

<u>No:</u>	BH2023/02742	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Les Reveurs 17B Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Demolition of existing dwellinghouse (C3) and erection of a new detached two-storey plus lower ground-floor dwellinghouse (C3), with associated landscaping and access.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	11.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	06.12.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	11.12.2024
<u>Agent:</u>	Absolute Town Planning Ltd C/o Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Mr Radek Vik Les Reveurs 17B Meadow Close Hove BN3 6QQ		

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 **REFUSE** planning permission for the following reasons:

Conditions:

1. The dwelling, by reason of its design, materials and scale, would result in an overdevelopment of the plot, failing to respect the characteristics of the streetscene and local area, and appearing out of scale and incongruous with the surrounding development. The resulting dwelling would appear overly dominant within the streetscene and have an adverse visual impact on the appearance and existing character of the property and wider streetscene. The proposal is therefore contrary to policies DM18 and DM21 of City Plan Part Two.
2. The elevated rear terrace and southern glazing would provide views into neighbouring amenity space and give rise to a high degree of actual and perceived overlooking and loss of privacy. Additionally, the bulk and massing would be overbearing and would result in harmful overshadowing of the adjacent neighbours. It would therefore be unneighbourly and intrusive, unacceptably harming the residential amenity of neighbouring occupiers, contrary to policy DM20 of City Plan Part Two.

Informatives:

3. 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.
4. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
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Proposed Drawing	16	A	15 October 2024
Proposed Drawing	10	A	15 October 2024
Proposed Drawing	12	A	15 October 2024
Proposed Drawing	14	A	4 December 2024
Proposed Drawing	15	A	4 December 2024
Proposed Drawing	17	A	4 December 2024
Proposed Drawing	9	A	4 December 2024
Proposed Drawing	3	A	15 October 2024
Proposed Drawing	11	A	15 October 2024
Location Plan	1	A	4 December 2024

2. SITE LOCATION

- 2.1. The application relates to a gable-roofed property located on the southern side of, and set back behind a front garden from, Meadow Drive. The property is finished in white render and timber cladding and a red/brown tiled roof, with white uPVC framed fenestration. The existing dwelling sits in a slim width but deep plot between No.17 to the west and No.16 to the east. The building is the smallest of the three, as the neighbours sit in wider plots and are 2 storey detached properties with hipped and gable designs. No.16 and No.17 have also been extended over time, to the rear particularly.
- 2.2. Meadow Drive is characterised by traditional design and style of properties, with detached two storey gable ended or part hipped designs within relatively wide plots, albeit some have been extended or had additions added to various roof slopes. Flat roofed development is noticeably absent in the main elevations of the existing and surrounding properties in the immediate and extended streetscape. The area has a material palette comprising predominantly red brick, white render and red concrete tiling or grey slate tiling, with white or occasional light grey/black fenestrations.

3. RELEVANT HISTORY

- 3.1. **BH2017/01594:** Demolition of existing bungalow and erection of a two storey three bedroom house (C3). Approved 30/11/2017

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to demolish the existing property and replace it with a new flat-roofed detached two-storey dwellinghouse (C3), with an additional lower ground floor to the rear and associated landscaping.
- 4.2. It is proposed to demolish the existing single storey gable ended bungalow and replace it with a modern, flat-roofed dwelling that extends to the front and rear of the existing footprint.

- 4.3. The new dwelling would have a staggered footprint that extends to the front, beyond that of No.17 to the west, but aligning with the front elevation of No.16 to the east. To the rear it would extend between 3.2m and 10m beyond the existing rear elevations of No.16, and No.17. The form of the building would be a flat roof block of two storey design, which would extend to three storeys at the rear, to utilise the sloping land levels.
- 4.4. The current building is finished with red brick, white render and timber cladding to the elevations. Red brown tiles cover the pitched roof areas. The current fenestration is predominantly white UPVC. The existing material palette is representative of and common in the streetscene.
- 4.5. The proposed dwelling would see the elevations finished in white render, blue-black mathematical tiles, patinated copper panels and the flat roof material is not detailed. The fenestrations would be metal framed units and black in colour.
- 4.6. A new elevated rear terrace is proposed over the lower ground floor.
- 4.7. The proposed roof form would increase the main ridge height over the existing by over 2 metres (circa 5m to 7.1m) and the eaves heights by over 4 metres (circa 3.1m to 7.1m).
- 4.8. The plans have been amended numerous times during the course of the application, due to officer concerns regarding the appearance, and amenity impacts to neighbouring properties.

