changes to the rear and interior have been made, but these will not have a harmful impact on the appearance of the building in the of the conservation. The changes will also have no effect on the setting of the nearest listed building: St John’s Church on Knoyle Road.

- 6.2. **Environmental Health:** No objection  
Subject to precautionary noise conditions
- 6.3. **Southern Water:** No objection  
Standing advice regarding the requirement for the developer to apply for a connection to the sewer network and of the potential for existing infrastructure to lie beneath the site.
- 6.4. **Sustainable Transport:** No objection  
This application presents very similar conditions to BH2023/00373 which we have previously commented on. The application is mainly acceptable, with an amendment to the cycle storage being necessary, which can be secured via condition and a vehicle crossover condition to be attached.
- 6.5. **Ecology** No objection  
Provided appropriate mitigation and enhancement measures are implemented, the development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. However, the applicant should be aware that the potential for roosting bats cannot be entirely ruled out and as such an informative has been recommended.

## 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
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
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

Preston Park Conservation Area Character Statement

## 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 proposed building and the impact on heritage assets, and the impact upon neighbouring amenity. The standard of accommodation to be provided, sustainable transport matters, and biodiversity considerations are also material considerations.

**Background:**

- 9.2. Planning permission has been granted under BH2023/00373 for the demolition of the existing garages and the erection of a two-storey, four-bedroom dwelling. This permission was granted on the 21 June 2023 and therefore remains extant.
- 9.3. The current application is of a similar design, however the scheme now comprises an additional level of accommodation at second floor level. This current application was submitted following pre-application advice issued under application PRE2023/00209.

**Principle of Development:**

- 9.4. The principle of the redevelopment of the site for residential purposes remains acceptable. The policies that were in place when consent was granted in 2023

remain applicable and the extant permission is a material consideration in this application.

- 9.5. Further, there is an increased need for housing in the city. 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.
- 9.6. 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).
- 9.7. 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).
- 9.8. Given the redevelopment of the garage site for residential purposes has already been established as acceptable through the extant permission, and the need to give the provision of a new dwelling increased weight, the proposal is considered to be acceptable in principle.

**Design, Heritage, Density and Character:**

- 9.9. The site currently contains four single storey garages, located within the former rear garden space of no. 214 Preston Road. The plot of land is sited between the side elevation of properties on Harrington Road and the rear of properties on Preston Road. The proposal would result in the replacement of the garages with a three bedroom dwelling partially excavated into the site, so covering lower ground, ground and first floor level. The properties within the surrounding area are a mix of residential uses in a suburban setting with a predominance of Victorian and Edwardian terraced and semi-detached dwellings. The context of the immediate site consists of properties with long rear gardens, save for no. 214 Preston Road, which has a relatively tight plot, given that the former garden is now used for the garages.
- 9.10. Policy CP14 of the CPP1 relating to Housing Density states, among other things:  
*"Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis."*
- 9.11. The policy seeks to prevent the overdevelopment of sites that would result in 'town cramming'.

- 9.12. The site is within the London Road Neighbourhood, specifically The Park 'section', as referred to in Policy CP14 with reference to the city's Urban Characterisation Study. Given the mix of uses (tall office blocks and predominately two storey residential development) and abundance of open space, the gross density is relatively low for an inner suburban area at only 18 dwellings per hectare (dph). The proposal would have a dph of 43. The existing plot, originally the former garden space of no. 214 Preston Road, which is a tight plot size, is somewhat at odds with the spacious plots within the immediately surrounding area and the originally spacious plot of no. 214. However, the plot is not in use as garden space thereby adding to the openness of the area. Further the site has scope to provide a low-rise building, replacing existing unsightly garages and appearing as an outbuilding in relation to the frontage building on Preston Road, making an efficient use of the land without compromising the character of the area, or adversely affecting neighbouring residents or future residents of the site. Whilst below 50dph, a lower density is accepted because the development would reflect the neighbourhood's positive characteristics and would better contribute towards creating a sustainable neighbourhood.
- 9.13. As such, the proposed density is considered to be acceptable and broadly in compliance with Policy CP14, and taking into account the history and specific context of the site.
- 9.14. Policy CP12 of the Brighton & Hove City Plan Part One and DM18 of City Plan Part 2 seeks to ensure that all new development raises the standard of architecture and design in the City.
- 9.15. The development lies within the Preston Park Conservation Area. When considering whether to grant planning permission for development in 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.
- 9.16. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.17. These objectives are largely reflected in heritage policies CP15 of City Plan Part one and DM26 of City Plan Part Two.
- 9.18. The existing row of garages on the site are of little architectural or historical merit and as such the garages make no positive contribution to the conservation area. The loss of these garages has also been established when granting permission for the previous application. The Heritage team have no objections to the scheme, as noted above.
- 9.19. The proposed building largely follows the design ethos of the house previously approved and comprises a 'sunken' lower ground floor level which would house the bed spaces, and upper ground floor to house the living spaces. The key change with this application, when compared to the previous consent, is

the addition of first floor accommodation which would occupy about two thirds of the width of the ground floor. This additional storey would be timber clad.

