

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/02926	<u>Ward:</u>	Rottingdean Coastal
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Oaklands Avenue, Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of 1no 2 bedroom bungalow (Part Retrospective).		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	27/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 November 2010
<u>Agent:</u>	Bloomfields Ltd, 66 College Road, Maidstone, Kent		
<u>Applicant:</u>	Mrs Jan Trafford, C/O Bloomfields Ltd		

This application was deferred at the last meeting on 14/01/11 for a Planning Committee site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed development, by virtue of the subdivision of the plot would result in a cramped form of development to the original property (no. 25 Oaklands Avenue) over and above that previously allowed on appeal (BH2009/00651) and an awkward, contrived plot shape which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development results in inadequate levels of private, usable amenity space for the original property (no. 25 Oaklands Avenue), and that which is private would be of inadequate quality for the occupiers of the host dwelling and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
3. The proposed development results in an unacceptable degree of overlooking and loss of light and have an overbearing impact to no. 25 Oaklands Avenue and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.
4. A lack of information has been submitted in relation to sustainability, particularly the application fails to demonstrate that the required level of the Code for Sustainable Homes could be achieved and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

Informative:

1. This decision is based on drawing nos. 2010/25OA/001, 002, 003A, 004, 005, 006 and 007 received on 27.09.10.

2 THE SITE

The site previously formed part of the rear garden to 25 Oaklands Avenue. 25 Oaklands Avenue is a 1930's (approximately) single storey dwelling which occupies a corner plot on the junction with Linchmere Avenue. The property previously included a rear garage with associated vehicular access from Linchmere Avenue.

The plot has now been subdivided and the scheme proposed in application BH2009/01574 (although refused) has been commenced.

The wider area is predominantly residential in character and includes a mixture of single and two storey properties.

3 RELEVANT HISTORY

BH2010/01574: Demolition of existing garage and erection of 1no 2 bedroom bungalow (part retrospective) – refused 18/08/2010.

BH2009/00651: Outline Application for construction of new two bedroom bungalow with pitched roof – refused 27/05/2009. Appeal allowed 17/12/2009.

BN74/818: Outline application to demolish garage and erect a detached bungalow – refused 16.07.74.

50/531: Conversion of veranda to sun room – approved 20.06.50.

6451/43/115: Erection of porch – approved 20.04.48.

5341.X1920: Erection of detached bungalow and garage – approved 19.11.46.

4 THE APPLICATION

This application relates to the erection of a single storey bungalow – part retrospective.

The application involves the subdivision of the existing plot to form two individual plots, one being approximately 19.5m wide x 17.5m deep (extending to 20m deep) for the original dwelling and a new plot size of 21.5m deep x 14m (narrowing to 11.5m) wide.

The proposed dwelling on the new plot (as built) would be 11.9m wide x 8.5m and 9.2m deep (being staggered) and 2.3m to eaves level and 5.0m to its ridge height, with a fully hipped roofline. The property would be set a minimum 2.8m from the front boundary (6m max) 1m off the side boundaries and 7.4m min and 9.5m max to the rear boundary.

The allowed appeal (BH2009/00651) included a plot size for no. 25 Oaklands Avenue of approximately 19m wide x 20m deep and a new plot size of 21.5m deep x 11.5m wide.

The dwelling allowed on appeal measured 9.8m wide x 7.7m and 8.6m deep (being staggered) and 2.7m to eaves level and 4.6m to its ridge height, with a fully hipped roofline. That property would have been set a minimum 4m from

the front boundary (6m max), 1m off the side boundaries and 7.5m min and 9.5m max to the rear boundary.

5 CONSULTATIONS

External

Neighbours: One letter of objection has been received from the occupiers of **23 Oaklands Avenue** on the following grounds:

- Loss of privacy; and
- Overlooking.

One (1) letter of comment has been received from the occupiers of **22 Bevendean Avenue** on the following grounds:

- My rear wall has been knocked down as part of this development and I am concerned about the outcome of this application and who will be responsible to complete the work.

Seven (7) letters of support have been received from the occupiers of nos. **18, 20, 22, 27 and 29 Linchmere Avenue** and **10 and 22 Bevendean Avenue** on the following grounds:

- Support for the development;
- In keeping with the surrounding properties;
- Will make the street look complete;
- Will compliment other properties in Linchmere Avenue.

Internal

Sustainable Transport: The Local Highway Authority has no objections.

Arboriculturist: The property was already in the process of being built at the time of the inspecting officer's visit.

On the north west corner of the site a large privet shrub appeared to have had its roots severed. The applicant may like to prune this shrub to prevent it failing in an uncontrolled manner. This shrub has little arboricultural value and the Arboricultural Section would not object to this.

Overall, the Arboricultural Section has no objection to the proposal outlined in this application.

For information purposes, Japanese Knotweed is starting to appear down the south side of the outside of the garage. This is a particularly pernicious weed that should be dealt with as soon as possibly in the interests of the future owners of the property.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development

TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD5	Design - street frontages
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

7 CONSIDERATIONS

The main considerations in the determination of this application are the impact of the development on amenity, highway and sustainability issues, the planning history and the principle of the development.

Planning History

Outline planning permission was granted at appeal (BH2009/00651) on 17.12.09 subject to a number of pre-commencement conditions, including the requirement to submit a reserved matters application.

The outline application had been refused on the following grounds:

1. The proposed development would result in a cramped form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development would result in inadequate levels of private amenity space for the occupiers of the host and proposed dwellings and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

3. The proposed development would result in an unacceptable degree of overlooking to neighbouring properties and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, HO7 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Parking Standards (SPGBH4).

The Inspector dealing considered all of the above issues and came to the following conclusions on each issue:

1. Linchmere Avenue has a variety of plot sizes which is viewed as separate from the more regularly and spacious appearance of Oaklands Avenue. In this context, in principle, a small bungalow would, sited as proposed, not appear cramped within the street scene or at odds with the character and appearance of the area.
2. The amenity space for the proposed property is adequate having regard to its size. In relation to no. 25 itself there would be a relatively narrow area of private space to the rear of the bungalow and a modest area to the side and front. Although these areas are currently rather open and exposed to public view, the principle is little different to the nearby properties 22 and 27 Linchmere Avenue. In practice people tend to use planting to increase privacy and security.
3. In terms of overlooking it is considered that the boundary treatment would adequately control this issue.
4. In relation to the sustainable transport infrastructure contribution, a draft legal agreement has not been submitted and there is no clear evidence of a conflict with policy TR1 and thus a reason for refusal on this basis could not be sustained.

Development commenced on site without a reserved matters application in breach of planning.

BH2010/01574 was then submitted in an attempt to regularise the situation.

This application was refused on 18/08/2010 for the following reasons:

1. The proposed development, by virtue of the subdivision of the plot would result in a cramped form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development would result in inadequate levels of private amenity space for the occupiers of the host and proposed dwellings and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
3. The proposed development would result in an unacceptable degree of overlooking and loss of light to neighbouring properties and create an

overbearing impact to the host property and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.

The owner of the site has been advised that all works on this site were carried out at their own risk.

Principle of Development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 has recently been amended and now identifies residential gardens as Greenfield land. Whilst this does not preclude development of such sites, careful consideration will need to be given to the impact on the character of the surrounding area as well as other development control considerations.

It is considered that the proposed bungalow would not comply with other development control considerations, for the reasons set out below.

Impact on street scene and wider area

Visual amenity

Policy QD2 confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account, amongst other things, the local characteristics including height, scale, bulk and design of existing buildings.

The plot which has been sub-divided sits on the corner of Oaklands Avenue and Linchmere Avenue. The original property fronts onto Oaklands Avenue. The side boundary runs along Linchmere Avenue and previously included an opening towards the rear boundary providing vehicular access to a rear garage (which has now been demolished).

The application property (now partially constructed) is to the rear of the existing dwelling, fronting onto Linchmere Avenue, utilising the existing vehicular access to provide off-street parking. Therefore, the proposed property would be read from a different street scene to that of the front of the original dwelling.

Linchmere Avenue is varied in character, with some plots fronting onto the road and others not, instead having side boundaries along this street frontage. The wider area includes both single and two storey dwellings.

It is noted that both the original property, and no. 27 Linchmere Avenue to the north (adjoining to the side) are both single storey. Therefore, the placing of an additional bungalow within this location is not considered to be unduly harmful to the character and appearance of the street scene. This view was taken by the Inspector on the allowed appeal.

However, it is considered that due to the increased size of the application proposal from the allowed appeal property (2.1m increased width) would close the gap between properties which is particularly important to retain the spacious character and appearance of the street scene and wider area. However, this was not included as a reason for refusal in the previous scheme (BH2010/01574) and thus it would be unreasonable to introduce this now, despite the concern.

The subdivision of the plot would result in a reduced plot size of no. 25, and a relatively small plot size for the proposed property. It is noted that plot sizes within the vicinity of the site are somewhat varied, however the proposed plot size (for the original dwelling) would be out of character with the immediate surroundings, most notably the plots fronting onto Oaklands Avenue. This is due to its significantly reduced size, particularly to the rear of the building itself.

It is noted that the plot sizes differ on this application, compared to the previous (BH2010/01574), in that the size of the new plot is reduced by approximately 2.5m and the depth of part of the plot for the original dwelling is increased by 2.5m. However, when viewed from the Linchmere Avenue street scene, this would not be visible, due to the positioning of the application building, and the fact that the change in boundary line is to the rear of the site, where it kinks backwards to provide more space to the host property.

The plot size was also considered by the Inspector in the allowed appeal. The Inspector found that the principle of “a small bungalow, sited as proposed ... would not appear at odds with the character and appearance of the area”.

It is clear from these very precise comments that only the scheme proposed at that time was acceptable. It is a matter of fact that the as built scheme which this application seeks to regularise, is a significantly larger bungalow (2.1m in width), and the siting has clearly altered, thus the proposed is significantly different from that previously allowed by the Inspector.

The Inspector also makes reference to two plots which are already uncharacteristic of the area, namely nos. 22 and 27 Linchmere Avenue. Whilst it is accepted that these plot sizes are smaller than the general character of the area, their shape is characteristic being longer than they are wider, and rectangular in shape.

The proposed and resultant plot sizes are closer to being square in shape and have an awkward arrangement, with the dog-leg kink in the party boundary which appears evidently contrived seeking – unsuccessfully - to resolve the impact of the harmful building.

Therefore, it is considered that the proposed situation is significantly different to that previously considered by the Inspector, in that the new plot sizes are an awkward shape, appear contrived and are uncharacteristic of the wider

area, for the reasons mentioned above.

The application would also result in the loss of a high level of trees/bushes from the site. However, having regard to the comments from the Arboriculturist, it is not considered that an objection could be sustained on this basis.