5. REPRESENTATIONS

- 5.1. Objections from **eight (8)** individuals have been received raising the following issues:
 - Restriction of view
 - Inappropriate height of development
 - Overdevelopment
 - Overshadowing
 - Noise
 - Too close to boundary
 - Poor design
 - Ultra modern design
 - Harms character of area
 - Building line to far forward
 - Loss of tree
- 5.2. **Councillor Ivan Lyons** objected to the application. Raises that the property extends to far forwards, boundary gap is inconsistent with neighbours, consideration needed for neighbours' light and height of buildings. A copy of the representation is attached to this report.

- 5.3. **Support** from **seven (7)** individuals has been received raising the following issues:
- Good design
 - Contemporary appearance
 - Innovative
 - Ecologically friendly
 - Family housing
 - Residential amenity improves
 - Development would improve the neighbourhood
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Urban Design Officer:** Objection (Verbal Comments)
The overall form and massing in the constrained plot is considered to be overdevelopment and this harm is compounded by the material choices, which increase the prominence of the structure.
- 6.2. **Planning Policy:** No comments to make
- 6.3. **Private Sector Housing:** No comments to make
- 6.4. **Sustainable Transport:** No objection subject to conditions
Subject to conditions in respect of Cycle Parking provision and Electric Vehicle Charging informative.

External:

- 6.5. **Southern Water:** No objection subject to conditions
Conditions to include:
- No piling
 - Provision of construction timetable
 - No demolition or construction of lower ground floor except between March and September.
- 6.6. Note a formal connection to sewer required and that a public sewer may cross the site.
- 6.7. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT 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
CP13	Public streets and spaces
CP14	Housing density

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, its impact on the appearance and character of the site and wider area, the impact on the amenities of adjacent occupiers, and the standard of accommodation provided.

Principle of the Development:

- 9.2. The development would involve the replacement of an existing dwelling with a new one. As such the development is given no increased weight due to the housing shortfall, and with no net loss of housing in the city, it is acceptable in principle in this regard.
- 9.3. It is also noted also that planning permission has been previously approved in 2017 for a new dwelling to replace the current bungalow. This approved scheme, BH2017/01594, was for a two storey dwelling of more traditional appearance, with a pitched roof form to the side elevations and gable ends to the front and rear elevations. This proposed building footprint sat behind the front and rear elevations of No.17 to the west, in a similar position to the current dwelling. It was considered to relate acceptably to the size of the plot, neighbours and reflect the character of the street. This earlier planning permission is no longer extant

Design and Appearance

- 9.4. Policy DM18 states that:
"...Proposals for development will be expected to consider the following key design aspects:
a) *the local context; including responding positively to the urban grain;*
b) *the scale and shape of buildings;*
c) *the building materials and architectural detailing; and*
d) *the spaces between and around buildings..."*
- 9.5. SPD12 states that:
"Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography." Although the proposed application is a new dwelling the thrust of the document would also apply.
- 9.6. SPD17 states in reference to streets:
"The way they look and feel is critical to the character of the area. Design features that are visible in from the street or highway will be particularly important in the assessment of development proposals". Design priorities to be considered include: "...existing building lines, height, rhythm, and proportions of frontages, windows and doors."
- 9.7. The overall effect of the works would be the replacement of the existing modest one-storey gabled property with a part two-/three-storey flat roofed dwelling of a contemporary design, with a very significant increase in massing and bulk. The resulting dwelling would be a substantial increase in the size, bulk and massing over the existing property, designed to accommodate the desired internal space, rather than reflecting the size of the plot and general character of the area. The

additional depth and height would be clearly visible in views along Meadow Close due to the siting and scale of adjoining properties.