- 9.20. Although this proposal represents a taller development than the previous approval, it is considered that the dwelling remains an appropriate scale and subordinate in its scale to other houses in the street. In response to the pre-application advice which followed the previous approval, this additional floor of accommodation would be positioned closer to 2 Harrington Road. This assists in ensuring a visual break between the new dwelling and the rear elevation of 214 Preston Road.
- 9.21. The proposed dwelling would not affect the setting of any listed buildings and whilst there may be some impact on views toward St John's Church to the rear this would not be so detrimental as to warrant refusal of the application. The scheme can be seen as an improvement on the replacement garages which are harmful to the significance of the conservation area and it is considered that the proposal would provide a visual improvement over the existing situation.
- 9.22. The approved dwelling features red brickwork, tile hanging, aluminium fenestration and a roof with aluminium capping and the addition of solar panels. The red brickwork and the addition of tile hanging to the front elevation does reference the surrounding context (on properties within the street) in a more modern contemporary style. The additional accommodation now proposed for the top floor of the dwelling reflects the design and detailing previously approved. The timber cladding would give the upper floor a light-weight appearance when compared to the brick-built finish to the ground floor.
- 9.23. The original front and side boundaries are proposed to be retained and restored as they are an important feature in the conservation area. The proposed planting to the front of the site is welcome including hedgerows which go some way to emulate the vegetation within the front gardens of Harrington Road. Landscape and boundary detailing would be secured via condition given the need to secure biodiversity net gain on site.
- 9.24. As with the previous application, access to the dwelling would be provided via the car parking area, with no main gate to the front. Comments from neighbours regarding interference and damage to the existing walls on site are noted, however the design is considered to allow for the re-development of the site whilst retaining the majority of the existing boundary treatment. This is considered to preserve the character of the streetscene.
- 9.25. Overall, the design and appearance of the development remains acceptable. The new dwelling, with additional accommodation on the first floor is considered an acceptable addition to the site that would not compromise the character of the surrounding area or conservation area in accordance with Policies CP12 and CP15 of the City Plan Part One and DM18, DM26 and DM29 of the City Plan Part Two.

### **Standard of Accommodation**

- 9.26. Policies DM1 and DM20 of City Plan Part Two aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.
- 9.27. The 'Nationally Described Space Standard' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have now been formally adopted within Policy DM1.
- 9.28. The new dwelling would have a Gross Internal Area of approximately 160.5sqm. This would meet the requirements of the NDSS for a 4 bedroom / 8 person unit arranged over 3 storeys. This represents an increase of 32sqm from the previous approval. The bedrooms would meet the minimum national space standards for double bedrooms and would be adequate in terms of shape and circulation space. The terrace areas to the front and rear would allow for restricted but adequate light and outlook to serve the bedrooms. The standard of accommodation for the lower ground floor would be similar to that previously approved. The fourth bedroom on the top floor would also provide a good standard of bedroom space and an additional ensuite. The proposal would provide suitable circulation space and storage space within the living spaces and bedrooms and access to natural light and outlook available for each habitable room.
- 9.29. Policy DM1 requires the provision of private amenity space in new development. Whilst the provision of three modest outdoor areas is not an ideal amount of amenity space for a 4 bed house, on balance it is not considered that this in itself would constitute a reason for refusal given amenity space has been maximised as far as practicable on such a constrained plot, and noting the approved scheme had a similar provision.
- 9.30. Policy DM1 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The application proposes ramped access for the new dwelling to the principal entrance. Therefore, a condition has been attached to ensure that there is the ability to access the site via the ramped access, and so the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 9.31. The unit would provide for a suitable standard of accommodation and would meet the needs of future occupiers, in accordance with Policies DM1 and DM20 of City Plan Part Two.