Amenity issues continued

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The drawings show a single storey two bedroom bungalow although this could be occupied as a 3 bedroom dwelling due to the large dining room and spacious living area. The plans show that the eaves height would be 2.3m with a ridge height of 5.0m, being fully hipped. Due to the close proximity of the proposed property to no. 25 (just 2.6m compared to 4.7m in the allowed appeal scheme) it is considered that the development would create a loss of light, overshadowing and overbearing impact on the occupiers of the host dwelling and thus would be unacceptable.

In terms of loss of light, it is noted that the unauthorised building is situated to the northeast of the original property, whose rear bedroom window includes a square bay formation. It is considered that there would be a loss of sunlight to the rear bedroom of no. 25 due to the presence of the building just 2.6m, and the fence just 1.3m from this window (compared to 4.7m and 3.0m respectively on the allowed appeal scheme). In addition, the enclosed resultant space around this window from the fence itself would restrict the level of daylight received within the room.

Therefore both the sunlight and daylight would be restricted resulting in a loss of light to a habitable room to an unacceptable degree.

The extremely limited separation distance between the existing and unauthorised house creates a significant overbearing impact on the existing, particularly in terms of outlook from the kitchen and rear bedroom of no. 25. The lay of the land increasing in height to the northeast compounds this issue as it is set significantly higher than the existing, and therefore the bulk and massing is increased compared to if it were a level site. The fully hipped roofline assists in minimising the impact as far as possible, but the situation as built is still harmful.

The close proximity of the proposed dwelling to its neighbours, most notably the host property itself, would result in overlooking from the proposed dwelling and associated amenity space, which could be of detriment to the amenities of the occupiers. Indeed the previous scheme (BH2010/01574) included a reason for refusal in this regard. However, the current application has been amended seeking to address this issue, by reducing the garden levels in the

application property by 0.5m to ensure that no overlooking would be possible. It is considered that this does address the overlooking issue from the rear garden area.

However, the plans show a boundary fence height of 1.8m between the two properties, which is below the height of the application property's kitchen window, which would result in direct overlooking into the rear bedroom of no. 25 itself, which includes a projecting bay window.

In addition, as a result of the lowering of the rear garden, there is a decked platform and stepped access down to the garden from the kitchen of the unauthorised property. This is within 4.8m of the rear bedroom window of no. 25 and its limited rear garden, and is situated at a height of 0.7m above ground level. When standing on this platform, again, direct views would be possible into the rear bedroom and garden of no. 25, to an unacceptable degree causing a significant loss of privacy.

During a site visit undertaken as part of this application, the applicants confirmed that the height of this fence could be increased to address the issue of overlooking and loss of privacy, however amended plans to this effect were not submitted, and in any event, such amendments would have compounded the loss of light and overbearing impact issues, as mentioned above.

The Inspector considered the issue of overlooking in the previous appeal and confirmed that "the maintenance of privacy from overlooking between closely adjacent bungalows is routinely achieved by the use of fencing, as is proposed in this instance, and the existing boundaries with properties to the north west are adequate for that purpose".

However, the Inspector failed to consider the issue of the change in levels and increased height. This compounds the impact when considering the unauthorised building in the current scheme due to the closer proximity to the boundary (and the existing dwelling) and the presence of a raised platform.

It is considered that the issue was not sufficiently addressed by the Inspector in the allowed appeal and that the proposed resolution – of using fencing – would not resolve the issue due to the difference in height between the plots and the closer proximity to No.25.

Therefore, boundary fencing is not adequate to address this significant issue of loss of privacy and overlooking in this instance.

It is noted that the changes to the plot sizes (as mentioned above) result in an increase of private amenity space to the original property of approximately 18sqm. However due to the long and narrow shape of this, combined with the oppressive nature of the space (as a result of the extremely close proximity of the application dwelling and its boundary treatment) it is not considered

acceptable to provide sufficient good quality amenity space for the existing occupiers of this property. Therefore there is direct conflict with policy HO5, in that the resultant amenity space would not be private or usable.

The subsequent loss of amenity space to the original property, resulting from the subdivision of the plot, would be unacceptable as the majority of the resultant amenity space is at the side facing onto Linchmere Avenue, and thus would not be private space.

Again, the Inspector considered this issue in the previous appeal, despite the amenity space for the host property being significantly larger (27sqm) in that proposal, and a large proportion of this being to the rear of the property.

He confirmed in that appeal decision that “there would be a relatively narrow area of private space remaining at the rear of the existing bungalow and a modest rear of garden to the front and side...Although the front and side gardens are currently rather open and exposed to public view, this configuration is little different in principle than at the nearby properties 22 and 27 Linchmere Avenue. In practice, people tend to adapt such gardens with planting according to individual preference.... to increase privacy and security”.

As stated, this situation is significantly worse than that previously considered by the Inspector, due to the large reduction of garden space, particularly to the rear of the property which combined with the closeness of the unauthorised property and the overlooking, loss of privacy and overbearing impact that this creates (which is significantly worse than the situation in the allowed appeal) means that the amenity space is of lower quality, and size than previously considered by the Inspector.

The Inspector’s comments in relation to increasing planting to increase privacy to the side garden are noted, however this is outside of planning control. Any fixed boundary treatment (other than vegetation) higher than 1.0m would require planning consent and would be unlikely to be given due to the significant resultant harm to the open character and appearance of the wider area.

The examples at 22 and 27 Linchmere Avenue are noted, however these are considered to be substantially different, as these plots have been divided lengthways, and thus higher boundaries towards the rear of the plots would be characteristic with the wider area, to secure and create private areas to the rear of the original building lines.

The amenity space for the unauthorised property is increased compared to the allowed appeal, and as such whilst extremely limited, particularly given the increased size of the dwelling (and the likelihood that the dining room would be a bedroom), it is not considered that a reason for refusal on this matter could be sustained.

Transport Issues

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

The site is not situated within a controlled parking zone (CPZ) and the proposal provides one off street parking space to the front of the proposed property.

The comments from Sustainable Transport are noted, in that there is no objection to the scheme.

It is considered that there is sufficient space on site for cycle parking and details could be secured by condition were the application acceptable.

Sustainability Issues

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate efficiency in the use of energy, water and materials.

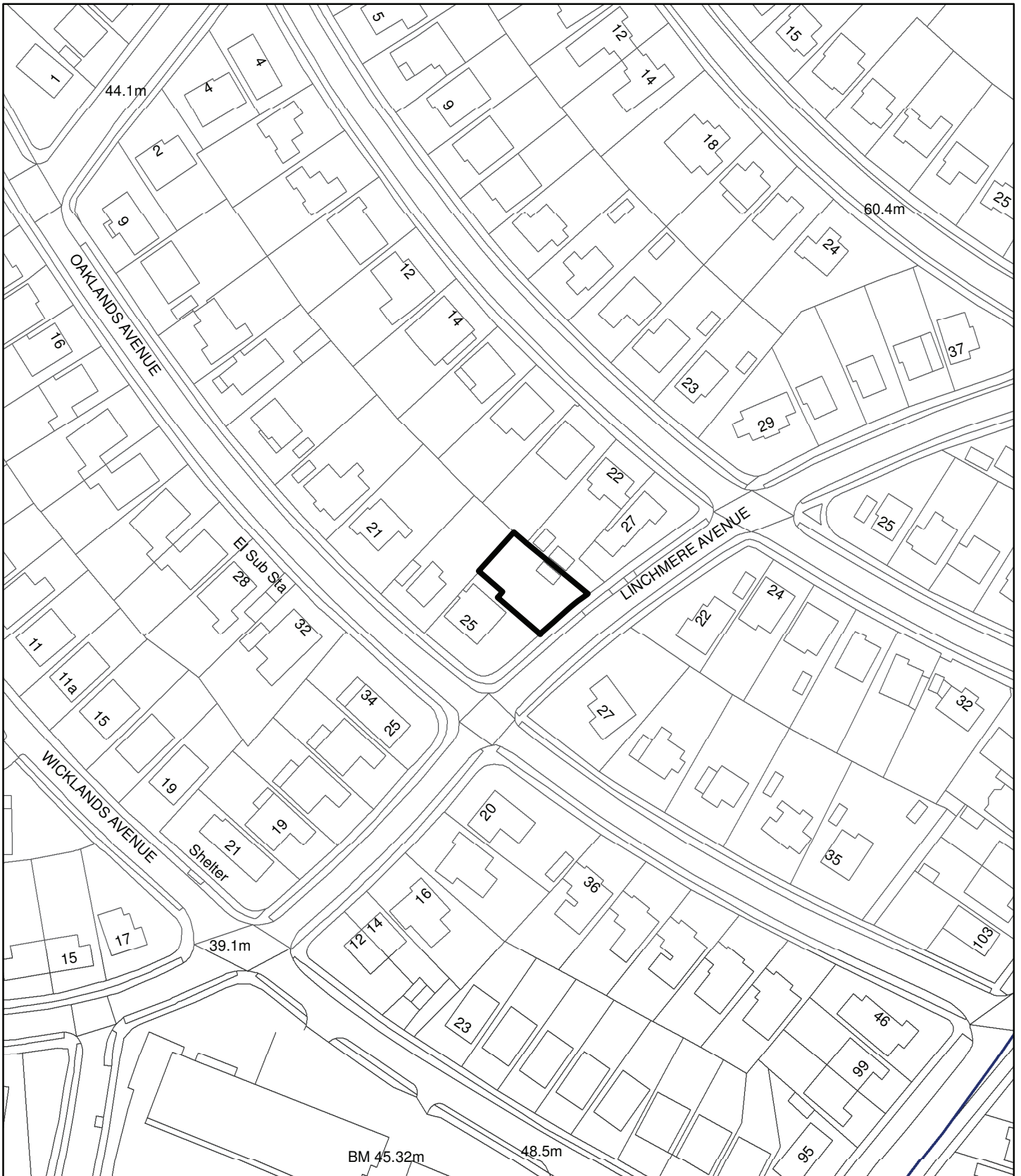
The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08. No information has been provided detailing how the development would seek to achieve the Code for Sustainable Homes Level 5 and minimise its reliance on energy, water and materials, and as such fails to demonstrate compliance with SU2.

It is considered that in demonstrating compliance with policy SU2, the design of this part retrospective scheme would need to be materially altered. On that basis refusal is recommended.

8 EQUALITIES IMPLICATIONS

The dwelling would be required to meet lifetime homes standards if it were acceptable in other areas.