- 9.8. The contextual drawings which have been submitted show the proposed building would visually overpower adjoining properties, and the combination of the proposed depth, height and roof form would create a sense of bulk which is not repeated elsewhere in the immediate area. The resulting building would appear unduly dominant in views along Meadow Close, harming the prevailing character and appearance of the area. The overall scale of development proposed by the application is considered excessive in this location.
- 9.9. The use of a flat roofed design as proposed would mean the resultant building would have significantly more mass and bulk at a higher level than the surrounding buildings and would therefore have materially greater visual impact on the street scene. This greater mass at height would not be sympathetic to nearby buildings and would disrupt the existing rhythm and frontages, negatively impacting the urban grain.
- 9.10. The scheme further emphasises its prominence in the street scene through the large amount of glazing and the range of materials on the front elevations, in a way that is not representative of the area. It would comprise almost full height glazed panels across the majority of the front and rear elevations, with the use of copper panels and black-blue tiles to the front elevation. This reinforces its presence within the public realm, increasing the harm to the character of the area. The effect of almost the full width of the plot being filled with two storeys and the substantial form of the flat roof, add to the cumulative impression of the overdevelopment of the site, which would harm the appearance of the neighbourhood. The proposed building would have little relationship with nearby buildings such that it would have an overly conspicuous and incongruous appearance.
- 9.11. Therefore, the overall scale and design of the proposed replacement dwelling is considered inappropriate and dominant in appearance, failing to relate well to the size of the plot, neighbouring properties, the streetscene or the character of the area due to its design, scale, massing and appearance. Taking all of these matters into consideration the proposal fails to comply with Policy CP12 of the City Plan Part One and Policies DM18 and DM21 of the City Plan Part 2.
- 9.12. As noted earlier the principle of development for the plot with a larger two storey new dwelling is acceptable, as exemplified by the approval BH2017/01594. This had a design which was more modest, suiting the plot width, reflecting and respecting the local character and the amenity of neighbouring properties, with less bulk due to a smaller footprint and the pitched roof design; with materials that did not contrast and increase prominence in the streetscene.

Impact on Amenity

- 9.13. Since submission of the current application, the applicant has made revisions to the positioning of the development and removed first floor terraces to the rear, to try and reduce the impact on neighbouring residents. Unfortunately these have not mitigated the harm to a level which satisfies the Local Planning

Authority (LPA) that it would not affect neighbours significantly and unacceptably.

- 9.14. The substantial form of the works extending to the front, side and rear, with a two/three storey form is considered to result in an unacceptable sense of enclosure and loss of light to gardens and side elevations. This is particularly the case in relation to No.17 located to the west and No.16 located to the north, with the amount of visible wall/development to the neighbouring properties increasing significantly over the current relatively low impact.
- 9.15. The development would create a two/three story development to the rear with a partially enclosed raised terrace above the lower ground floor on the southern elevation, with large glazed full height screening to west, all of which would be very close to neighbouring properties gardens and windows at No.17. The rear impact on No.16 to the east is not so great due to the existing fir trees on the shared boundary and lack of privacy screens to this side.
- 9.16. Overall, this is considered to be un-neighbourly, being overbearing at the rear, and increasing the opportunity for prolonged overlooking of neighbouring gardens from an elevated space and by a number of people at any one time, which would be unacceptably intrusive.
- 9.17. The proposed first floor windows to the sides would open up new elevated views with potential direct overlooking, but if otherwise acceptable, a condition could require them to be obscure glazed and non-opening below 1.7m as they would serve non-habitable rooms or ones with multiple aspects .
- 9.18. Overall, the combined detrimental effects of overlooking, overshadowing, loss of light and the increased sense of enclosure caused by the design and form of the proposal within a constrained plot are considered so substantial that refusal is warranted. As noted earlier the principle of development for the plot with a larger two storey new dwelling can be acceptable in respect of amenity, as exemplified by the approval BH2017/01594, which had a design which was similar in footprint to the current, with a roof design (pitched) that sloped away from the neighbouring properties – reducing the potential impacts further for overshadowing and overbearing. The scale and positioning with the relatively modest glazing also limited overlooking.