### **Impact on Amenity**

- 9.32. Policy DM20 of City Plan Part Two states that planning permission for any development 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. Policy DM40 of City Plan Part Two is concerned with development that could cause pollution and nuisance, for example by way of odours, or which could cause a noise nuisance to occupiers of nearby noise sensitive premises.
- 9.33. Given the existing residential character of the property and surrounding area, it is not considered that the provision of an additional residential unit would have a significant adverse impact upon the amenities of neighbouring properties.
- 9.34. By reason of the additional height, the proposed development would have more impact on neighbouring properties than the extant permission or the existing garages and representations have been received concerning loss of light and overshadowing.
- 9.35. The new dwelling would be close to the boundary of 2 Harrington Road to the east with the higher element located on that part of the site. That property has a single storey extension immediately along the shared boundary which appears to be a garage/storage building with only a single small, angled skylight which would be affected. There is a ground floor window behind this but it is obscure glazed so the loss of light would be minimal. The building is set further back from the garden of 214 Preston Road to the west and would be lower on this part of the site so the loss of light would be less significant.
- 9.36. Further, the application is accompanied by a quantitative daylight and sunlight report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the reduction in daylighting to the windows and rooms of the neighbouring buildings will be within the acceptable limits.
- 9.37. The assessment of the impact on the sunlight enjoyed by the neighbouring buildings has also shown that despite some reductions seen in the number of probable sunlight hours enjoyed by these windows/rooms, these are again within the limits prescribed by the BRE Guidelines as being acceptable. The overall impact on daylight and sunlight levels to neighbouring properties is not considered so significant as to warrant refusal of the application.
- 9.38. As noted above, the development would result in additional building bulk in close proximity to neighbouring boundaries so occupiers would experience some increased sense of enclosure. However, given that building lines have been largely respected, and the development retains low profiles throughout, this impact is not considered so significant as to warrant refusal.
- 9.39. The fenestration pattern has been designed to avoid overlooking of neighbours with no windows/doors on the side elevations and the fenestration at rear lower ground floor level, and ground floor levels would face boundary treatment. The additional windows at first floor level would give rise to opportunity for more expansive views to rear. These windows would be



obscured glass which would eliminate this concern and which can be controlled by condition.

- 9.40. It is noted that it is proposed to add perimeter planting against the existing boundary wall to the garden of 212 Preston Road. However, to ensure appropriate screening is provided along the rear site boundaries to mitigate against overlooking, planting is insufficient as it would be ineffective in obscuring views for the lifetime of the development, and would require regular maintenance. Full details of boundary detailing have therefore been secured by condition. As with the previous permission, privacy screens to the terraces can be secured by condition.
- 9.41. Representations cite concerns in relation to the proposed use of the studio attached to the side elevation of 2 Harrington Road. There is little information within the application about the existing or proposed use of this space. The plans show that the front of the space would have glazed doors behind the existing timber doors, a side access to the side passage of the main dwelling, and a w/c is to be formed at the rear. The size and proportions of this space would limit the potential use of the studio. Nevertheless, it is considered reasonable and practical for it be used as ancillary space for the main dwelling and this could be secured by condition. This being the case, it is not considered that the space would impact neighbouring occupiers.
- 9.42. The Environmental Health team have been consulted on the application and have no objection. Given the lack of information in respect of the use of the studio space, the Environmental Health team have suggested some precautionary conditions in relation to noise and shall be carried forwards.
- 9.43. The development would not give rise to substantial noise pollution or light pollution above that to be expected in a developed residential area of this type and, therefore, no resulting harm to living conditions of the occupiers of neighbouring properties.
- 9.44. On the basis of the above, and noting the extant permission on the site and the conclusions of the daylight and sunlight assessment, it is considered that the proposal is acceptable in terms of its potential impact on neighbouring residents and accords with Policy DM20 of City Plan Part 2.

#### **Biodiversity and Ecology**

- 9.45. Policy DM37 of the City Plan Part Two seeks to ensure that all new development proposals conserve and enhance existing biodiversity.
- 9.46. There does not appear to be any protected species or habitat on the site, and it would not result in the loss of any mature trees or hedges and limited natural habitat. There has been no objection from the Ecologist in response to the application, subject to the imposition of an additional condition in relation to biodiversity enhancements.
- 9.47. As with the previous consent a condition has been attached to ensure that bee bricks and swift bricks / boxes would be incorporated within the external wall

of the development. Additional details would be required by condition in respect of the green roof and landscaping within the site.