BH2010/02926 Oaklands Avenue, Saltdean



**Brighton & Hove
City Council**

Scale: 1:1,250

N



No:	BH2010/03961	Ward:	HOLLINGDEAN & STANMER
App Type:	Telecommunication Apparatus		
Address:	Pavement outside Hollingdean Depot opposite 13 Upper Hollingdean Road		
Proposal:	Erection of 12.5m high replica telegraph pole with 3no antennas, a radio equipment cabinet adjacent to the pole and development works.		
Officer:	Chris Swain, tel: 292178	Valid Date:	21/12/2010
Con Area:	N/A	Expiry Date:	14 February 2011
Agent:	Tylo Electronics UK Infrastructure Ltd, Mr Chris Andrews, Heriot House, Heriot Road, Chertsey, Surrey		
Applicant:	Vodafone Limited, Vodafone House, The Connection, Newbury, Berkshire		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that **PRIOR APPROVAL IS NOT REQUIRED** for the proposed development.

Informatives:

1. This decision is based on drawing nos. 100, 200, 300, 400 and 500, a supplementary information document, a general background information document, an ICNIRP compliance document and a technical information document received on 21 December 2010.
2. This decision to determine that Prior Approval is not required has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD4 Design – strategic impact
 - QD23 Telecommunications apparatus (general)
 - QD24 Telecommunications apparatus affecting important areas
 - QD27 Protection of amenity
 - TR7 Safe development
 - SU10 Noise nuisance

Planning Policy Guidance Note:

PPG8: Telecommunications (2001), and:

- (ii) for the following reasons:-

The proposal would not significantly harm the visual amenity of the street

scene, impact upon highway safety or have an undue negative impact upon the character and appearance of the surrounding area. Additionally, the proposal is unlikely to cause a harmful noise disturbance and will not harm the amenity of surrounding users of the site.

3. Please note that the equipment should be sited in accordance with and under licence from the Highway Operations Manager prior to commencement of development.

2 THE SITE

The site relates to a stretch of pavement to the eastern side of the access gates to the Hollingbury Depot on the southern side of Upper Hollingdean Road and opposite Hollingbury Road. There are residential properties to the north on the opposite side of the road and also high residential tower blocks to the south west. The gradient of the land slopes steeply down from west to east and from north to south.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application seeks prior approval under the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 24) (as amended) for the installation of a new telecommunications cabinet.

The application seeks to establish whether prior approval for the siting and appearance of a telecommunications mast with three antennas and associated cabinet on the edge of the public footway would be required.

The mast would be 12.5m high, 335mm wide and take the form of a telegraph pole.

5 CONSULTATIONS

External:

Neighbours: No.22 Richmond Place, No.34 Roedale Court, No.63 Florence Road, Nos.121 & 147 Dudeney Lodge, the Downs Infant School and two unspecified addresses all object to the proposal on the grounds that it would detract from the appearance and character of the area and also because of health concerns relating to the telecommunications apparatus.

Councillor Lepper objects to the proposal (comments attached).

Internal:

Sustainable Transport: No objection.

Environmental Health: There has been public concern about the possible health effects from base stations, which are the radio transmitters and receivers that form an essential link in mobile phone communications. I

summarise current available information that has been obtained on base stations.

With regard to concerns about health and safety, the Government's advisers, the Health Protection Agency (HPA) have issued guidelines on maximum levels of exposure to radio frequency or RF radiation emitted from base stations. The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below HPA guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1992 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the HPA guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects.

The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the well-being of people in some cases.

Noise

Complaints could potentially result from tonal peaks within the frequencies and low frequency hums arising from the equipment cabinet. However, as I understand that there are quite a number of such cabinets installed within the City, it would be appropriate to use legislative powers to assess the plant under statutory nuisance provisions, should complaints be received.

Recommendations:

Given the current available information on mobile phone technology, I cannot object to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

Environment Agency: Do not envisage any issues though note that there is an underground adit related to Southern Water's supply somewhere in there vicinity.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD23	Telecommunications apparatus (general)
QD27	Protection of amenity
TR7	Safe development
SU10	Noise nuisance

Planning Policy Guidance Note:

PPG8: Telecommunications (2001)

7 **CONSIDERATIONS**

This application seeks prior approval for the proposed development; therefore the determining issue in the consideration of this application is the impact the proposal would have on the character and appearance of the locality and street scene in terms of its siting and design.

Proposed plans and a letter seeking pre-application advice were received on 13 October 2010. A response was made on 6 December 2010 stating that a reduction in the height of the mast would reduce the impact of the proposed mast.

Siting and Design

The proposed telecommunication mast would be 12.5m in height, 335mm in diameter and finished in brown paint. The monopole design would incorporate three antennas. The proposed mast would be positioned approximately 5m from the emergency access gates to Hollingdean depot adjacent to the existing flint boundary wall. There would be an associated cabinet, 1.6m in height, 1.8m in width and 0.5m in depth positioned adjacent to the boundary wall between the access gates and the proposed mast.

There are various other types of street furniture in the close vicinity of the proposed mast with a tall, vertical emphasis including telegraph poles and high level street lighting. Whilst it is acknowledged that the proposed mast would be significantly taller and also greater in diameter than the existing street furniture the character and appearance of the street scene has already been adversely impacted by these existing features and the proposed mast is not considered to result in any significantly increased harm to the appearance or character of the surrounding area. The mast has been positioned on the southern side of Upper Hollingdean Road with a distance of over 15m from the closest residential properties, located on the opposite side of the road.

The land climbs steeply from east to west and it is not considered that the mast would be overly dominant in views from the east due to the back drop of tall trees and existing telegraph poles and beyond that the existing residential tower block, Dudeney Lodge.

From the higher ground to the west the proposed mast would be screened to a degree by the existing tall trees to the southern side of Upper Hollingdean Road and it is not considered that the mast would be significantly harmful to the appearance or character of the street scene.

From views from the north down Hollingbury Road the mast would be set against the unremarkable mix of buildings within the Hollingbury Depot and again the proposed mast is not considered to be overly intrusive feature within the street scene or significantly harmful to the appearance or character of the surrounding area.

The associated cabinet would be set against the boundary wall, is considered to be acceptable in regards scale and design and would have a minimal impact on the appearance and character of the street scene.

Technical justification and alternative siting

The applicant has provided technical justification for a mast in this location. The information includes maps showing the current level and the proposed levels on the Vodafone 3G network. It is clear from the map that the proposed mast would deliver improved network coverage and a larger area with sufficient signal strength for indoor use of a hand held portable device would be covered.

It is therefore considered that there is a sufficient technical justification for a proposed mast in this area.

Section 6 of the accompanying site specific supplementary information document considers the site selection process. The Crestway Parade on The Crestway and St Matthias Church on Ditchling Road were both approached but declined the offer of a mast on their properties. A number of other sites in the nearby location, including the adjacent Hollingbury depot and the closest residential blocks Dudeney Lodge and Nettleton Court were ruled out as they are owned by Brighton & Hove City Council who have a telecommunications moratorium.

It is considered that the applicant has adequately addressed and discounted other potential sites in the area.

The applicant has noted that the Local Planning Authority had stated that a reduction in the height of the mast would reduce the impact of the mast on the street scene and the surrounding area. The proposed mast would be 12.5m and this does not represent any reduction in the height of the mast over the scheme proposed in pre-application discussions. The applicant provides

justification for the height of the mast within the site specific document and also in the annotated panoramic photographs within the technical justification document. The applicant states that while surrounding trees and buildings would block signal to a degree at both 10m and 12m the impact would be more detrimental at 10m and a mast at this height would not provide the required level of coverage for the target area.

While it is noted that a mast of a lower height would reduce the impact on the appearance and character of the street scene it is considered that the applicant has provided sufficient justification for the proposed height of the mast.

Amenity

The proposed mast and cabinet is sited adjacent to the existing Hollingbury depot boundary wall, a significant distance from the residential properties on the opposite side of Upper Hollingdean Road and it is not considered that the proposal would result in any significant impact on residential amenity in regards to loss of light or outlook or noise disturbance.

There would be over 2m clearance between the proposed equipment and the edge of the kerb and the siting of the cabinet in this location would not cause obstruction to the pavement or the highway, retaining a clear gap for pedestrians. The equipment would not result in any obstruction to the vehicular highway and will not impede views for motorists and highway users. Given its location, the Sustainable Transport Team has raised no objection to the proposal which is considered to comply with Local Plan policy TR7.

Health Concerns

Though this application can only take into account the siting and appearance of the proposed alterations, the High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in determining this application. Many of the general concerns raised by members of the public regarding telecommunications apparatus have focused on the impact on health and the unknown effect of telecommunication equipment. The Stewart Report recommends a precautionary approach to the siting of telecommunication equipment and recommends the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines are adopted for use in the UK. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection guidelines. Planning Policy Guidance Note 8 states that if telecommunication equipment meets the International Commission for Non-Ionising Radiation Protection guidelines for public exposure it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

Conclusion

Based on the siting and appearance of the cabinet, the scheme does not result in any significant detrimental impact to the character and appearance of the surrounding area or have any significant adverse impact on the amenity of adjacent properties or on highway safety. The applicant has provided sufficient justification for the proposal in regards to design, scale and location.