Standard of Accommodation

- 9.19. Policy DM1 (Housing Quality, Choice and Mix) outlines the Council's objective to deliver a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Specifically, all proposals "incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs".
- 9.20. Policy DM1 adopts the Nationally Described Space Standard (NDSS) for assessment of the standard of accommodation.
- 9.21. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.

- 9.22. The proposal would involve the creation of one (1) new unit with four bedrooms and an internal floor area of 414m².
- 9.23. This unit proposed would have 3 double bedrooms and 1 single bedroom and is therefore considered a three storey, 4 bedroom 7 person unit. This has a 121sqm requirement to meet the required floorspace standard so it complies in this regard.
- 9.24. The two person bedroom sizes comply with the minimum required, namely 11.5m² with the required minimum width of 2.75 metres. The one person bedroom size complies with the minimum 7.5m² required and has the required minimum width of 2.15 metres. The head height shown on the previously submitted sections exceeds 2.3m. It is noted that new sections have not been submitted for the amended drawings but considering the proposed elevations it is considered a minimum height of 2.3m is achievable throughout.
- 9.25. The proposed elevations and plans show that there are sufficient window openings in all elevations to serve all habitable rooms/spaces and they would receive sufficient natural light and have an acceptable outlook, excepting one bedroom on the eastern ground floor which would look onto the shared boundary fence. This is considered acceptable in this specific case on balance, considering the overall amount of floorspace and standard of accommodation for future residents that would be provided.
- 9.26. It is therefore considered that the proposed development would meet the needs of future occupiers.

Other Matters

- 9.27. The applicant has shown no cycle parking on the proposed scheme but considering the size of the plot, provision could be secured by condition if the application was overall considered acceptable.
- 9.28. The applicant is proposing no significant changes to the existing front parking area for the new dwelling. This is considered acceptable as the development would not see a significant increase in trips generated from the proposed unit.

Ecology

- 9.29. Policy CP10 of the City Plan Part One and DM37 of City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.30. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. If the application were otherwise acceptable a condition requiring the installation of a bee brick and swift bricks would be attached to improve ecology outcomes on the site.

- 9.31. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA as it was submitted in October of 2023, before the regulations came into effect.
- 9.32. Policy DM44 requires new residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This could be secured by condition if the scheme were otherwise acceptable.
- 9.33. The proposed dwelling would have part basement accommodation on the lower ground floor. It is not considered to be liable to flooding due to the elevation and the sloping land levels to the rear, and the plot is not in a flood risk area or an accumulation zone. The increase in footprint would increase the conveyance effects of water from the site (less grass/soft landscaping), but not to such a degree that refusal is warranted on this reason alone, as a condition for provision and approval of sustainable drainage systems would have been imposed, if the application was acceptable in all other matters.

Conclusion

- 9.34. The design approach of the proposal is not considered acceptable as it would result in harm to the appearance and character of the area. The amenity of neighbouring residents would also be significantly harmed due to impacts to privacy, outlook, a loss of light and increased sense of enclosure. For the foregoing reasons the proposal is in conflict with policies CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20, and DM21 of the City Plan Part Two.

Community Infrastructure Levy

- 9.35. 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. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as is practicable after the issuing of any planning permission.

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.
- 10.3. The proposed dwelling would be able to meet M4(2) requirements for accessible and adaptable dwellings of Part M building regulations, and a condition to that effect would have been imposed if acceptable in all other matters.