- 9.48. In terms of biodiversity net gain, this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

### **Sustainability**

- 9.49. Policy CP8 of CPP1 seeks to ensure that development proposals are efficient in the use of energy and water. At the time the application was submitted, this required new build development to achieve 19% above Part L for energy efficiency, however, since the application was submitted, the Part L has been updated and now requires a higher standard of 31%. Since this is now covered under the Building Regulations, an informative to that effect will be attached rather than a condition. A condition is recommended to meet the optional standard for water consumption. These measures can be secured by condition and informatives.
- 9.50. Policy DM44 of CPP2 requires new build residential development to achieve a minimum energy Performance Certificate EPC rating 'B'. This is to be secured by condition.
- 9.51. Refuse and recycling is being provided to the side of the site which appears to be adequate for the scale of development, with level access through the side gate to the roadside. It is proposed that the provision of this is secured via condition.
- 9.52. The application is proposing six solar panels on the roof which would help to provide a reduction on carbon emissions and this provision is also supported under policy DM44 of City Plan Part 2.

### **Sustainable Drainage**

- 9.53. The footprint of the development and the extent of lower ground floor accommodation is comparable to the extant permission so the impact on the water environment would be similar. As previously stated, the site is mostly within a surface water conveyance zone and partly within an accumulation zone. The latter is defined as areas at risk of surface water flooding in a 1% AEP (equivalent to 1 in 100 year) rainfall event where water is expected to pond in these areas. Basement dwellings will therefore not normally be permitted in these areas. However, in this case, it is noted that the basement part of the dwelling falls outside an accumulation zone and therefore is considered to be safe from surface water flooding.
- 9.54. Surface water conveyance zones are steeply sloping so in a rainfall event, runoff can be expected to flow over impermeable areas. This can result in changing surface flood risk on and off the site. Since flood depths are generally low, all types of development could be compatible. The site as existing is covered by hardstanding that is likely to be impermeable. Therefore, the proposal has the potential to improve this situation by allowing water to

soak into the ground through permeable or porous surfacing and planting. It is therefore necessary for the landscaping proposals to be informed by an assessment of flood risk from all sources, how the proposed development may affect existing flow paths across the site, and surface water flood resilience measures. This can be secured by condition as in the previous permission for the site. Southern Water has not objected to the development.

### **Sustainable Transport**

- 9.55. The existing use of the land is for garages and hardstanding associated with 214 Preston Road and under the ownership of the freeholder of that building. The Design and Access Statement states that the garages are not leased to or used by occupants of that building and have been used only occasionally by the freeholder for storage. As with the previous application, there is no objection to their loss as they are not connected to the residents of 214 Preston Road and there is no evidence to suggest that the loss of the garages would result in additional overspill occurring on the nearby highway.
- 9.56. Whilst not raising an objection, Transport Officers have noted that the proposed cycle parking storage is considered inconvenient as it is located to the rear of the development, with a narrow access and multiple doors to reach it. Parking Standards SPD14 requires a minimum of two cycle parking spaces for this type of development which must be covered and secure. There appears to be space on the front of the site (a sealed car parking area) for a secure storage so details of this would be required by condition.
- 9.57. In regard to the car parking, this is to be accessed from a new crossover on the western side of the site. The existing vehicle crossover which was to be used in the extant permission would become redundant. This is considered an acceptable situation with the works to remove and redundant crossover and a new vehicle crossover to be secured via condition.

### **Other Matters**

- 9.58. On the previous application, precautionary conditions were imposed in relation to potential contamination and asbestos which can be carried forward to this consent.
- 9.59. Public representations made on the application have been considered in the relevant sections of the report. However, noise and disturbance through construction is not a material planning consideration for this scale of development and loss of property value cannot be taken into account.

### **Conclusion and Planning Balance**

- 9.60. The proposal would replace existing dilapidated garages which are underutilised with a new dwelling, the provision of which must be given increased weight given the housing shortage in the city. A previous planning permission has accepted the residential redevelopment of the site, with a dwelling of a similar design, which must be given significant weight in considering the acceptability of this scheme. The design is modern but similar to that previously approved, and is considered an acceptable, contemporary addition to the streetscene. A daylight/sunlight assessment has been

submitted confirming that the loss of light would be acceptable, and there are no concerns in terms of the loss of outlook and privacy. A landscaping scheme would be secured by condition and bee bricks/swift boxes to improve biodiversity on the site. The existing site is entirely sealed, so the scheme would be positive in terms of the water environment through increasing its impermeability and ability to absorb water. The proposal is considered acceptable in terms of its impact on highway capacity and road safety, subject to securing cycle parking details.

- 9.61. Given the acceptability of the negative impacts, the provision of a new dwelling, and the redevelopment of the site to replace derelict garage buildings, the scheme is considered acceptable in planning terms.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. 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. It is estimated that the amount of CIL liability for this application is £16,529.01. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **11. EQUALITIES**

- 11.1. 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.

- 11.2. 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. A condition would be added requiring that the dwelling is accessible and adaptable which would ensure those with mobility issues could live in/access the dwelling.