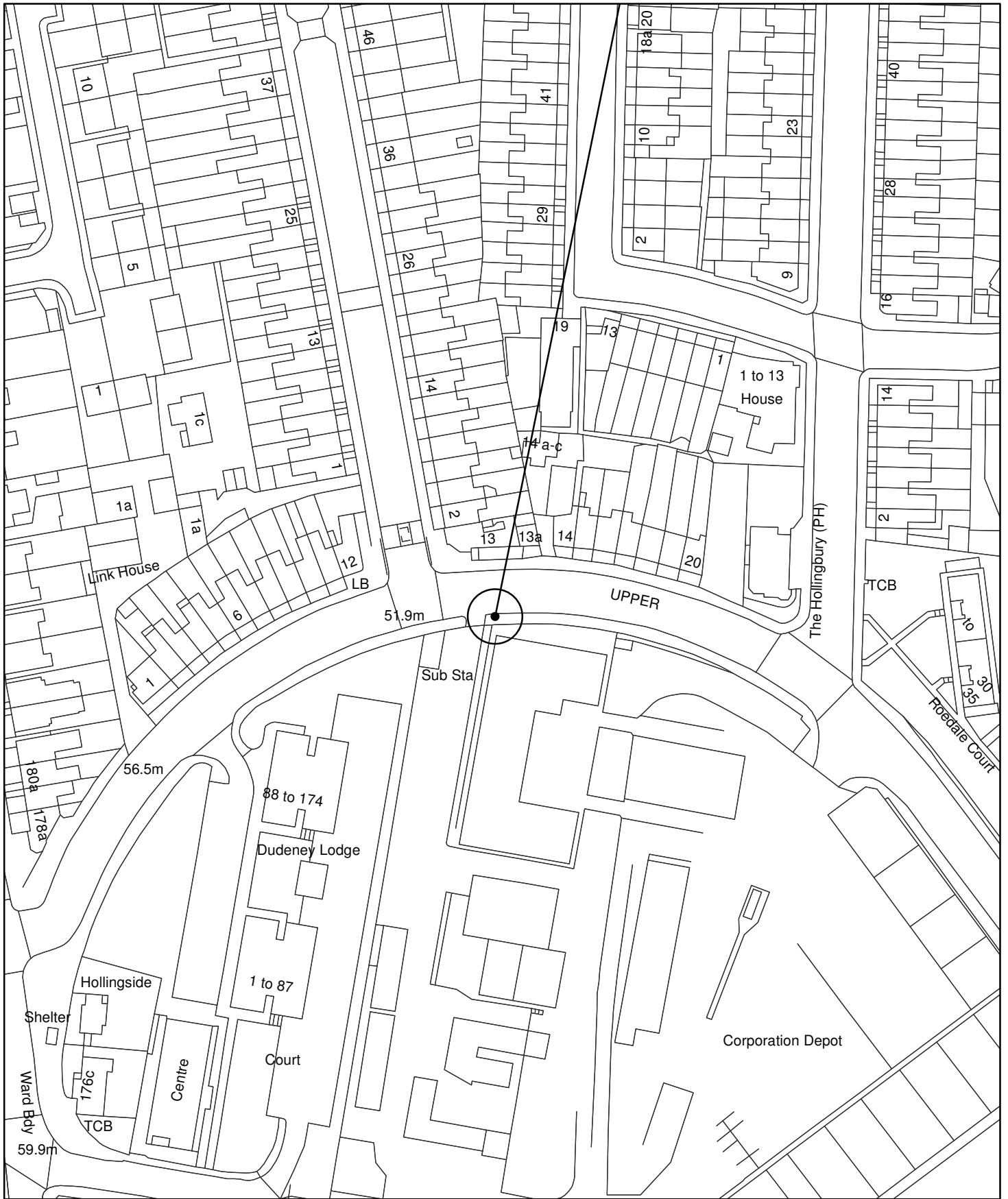
Prior approval is not required for its siting and appearance.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal would not significantly harm the visual amenity of the street scene, impact upon highway safety or have an undue negative impact upon the character and appearance of the surrounding area. Additionally, the proposal is unlikely to cause a harmful noise disturbance and will not harm the amenity of surrounding users of the site.

9 EQUALITIES IMPLICATIONS

None.



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 02 FEBRUARY 2011

COUNCILLOR REPRESENTATION

Development Control
Brighton and Hove City council
Hove Town Hall
Norton Road
Hove BN3 3BQ

10th January 2011

For the attn of Chris Swain

Dear Mr Swain

Planning Application number BH/2010/03961- Upper Hollingdean Road.

As the ward councillor for Hollingdean I would like this letter to be placed before the Planning Applications Sub Committee, when it considers the above planning application. I would also like the opportunity to speak to my letter at the committee.

The ward councillors conducted a survey of local residents about the proposal by Vodafone for a mast on the pavement outside the Hollingdean depot and the overwhelming response was one of opposition. The site is opposite houses and close to four blocks of flats and a primary school.

Already residents feel that this particular area has been badly affected by developments at the nearby depot and their outlook has been severely blighted by the Veolia MRF/WTS buildings. This 12.5m replica telegraph pole, 3 antennae and adjacent cabinet will only add to that blight. This is particularly acute for residents of upper Hollingdean Road, Hollingbury Road, Nettleton Court and Dudeney Lodge.

I am aware that evidence of harm to health is rarely taken into consideration when assessing planning applications but local people are concerned, especially because of the many children living nearby and the proximity to Downs Infant School. This mast would be on a main route for parents taking their children to school. It would seem sensible to err on the side of caution when making a decision on this particular application.

Yours sincerely

Jeane Lepper

Councillor, Hollingdean and Stanmer Ward.

<u>No:</u>	BH2010/03428	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land Adjacent To 1 Warmdene Way, Brighton		
<u>Proposal:</u>	Application for removal of condition 11 of application BH2008/03475, (Demolition of existing garage and construction of a bungalow), which states that no development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted and approved in writing by the Local Planning Authority.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	05/11/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 December 2010
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Mr Bob Walters, C/O CJ Planning Ltd		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following conditions and Informatives.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of permission BH2008/03475, 23 June 2009.
Reason: In accordance with the condition applied to permission BH2008/03475, and to comply with Section 91 of the Town and Country Planning Act 1990.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) 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 QD14 and QD27 of the Brighton & Hove Local Plan.
3. The storage of refuse and recycling shall be implemented in strict accordance with the scheme approved under application reference BH2010/02178.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local

Plan.

4. The development shall be implemented in strict accordance with the following materials:
 - Redland Plain Concrete roof tile in antique red;
 - Smooth render to walls painted in Chalk Hill (cream);
 - Red/Grey Block Paving for the front landscaping.These materials are those approved under application reference BH2010/03474.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
5. The development shall be implemented in strict accordance with the Design Stage Assessment Report and Interim Design Stage Certificate ensuring that the development meets a minimum of Level 3 in the Code for Sustainable Homes in accordance with the scheme approved under application reference BH2010/03496.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
6. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
7. The waste arising from the development shall be managed in strict accordance with the Waste Minimisation Statement approved under application reference BH2010/03474.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
9. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

- Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
10. The cycle parking shall be implemented in strict accordance with the details submitted under application reference BH2010/03474, and be made available for use prior to the occupation of the development hereby permitted and shall 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 TR14 of the Brighton & Hove Local Plan.
11. The development hereby permitted shall not be occupied until detailed drawings, including levels, sections and constructional details of the access road to include 'rumple strips', junction treatment, surface water drainage, outfall disposal, street lighting and signage to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.
12. The new dwelling shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
13. The landscaping upon the site shall be implemented in strict accordance with the scheme approved under application reference BH2010/03474.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
14. All planting, seeding or turfing comprised in the scheme of landscaping approved under application ref. BH2010/03474 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local

Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

QD28 Planning obligations; and

(ii) for the following reasons:-

Since the determination of application BH2008/03475 the Local Planning Authority has introduced temporary measures to assist the development industry which no longer seeks such sums for development on this scale, and as such this decision is made in accordance with these measures.

2 THE SITE

The application site is located on the northern side of Warmdene Way, a short private cul-de-sac accessed via Warmdene Road some 50m to the west. It is rectangular in shape with a maximum depth of 20m, a width of 9.5m and a site area of 190 sqm (0.019 ha).

The scheme in accordance with BH2008/03475 is currently under construction.

The surrounding area is wholly residential in character. To the west of the site are the rear gardens of a pair of two storey semi-detached houses and a detached house fronting Warmdene Road. To the north, are the rear gardens of two storey semi-detached houses fronting Dale Crescent. To the east of the site beyond No.1 Warmdene Way are the front gardens of a pair of semi-detached bungalows (i.e. Belstan & Ruslin), whilst to the south, on the opposite side of Warmdene Way is a bungalow (i.e. No.20a) and the gable end of a two storey terraced house which forms part of a small backland development consisting of seven properties.

3 RELEVANT HISTORY

BH2010/03496: Application for Approval of Details Reserved by Condition 5 of application BH2008/03475 – Approved 06/01/2011.

BH2010/03474: Application for Approval of Details Reserved by Conditions 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 14 and 15 of application BH2008/03475 – Split Decision 21/12/2010.

BH2010/02178: Application for Approval of Details Reserved by Conditions 1-15 inclusive of application BH2008/03475 – Split Decision 09/09/2010.

BH2009/01718: Demolition of existing garage and erection of a two bedroom detached bungalow – Refused 12/11/2009. Appeal dismissed 28/05/2010.

BH2008/03475: Demolition of existing garage and construction of a bungalow – Approved 23/06/2009.

BH2008/00378: 1 no. new bungalow and demolition of existing garage – Refused 02/05/2008.

BH2007/02647: Demolition of existing garage and construction of a two bedroom chalet style detached dwelling with accommodation in the roof space. Provision of two parking spaces – Refused 03/01/2008.

BH2007/00688: Construction of a three-bedroom detached house. Demolition of existing garage. Provision of 2 parking spaces – Refused 29/05/2007.

4 THE APPLICATION

Planning permission is sought for the removal of condition no. 11 of application BH2008/03475, (Demolition of existing garage and construction of a bungalow), which states that “No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted and approved in writing by the Local Planning Authority”.

5 CONSULTATIONS

External

Neighbours: One (1) letter of objection has been received, signed by **seven** occupiers from the following addresses: **nos. 5, 6, 7, 8, 9 & 10 Warmdene Way and 11 Dale Crescent** on the following grounds:

- Mr Walters won his planning appeal last year on the understanding that the road known as Warmdene Way would be repaired and the serious flooding problem dealt with.
- We would also like to take the opportunity to point out that at the Planning Committee appeal meeting last year we were promised improvements in Warmdene Road in the vicinity of the exit/entrance to Warmdene Way. It is a very dangerous exit especially when children are going to and from the two nearby schools. In this regard we suggest 1. that double yellow lines are placed at the entrance to Warmdene Way, and 2. the Warmdene Way sign needs repair and should include signage to inform drivers it is a no through road.

Internal

Sustainable Transport: It is recommended that this planning application be refused due to the fact that the removal of this condition will mean that the application fails to comply with policies TR1 & QD28 of the Brighton & Hove Local Plan.

The Local Highway Authority have noted that in the current financial climate the Council has adopted temporary measures to assist the development industry by not applying a requirement to make financial contributions to development of less than 5 units. In light of this temporary measure the Local Planning Authority may wish to disregard the above noted recommendation.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
QD28	Planning obligations

7 CONSIDERATIONS

The main considerations in the determination of this application are highways issues, specifically the need for a financial contribution towards sustainable transport measures.

Highways issues

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy QD28 relates to planning obligations and confirms that these will be sought when necessary, relevant to planning, directly related to the proposed development, fairly and reasonably relating in scale and kind to the proposed development and reasonable in all other respects.

The applicant sought to discharge condition no. 11 of BH2008/03475 by completing a unilateral undertaking to pay the required £2000.00 as per the original consent. They were then advised, by the Council's legal team, that due to and in accordance with the temporary measures to assist the development industry they should apply to have the condition removed rather than pay the financial contribution.

The temporary "Recession Relief Measures" came into effect on 17/05/10, and still remain in place. These measures confirm that - amongst other things – financial contributions in relation to residential development, will only be sought on schemes of 5 units or above.

Therefore, due to these measures currently being in effect, regardless of the requirement for the contribution; as evidenced in the imposition of the original condition and the current response from the Sustainable Transport Team, it is not currently appropriate to request such a contribution.

As such it is recommended that the condition be removed.

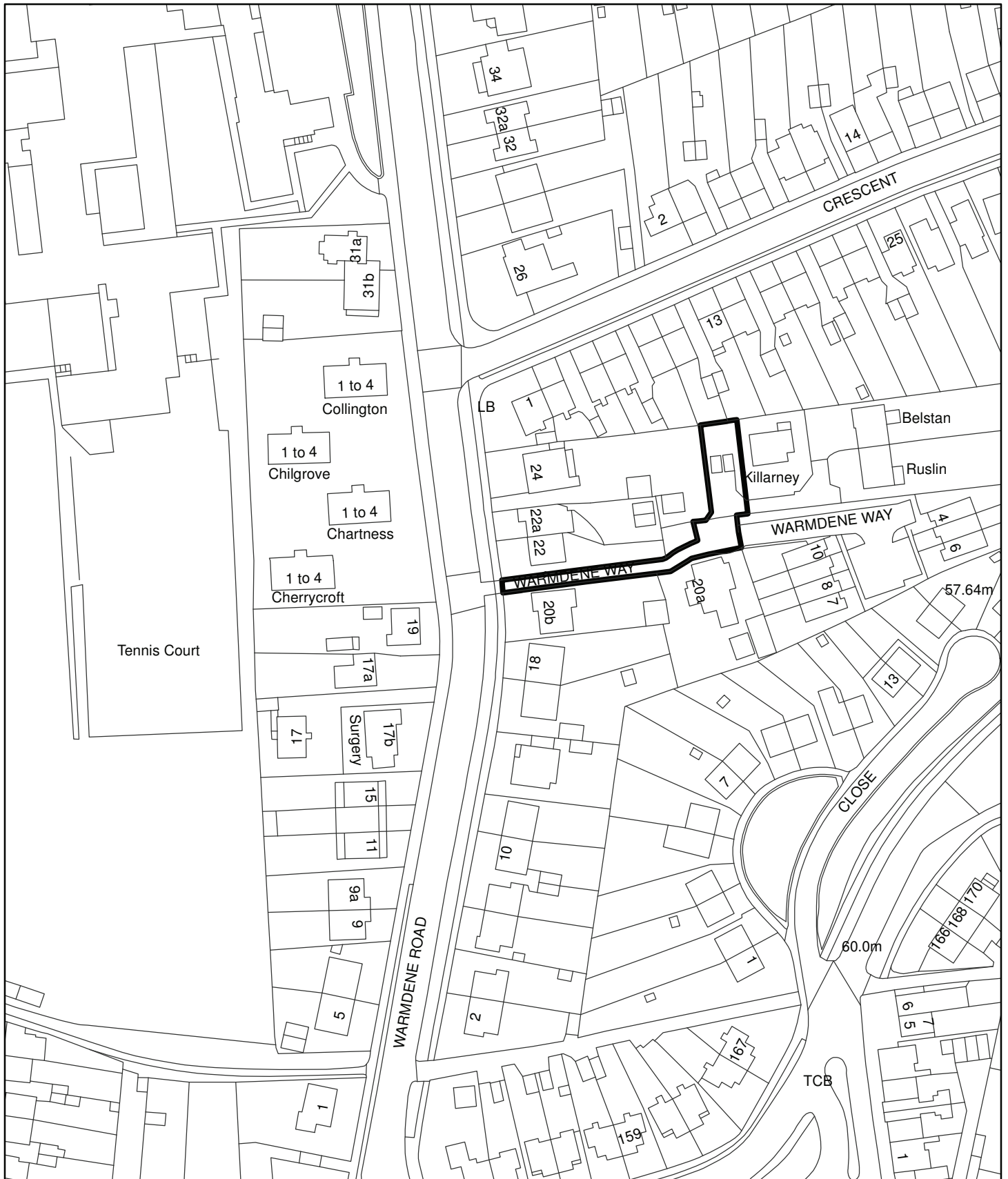
It is noted that local residents have objected as the improvement works to Warmdene Way are still required. The original application (BH2008/03475) included a condition (no. 12) requiring improvement works to the surfacing, entrance, lighting and to introduce traffic calming measures to Warmdene Way. This is still in effect and requires discharging and implementation prior to the occupation of the dwelling.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Since the determination of application BH2008/03475 the Local Planning Authority have introduced temporary measures to assist the development industry which no longer seeks such sums, and as such this decision is made in accordance with these measures.

9 EQUALITIES IMPLICATIONS
None.

BH2010/03428 Land adjacent to 1, Warmdene Way



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2010/03547	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Flat 1, 100 St Georges Road, Brighton		
<u>Proposal:</u>	Replacement of existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level (Retrospective).		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	17/11/2010
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	12 January 2011
<u>Agent:</u>	BPM, 31a Warmdene Road, Brighton		
<u>Applicant:</u>	Mr Mark Burnard-Epstien , 4 Tower Road, Queens Park, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reason:

1. The proposed terrace and railings, by reason of their inappropriate design and positioning, together with the removal of the window, would form incongruous additions, detrimental to the character and appearance of the existing property, street scene and surrounding East Cliff Conservation Area. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01, 02 and site plans submitted on 12th November 2010.

2 THE SITE

The application relates to an end of terrace property, on the corner with St Georges Road and Bloomsbury Place. The site lies within East Cliff conservation area, and is within a local parade. The ground floor of the property is currently a café with residential units above.

3 RELEVANT HISTORY

BH2010/02648: Replacement of existing front window with double doors to create access to flat roof incorporating installation of screening to form roof terrace at first floor level (retrospective). Refused 15/10/10, passed to Planning Investigations and Enforcement Team.

On the site visit it was noted that the adjoining properties No. 101, 102 and 103 also have unauthorised roof terraces above the ground floor commercial unit. These terraces have also been referred to the Planning Investigation and Enforcement Team.

4 THE APPLICATION

The application is for retrospective planning for the replacement of the existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level. These works have been completed.

5 CONSULTATIONS

External:

Neighbours: 21 letters of support have been received from the occupiers of **14, 20/21, 24/25, 27, 91, 93, 95, 99, 100 (Tuckers), 101, 102 and 103 St Georges Road, 18 Burlington Street, 170 Elm Grove, 5 St Lukes Road, 9 Chelston Avenue, 25 Montague Place, 20 Brunswick Square, 295 Portland Road, 5 Portland Mansions**. The letters support the application on the grounds that the works are not detrimental to the surrounding area and enhance the corner plot.

Internal:

Design and Conservation: The significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The ground floor shop unit appears to be a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the typical older shop fronts along St George's Road. Consequently, as a result of the combination of the prominent location and unusually low shop unit, the proposed roof terrace would be an unduly obtrusive and incongruous addition to the traditional street scene. In addition, the proposal would involve the loss of a historic sash window that contributes very positively to the early Victorian proportions and detailing of the building. The proposals overall would therefore be harmful to the appearance of the conservation area and its significance as a heritage asset. (Comments from previous application).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Quality of development and design statements
QD2	Key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main consideration in this application is the impact of the development upon the special historical and architectural character of the existing property and the surrounding conservation East Cliff conservation. Any impact on neighbouring amenity must also be assessed.

The application seeks consent for the creation of a roof terrace upon the flat roof of the ground floor unit, including replacing a traditional timber sash window with timber double doors to provide access. It was noted on site that the works have been completed.

The application site is on a corner and due to its height and location, is very prominent within the street scene. The application is a resubmission of the previously refused BH2010/02648. The resubmission has been amended to remove the bamboo screening positioned behind the railings along the front of the terrace, resulting in the galvanised steel railings being even more visually prominent.

The Conservation Officer states that the significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The ground floor shop unit appears to be a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the typical older shop fronts along St George's Road. Consequently, as a result of the combination of the prominent location and unusually low shop unit, the proposed roof terrace would be an unduly obtrusive and incongruous addition to the traditional street scene. In addition, the proposal would involve the loss of a historic sash window that contributes very positively to the early Victorian proportions and detailing of the building. The proposals overall would therefore be harmful to the appearance of the conservation area and its significance as a heritage asset.

Moreover, the use of the roof as a large terrace would lead to a clutter of garden furniture, plants etc, which would also be incongruous in the historic street scene at this level.

It is noted that there are front roof terraces at No.101 and 102 St Georges Road. There is no history for these developments and they appear to be unlawful, and therefore do not set a precedent for the street. The terraces at these properties are also set at a higher level and are less prominent than the proposed at No. 100, however they are still considered to be incongruous features, that harm the character of the conservation area.

Amenity

Policy QD14 of the Local Plan will not permit developments which would result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

The raised terrace could have the potential to create additional overlooking of adjoining properties, however the next door property is set at a higher level and the views available of the properties opposite would not be dissimilar to

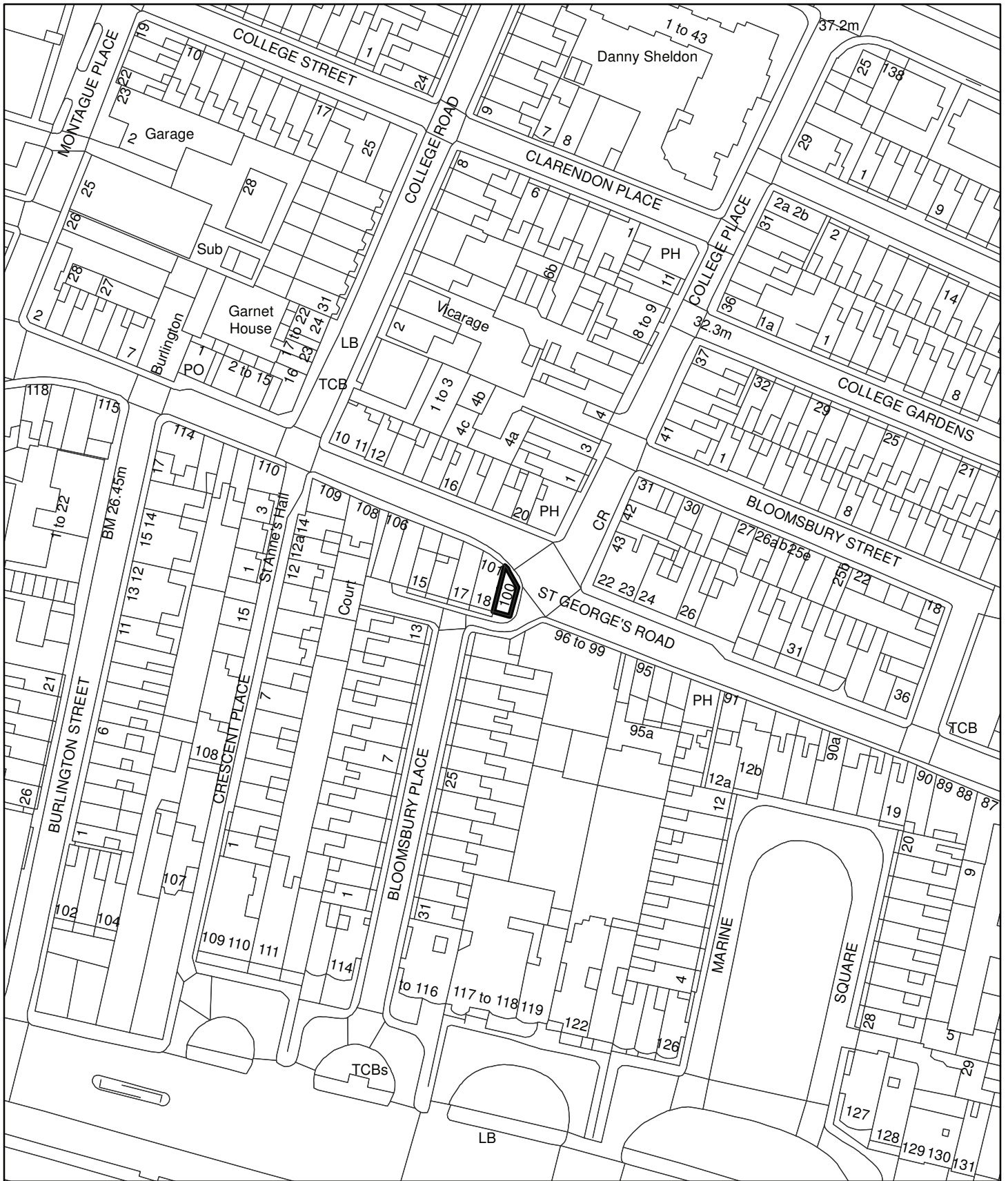
the views from the existing windows.

There is still potential for noise disturbance from the use of the terrace, however due to the distance from the adjoining properties, it is not considered to be significant.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03547 Flat 1, 100, St Georges Road



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03684	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Kipling Cottage, The Green, Rottingdean		
<u>Proposal:</u>	Proposed dormer with French doors and balcony erected over part of existing glazed canopy roof.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	25/11/2010
<u>Con Area:</u>	Rottingdean Conservation Area	<u>Expiry Date:</u>	20 January 2011
<u>Agent:</u>	Kim Strasman Associates, The Studio 1, Northgate Cottages, The Green, Rottingdean		
<u>Applicant:</u>	Mr Richard Harris, Kipling Cottage, The Green, Rottingdean		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reason:

1. The proposed French doors and balcony are an unsympathetic and incongruous feature that would be out of keeping with the traditional character of the existing house and would detract from the character and appearance of the Rottingdean Conservation Area. The proposal is contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01, 02, 03, 04, 05A & 06A submitted on 25th November 2010.

2 THE SITE

Kipling Cottage is adjacent to Kipling Gardens a popular visitor attraction within the Rottingdean Conservation Area. The two storey cottage is set within a flint walled boundary approximately 2m high. The boundary walls and foliage of the gardens give a secluded privacy to the cottage with the first floor north and west elevations being visible from the public open space Kipling Gardens and The Green.

3 RELEVANT HISTORY

BH2010/02128: Proposed dormer with French doors and balcony erected over part of existing glazed canopy roof. Refused 9/9/10.

BH2004/03137: Enlargement of existing first floor window on north elevation to incorporate part of eaves. Approved 24/11/04.

4 THE APPLICATION

Proposed dormer with French doors and balcony erected over part of existing glazed canopy roof.

5 CONSULTATIONS

External

Neighbours: There have been **four (4) letters** of support received from the occupier of **8 Newlands Road, Secretary and Chairman of the Rottingdean Croquet Club and 80 Eley Drive**. They support the application on the grounds that the balcony would provide security for the adjoining croquet club and would enhance the appearance of the property.

An email has been received from **Councillor David Smith** in support of the application (copy attached).

Internal:

Design and Conservation: Kipling Cottage comprises a small, two storey and attic dwelling with steep gabled clay tile roof and rendered walls. The north roof slope is blank, with a small, centrally-placed window set beneath the eaves. A single storey glazed extension has been constructed to the north and west. This is of little architectural or historic merit. It is, however, mostly set below the level of the surrounding flint walls, reducing its impact on the conservation area. The property is set back from the road behind a tall flint wall with gable ends to the front and rear.

Situated centrally within Rottingdean Conservation Area, there are numerous listed buildings within its immediate surroundings. Historically, the cottage was associated with the grade II listed The Elms: together with Kipling Gardens it occupies part of the property's original plot, and is built on the site of the former gardener's cottage. The Boundary Wall between the property and the Croquet Lawn is also listed. The boundary wall comprises a tall flint wall, which creates a strong sense of enclosure and privacy.

The property occupies a prominent location on The Green; overlooking Kipling Gardens and the Croquet Lawn. This public space is particularly important to the historic development of the village and as a unifying central space/focal point to the conservation area. The property is however largely shielded from the road by the tall flint wall. The most prominent part of the building in the streetscape is the roofscape, which is visible from the neighbouring Croquet Lawn, Kipling Gardens and the road (both to the east and west). The building also forms the terminus to views along Dean Court Road, where it can be viewed against the backdrop of Beacon Hill and the windmill.

The Proposal and Potential Impacts

The proposal comprises the construction of a dormer and balcony to the north elevation/roof slope. It is orientated away from The Elms, and thus has a negligible impact on the setting of this listed building.

The location is clearly visible above the flint wall from the road, across Kipling Gardens and from the Croquet Lawn, and thus impacts on the character and appearance of the conservation area. The eyebrow dormer could be

something found on a property of this style and age, and could be in keeping with the character of the village and conservation area. The enlargement of the first floor window to form a half dormer therefore could be an acceptable proposal. However, the proposed French Doors and balcony are not in keeping with the style of the property and the surrounding area. A balcony and an opening of this size at first floor level are out of keeping with the domestic character of the building and the character of the conservation area. Weatherboarding above the French doors is an inappropriate feature. Furthermore, the relationship between the proposed balcony and glazed extension below is awkward.

The balcony is clearly visible in relation to the listed flint wall, and has an overbearing impact on its setting. The balcony erodes the sense of enclosure and the clear distinction between public and private space which makes flint walls such a significant feature in the conservation area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues for consideration are the impacts of the proposal upon the character and appearance of the property, The Green street scene and the wider area, especially the Rottingdean Conservation Area. Furthermore the affect upon the amenities of the neighbouring properties will be assessed.

The property had planning consent (BH2004/03137/FP) for the enlargement of the first floor window to incorporate part of the eaves, with a gable formed above. This proposal was not implemented and has lapsed. Since the permission lapsed, the Council has adopted the Brighton & Hove Local Plan.

The application seeks consent for the insertion of a dormer on the North roofslope and the creation of a balcony in front and is a resubmission of the previously refused application BH2010/03684. The concerns have not been significantly addressed in the current application.

The existing property has a steep pitched roof with gable ends at the front and rear. The existing North elevation has a blank roofslope with a small high level window, positioned under the eaves of the roof.

This application seeks consent for the insertion of a half dormer on the North roofslope with French Doors and the creation of a balcony in front. The property has an existing ground floor extension that extends up to the North side boundary. This extension has a glazed pitched roof, part of which would

be cut away where the balcony would intersect.

The north roofslope is visible from views within Kipling Gardens, the Croquet Lawn and The Green.

In principle the enlargement of the first floor window within a half dormer may be acceptable. However, the Conservation Officer states that the location is clearly visible above the flint wall from the road, across Kipling Gardens and from the Croquet Lawn, and thus impacts on the character and appearance of the conservation area. The eyebrow dormer could be something found on a property of this style and age, and could be in keeping with the character of the village and conservation area. The enlargement of the first floor window to form a half dormer therefore could be an acceptable proposal. However, the proposed French Doors and balcony are not in keeping with the style of the property and the surrounding area. A balcony and an opening of this size at first floor level are out of keeping with the domestic character of the building and the character of the conservation area. Weatherboarding above the French doors is an inappropriate feature. Furthermore, the relationship between the proposed balcony and glazed extension below is awkward.

The balcony is clearly visible in relation to the listed flint wall, and has an overbearing impact on its setting. The balcony erodes the sense of enclosure and the clear distinction between public and private space which makes flint walls such a significant feature in the conservation area.

The proposal, is therefore considered to significantly harm the character and appearance of the existing property and surrounding Conservation Area.

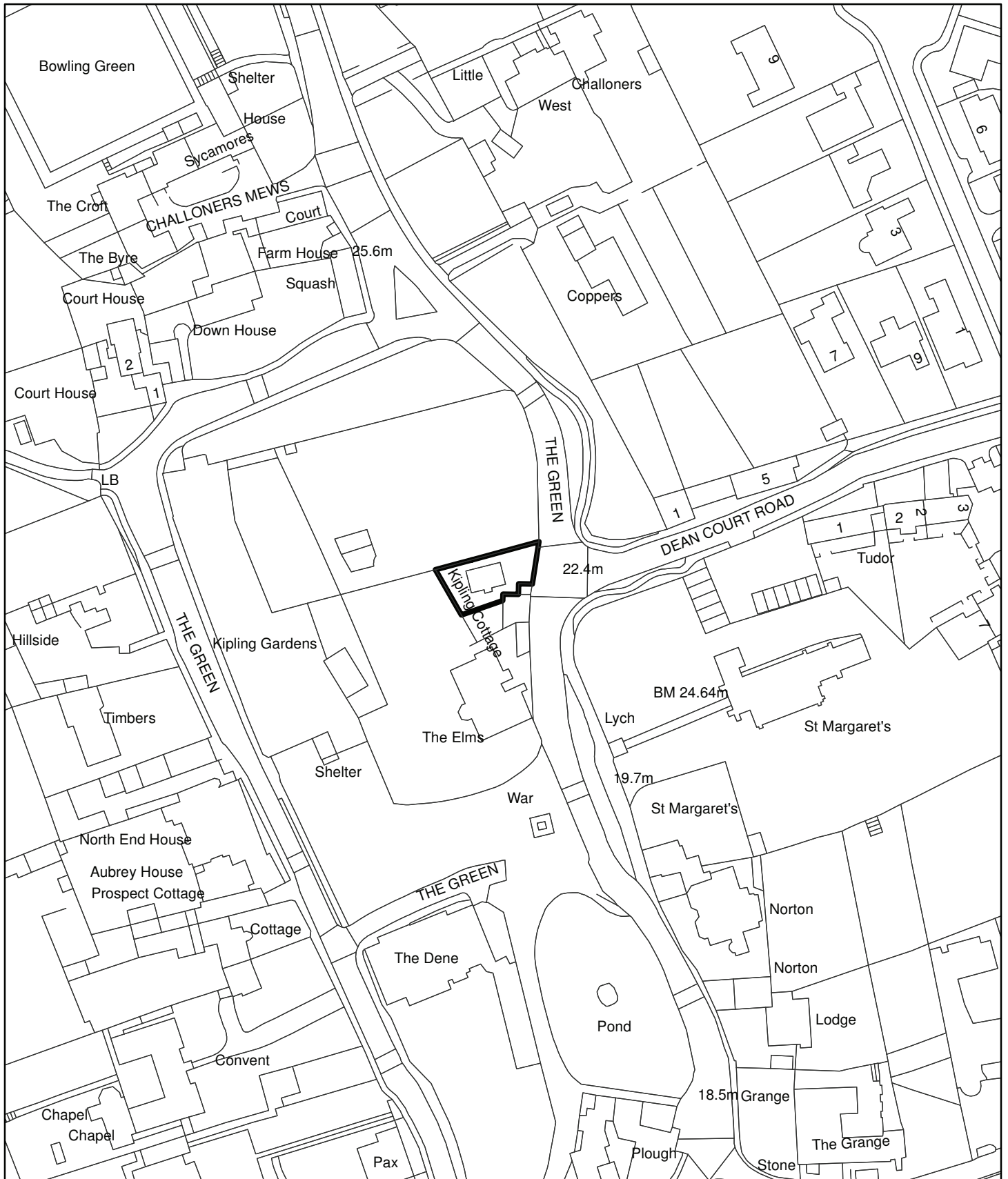
Impact upon Amenity

The proposed dormer and balcony would not be situated near any adjoining residential properties. It is therefore considered that the proposal would not have an adverse impact upon the amenity of these properties.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03684 Kipling Cottage, The Green, Rottingdean



**Brighton & Hove
City Council**

N



Scale: 1/1,250



**Brighton & Hove
City Council**

PLANS LIST – 02 FEBRUARY 2011

COUNCILLOR REPRESENTATION

From: David Smith [mailto:David.Smith@brighton-hove.gov.uk]

Sent: 18 January 2011 15:29

To: Helen Hobbs

Cc: Lynda Hyde; Mary Mears

Subject: RE: BH2010/03684 Kipling cottage The Green

Hi Helen

I write in support of this application. I feel it will be beneficial for the security of Kipling Gardens and in particular the croquet club. I believe it will not cause harm to the appearance of Kipling Cottage or the conservation area of Rottingdean and therefore wish the decision to be made by the committee. Perhaps they could consider a site visit.

Regards

David

Cllr David Smith

Rottingdean Coastal Ward Councillor

Cabinet member Culture, Recreation, Tourism & Sports

tel: 01273 291206

email: david.smith@brighton-hove.gov.uk

<u>No:</u>	BH2010/03512	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to Rear of 21 & 23 St Aubyns, Hove		
<u>Proposal:</u>	Demolition of existing garages and erection of 3no terraced four storey houses with amenity space at front and rear.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	23/11/2010
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	18 January 2011
<u>Agent:</u>	Mr Mark Hills, Flat 7, 8 Eaton Gardens, Hove		
<u>Applicant:</u>	Godfrey Investments Ltd, 41 Arundel Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing nos. 3057/02, 3057/8 & 3057/14 received on the 10th November 2010; 3057/01 rev A, 3057/05 rev A, 3057/06 rev A, 3057/16 & 3057/17 received on the 26th November 2010; 3057/18 received on the 29th November 2010; 3057/04 rev A, 3057/7 rev B, 3057/10 rev A, 3057/11 rev A & 3057/19 received on the 20th December 2010; 3057/03 rev C, 3057/9 rev B, 3057/12 rev A, 3057/13 rev A, 3057/15 rev A, 3057/20 & 3057/21 received on the 14th January 2011; and 3057/22 received on the 18th January 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
4. Access to the flat roof over the rear ground floor of the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter

to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

6. All windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

7. The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

8. The front doors to the development hereby permitted shall at all times be of a painted finish.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

9. Notwithstanding the details submitted with the application, no expansion joints, metal beads or stops, and no bell moulds shall be used in the external construction of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

11. Unless otherwise agreed in writing by the Local Planning Authority, the roof to the building hereby permitted shall be completed in slate-grey 'Britslate' roof tiling by Sandcroft Rooftiles Ltd, as detailed in drawing no.3057/9 rev B submitted on the 14th January 2011.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

12. Notwithstanding the details submitted with the application, the profiles of the mansard roof of the development hereby permitted shall match exactly those of the adjacent terrace at Nos. 69-71 Seafield Road.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

13. No development shall take place until samples of the materials (including

colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

14. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units has been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Pre-Occupation Conditions:

15. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

16. 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 policy QD27 of the Brighton & Hove Local Plan.

17. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply

with policy HO13 of the Brighton & Hove Local Plan.

18. 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 TR14 of the Brighton & Hove Local Plan.

19. The development hereby approved shall not be occupied until the crossover has been reconstructed in accordance with the Council approved Manual for Estate Roads as a footway and under licence from the Highway Operations Manager.

Reason: In the interests of highway safety and to comply with Local Plan Policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The development would make an efficient and effective use of this brownfield site and would be of a scale and massing that is reflective of the surrounding area. The proposed development would be of a design that would compliment the street and wider Old Hove Conservation Area, and the setting of the adjacent Cliftonville Conservation Area and is not considered to have an excessively harmful impact on the amenities of adjacent occupiers in respect of loss of privacy or loss of light. Subject to compliance with the above conditions, the scheme would achieve a Level 3 Code for Sustainable Homes and would meet all relevant Lifetime Homes standards.

2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. The applicant is advised that consultees notified of the planning application have drawn attention to a 'right of way' across the site from a gate to the rear of 23 St. Aubyns to be used as an emergency escape in the case of fire. The presence or otherwise of such access should be determined and appropriate measures taken to address its loss.

2 THE SITE

The application relates to a garage compound located to the rear of Nos.21 & 23 St Aubyns, Hove, a residential building within the Old Hove Conservation Area. The compound is formed of two blocks of three garages and is accessed from Seafield Road to the rear. Further garages sit to the south, whilst a terrace of three houses adjoins the site directly to the north at Nos 69-71 Seafield Road. An older detached house (Seafield Cottage) lies adjacent to the north of this terrace, with more open land beyond separated from the street by a line of trees. Properties on the eastern side of Seafield Road lie within the Cliftonville Conservation Area.

3 RELEVANT HISTORY

BH2010/03513: Conservation Area Consent for the demolition of existing garages. Awaiting determination.

BH2002/02510/FP: Demolition of garages and erection of 3 no residential units with garages. Approved 22/12/2003.

4 THE APPLICATION

Planning permission is sought for the demolition of the two garage blocks and the erection of a terrace of three three-bedroom houses. The proposed building would largely follow the front and rear building line to the existing terrace adjacent, and would have a mansard roof of similar height. The building would be predominantly arranged over two storeys, but with a basement level and rooms in the roof.

5 CONSULTATIONS

External

Neighbours: Seventeen (17) letters of representation have been received from the residents and owners of **Nos. 21B, 21C, 21D, 21E, Flat 4 23, 25A St Aubyns, Upper Floor Flat and Flat 5 5 Seafield Road, 71 Seafield Road, and the management agents for 23 St Aubyns, objecting** to the proposed development on the following grounds:

- The houses adjacent are only three storeys high. A four storey building would be out of keeping with the rest of this side of the road
- The development is oversized at the rear, extending too far back and too high
- The proximity of the proposed four storey building would cause overlooking, overshadowing and loss of light to the properties and gardens to the rear, particularly Nos.21-25 St Aubyns
- A large number of flats in such a small area will create associated problems such as noise etc
- The proposed development would negatively impact on the value of property adjacent
- The construction would lead to significant disruption and inconvenience. Works should be limited to 8am -6pm weekdays, from 8.30am on Saturdays, with no works on Sundays.
- The demolition of the garages will result in less parking spaces in the road. There are currently only parking bays on one side of the road, and finding available space is difficult in the area
- The development will result in the loss of a Right of Way, via the rear gate, from/to 23 St Aubyns to Seafield Road. This Right of Way has been well established since at least 1984 (when the freeholders purchased the property) and is used to serve as access from the fire escape to 23 St Aubyns in the case of emergency, and as a means of access when inspecting and maintaining the rear of the building
- The loss of the emergency fire exit route to Seafield Road will result in tenants being trapped at the rear of the property in the event of a fire.

Internal:

Design and Conservation: No objection.

Initial Comments:

The development of this site with housing continuing the street line is welcome. The overall scale of the development is acceptable, however it is considered that the top edge of the parapet should not be higher than the property to the north, as the road generally slopes in the other direction and the buildings would be expected to step down the hill.

The style of the front elevation is traditional, however to be successful the detailing must be high quality and there are concerns that simplifying cornice profiles etc will appear cost cutting rather than a contemporary twist.

There are other elements that need attention, for example the size of the dormers seem to overpower the buildings, the size of the single windows above the doors is too large in relation to the bay windows. The lower door panels are too high and the front walls and piers are over-scaled. Details of the boundary walls and pier caps would be required for further consideration.

The front elevation has been designed in a traditional style, and it is therefore considered that the details should more closely reflect those used historically, for example, the profile of the cornice and the hood moulds. In addition, due to the small scale of the elevations provided the exact dimensions of the proposed windows are required. In order to ensure that the palette of materials in the road is not increased beyond the range already established details of the proposed finishes including samples or brochures should be provided for approval. The texture of the proposed render should be assessed to ensure that the finish is as smooth as possible. No expansion joints, external beads or stops or bell mouldings should be used.

Following the submission of amended plans:

The revised details received 14th January 2011 for the above application are considered acceptable. Please confirm by condition that the roof profiles will match the property to the north, and that the doors will have a painted finish. Please also condition that there shall be no expansion joints, metal beads or stops and no bell moulds.

CAG: No objection.

The group supports this application, subject to careful attention to detail. It is an improvement on previous proposals for the site and the existing garaging.

Sustainable Transport: No objection.

No objection is raised, subject to the following conditions:

1. The crossover is reconstructed in accordance with the Council approved Manual for Estate Roads as footway and under licence from the Highway Operations Manager prior to commencement of any other development on the site. Reason: In the interests of highway safety and to comply with Local Plan Policies TR1, TR7 & TR8.

2. The Applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site and provide tactile paving at the access to the car park facility. Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and complies with Local Plan Policy TR1, TR7, TR8 & QD28.

St Aubyns and the surrounding roads are part of the City's controlled parking zone N, which currently has no waiting list for residents permits. Any additional demand can be accommodated within a reasonable walking distance of the site.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the street scene, the Old Hove Conservation Area, and the Cliftonville Conservation Area, its impacts on the amenities of adjacent occupiers, and general sustainability and transport related issues. Matters pertaining to construction disturbance and the impact of the development on land values

are not material planning considerations.

In assessing the merits of this application, consideration has been had to the previous scheme on the site (BH2002/02510/FP) which was approved having regard to emerging policies that are now fully adopted within the Brighton & Hove Local Plan. Further consideration has been had to a recent joint appeal decision for the development of land rear of Nos 35, 37, 41, 43, 47 & 87-89 St Aubyns, fronting Seafield Road (application nos. BH2005/06160, BH2006/03886 & BH2006/03891). These plots are located north of the site subject to this application, beyond the terrace at Nos 69-71 Seafield Road and the older Seafield Cottage adjacent. In refusing the above appeals, the Inspector made a clear distinction between the character of the area north of Seafield Cottage (which is largely undeveloped other than for parking purposes) and that to the south of Seafield Cottage (which encompasses Nos 69-71 and the garage compounds beyond).

Planning Policy

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. PPS3 states that such development should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

Policy HO4 of the Brighton & Hove Local Plan states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan state that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. Policy HE6 requires proposals within conservation areas to show a consistently high standard of design and detailing reflecting the scale, and character of the area, including the layout of streets, development patterns and building forms. Such proposals should also retain and protect trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area. Policy HO5 requires the provision of private useable amenity space in all new residential development whilst Policy QD27 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.

Having regard to the above policies, the previous application for development on this site, and the appeal decisions to the north of the site, the principle of development is considered acceptable, subject to the scale, massing and design being appropriate to the area and not significantly harmful to the amenities of adjacent occupiers.

Design

The application proposes an 18.1m wide, 6.7m deep and 8.5m high two storey building covering the entire width of the site. The scale of the building is such that it would be of the same overall height as the existing terrace to the north (Nos 69-71 Seafield Road), with a matching front and rear building line. Three 2.5m square outriggers are proposed in the rear elevation rising to first floor level, with the ground floor enlarged into the resultant recesses. These outriggers would be the same depth as those to the adjacent terrace, resulting in a building that would be 9m in depth at its maximum point. The scale and massing of the proposed building largely reflects that of the previous scheme approved on the site, however it is noted that the outriggers are 1m deeper than those approved in 2002. Their overall height has though been reduced by 1.6m so that they are now sit at eaves level and lower than the corresponding outriggers to the adjacent terrace.

The design of the building as a whole takes a more traditional approach, with a mansard roof, lead lined dormer windows, timber sash bay windows, cornicing, stone cills and hood detailing, and a front wall with pillars. The rear is of a more simplistic and modern design, with minimal window openings in the upper floor levels (to minimise overlooking potential). Solar panels are proposed atop the ground floor infill sections, whilst amenity space is to be held in a basement level yard and a small rear ground floor level garden, bounded by 1.5m high rendered walls.

It is considered that this approach makes for a marked improvement in quality over the designs of the adjacent terrace and the previously approved scheme, both of which display an uncomfortable mix of traditional and modern design elements. The general scale and building lines of the terrace are considered appropriate whilst the pastiche design is sympathetic to the prevailing vernacular of the area. The detailing and mouldings used to articulate the front elevation are of a suitable intricacy such that the building would appear historically accurate and considered. The applicants have submitted detailed drawings of the timber sash windows, cornice mouldings, front door hoods and pillars, and provided details of the artificial slate tiles to be used to finish the building. These elements are all considered appropriate to the design of the building and the surrounding streetscape, and have the support of the Council's Design and Conservation officer. Conditions are attached to ensure the use of the slate tile detailed in the application and the use of conservation style rooflights, whilst a further condition is attached to secure samples of all

other external materials. For the avoidance of doubt, and to ensure the retention of consistency in the roofline of the two terraces, a further condition is attached to ensure that the profiles of the mansard roof matches exactly those of the adjoining terrace. Subject to these conditions, no significant design harm is identified, and the development would conserve both the character of the Old Hove Conservation Area, and the setting of the Cliftonville Conservation Area opposite the site, and the proposed development is deemed to accord with policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

Standard of Accommodation

The application proposes three houses consisting of living accommodation spread over four floors (including basement and roof levels). Each dwelling has an internal width of 5.5sqm and a total floor area of approximately 137sqm, with all rooms being of a suitable size with good outlook and access to natural light. Private amenity space is provided within a small basement yard and a ground floor garden to the rear. Although small at 27.5sqm, this provision is not wholly out of scale to the gardens in the immediate area, and is considered sufficient to cater for dwellings of this size. On this basis the proposed development represents a good standard of accommodation suitable for family use, in accordance with relevant policies QD27 and HO5.

Local Plan policy HO13 states that planning permission will only be granted for new residential dwellings that are designed to meet all lifetimes homes standards. The submitted plans and accompanying design and access statement makes clear reference to these standards, and includes drawings detailing that all rooms can cater for wheelchair users. On the basis of the information provided it is considered that the development can meet all the relevant standards (the standards relating to car access are not relevant to this development given the lack of onsite parking provision) as required by the above policy. A condition is attached to secure the implementation of these standards prior to the occupation of the development.

Impact on Amenity

The main concern is with regard the impact of the proposed development on the amenities of the occupiers to the rear of the site, within Nos 21-25 St Aubyns. Although objections have been received from residents opposite within Seafield Road, it is not considered that the building would result in any significant loss of amenity towards these properties as the separation afforded by the street and pavement width is not excessively stunted or irregular in comparison to the prevailing street pattern in the surrounding area.

The building to the rear forms a number of flats held within the basement, ground, second, third and roof levels, the rear windows of which are east facing and front onto/over the site. The upper floors (first floor and above) would retain light and outlook to their windows from above the roof of the proposed terrace, however the lower flats would be more significantly impacted. It is noted that the ground floors are raised off natural ground level

such that the rear windows would retain a good level of natural light and outlook above the proposed terrace. It is acknowledged that there would be some degree of lost sunlight however this is not considered to be excessive given the elevated position of these flats. The basement flats below are set within the recesses formed by tall outriggers either side, and it is these that would be most impacted.

The basement flat to No.23 St Aubyns has partially extended into the recess such that the facing separation between their main rear window and the proposed terrace would be 11.5m to the main body of the building, and 9m at its nearest point. This flat has a single aspect outlook to the rear however from within the living space itself there is currently no sky view, whilst a large section of the outlook is dominated by the 2.2m rear wall to one of the garages. The proposal would replace this wall with a lower 1.5m wall thereby opening up a greater outlook, however the body of the terrace beyond would serve to somewhat oppress this resultant outlook. The outriggers would be the nearest part to the terrace set at a separation of 9m, 1m closer than previously approved but of the same separation as those to the adjacent terrace. Their height has however been reduced by 1.6m such that the uppermost point of the building visible from this flat now sits at a 30 degree angle from eye level instead of a 35 degree angle. This is an improvement on the previously approved scheme, and offers a marginally better relationship than that of the adjacent terrace on Seafield Road to the properties to their rear. It is acknowledged that natural light and sunlight to this basement flat (and indeed both basement flats either side at Nos 21 & 25 St Aubyns) would be impacted, however given the above information, it is not considered that this impact would be so significant as to warrant the refusal of permission. Indeed, the majority of the harm afforded by the proposed terrace would only be as a result of the loss of the intervening garage wall directly rear of these flats, the loss of which is of clear benefit to the occupants of these basement flats.

The terrace has been designed in order to minimise the potential for overlooking into the flats at Nos. 21-25 St Aubyns. The ground floor windows would face the boundary wall, whilst the first floor window would serve a small office/fourth bedroom only. Rooflights are proposed in the loft rooms whilst the bathrooms within the outriggers would have rooflights atop rather than windows. It is noted that the number of windows proposed is a significant reduction on that proposed under the 2002 permission, and in this respect any overlooking identified cannot reasonably be construed as being of greater overall harm.

It is acknowledged that the separation between the proposed terrace is such that amenity harm may arise, however, having regard to the nature of the built form in the immediate vicinity of the site, the adverse effect is not deemed so significant or excessive as to warrant the refusal of permission. On this basis the propose development is considered to accord with Policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport

Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR7 states that planning permission will not be granted for developments that increase the danger to users of pavements, cycle routes and roads. Policy TR14 requires that new development must provide covered cycle parking facilities for residents.

The application proposes three three-bedroom house. However, there is no onsite parking provision, whilst the scheme would result in the loss of six garages (including two double garages). The size of the site is such that the retention of existing onsite parking spaces within a residential scheme is not feasible. Notwithstanding this, the site is located within a Controlled Parking Zone where there is currently no waiting list. Objectors have identified difficulties in parking in the street owing to the provision of bays on one side of the street only. This objection is appreciated, however, given the identified parking capacity within the wider Zone it is not considered justifiable to refuse planning permission on the basis of a lack of parking capacity within the street. The Council's Transport Officer has raised no objection to the proposed parking implications of the scheme on this basis, but they have requested entering into a legal agreement towards improving accessibility to public transport, cycle, foot and car travel. However, taking into account the Council's temporary measures to assist the development industry, it is not current practice to pursue sustainable transport contributions for development proposals of less than five residential units and this has therefore not been progressed.

In terms of cycle parking provision, the development proposes two cycle bays per house held behind the new front boundary wall. This is considered a suitable capacity for the development, in line with policy guidance.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new build residential development of this size should include a completed sustainability checklist, should achieve level 3 of the Code for Sustainable Homes (NB the site is considered previously developed brownfield land), and should meet all Lifetimes Homes Standards. The completed sustainability checklist details that the proposal will achieve a 61 percent (good) rating with strong justifications to support this rating and demonstrate that the development would be highly efficient in the use of water, energy and materials. Notwithstanding this evidence, conditions are attached to ensure that the development reaches a minimum of level 3 of the Code for Sustainable Homes, in line with the above policy guidance.

Additional Considerations

Concern has been over the construction of the terrace across a fire escape route from the flats to the rear of St Aubyns to Seafield Road, as this would

result in many flats having no means of escape in the event of a fire. It is recognised that loss of the fire escape route is undesirable, however, this issue is not a material planning consideration, but rather a separate civil matter. An informative should however be placed on the Decision Notice to advise the applicant of the presence of a fire escape route and the need to ensure this is adequately addressed under relevant legislation. It is noted that there is a tree to the rear of No.21 St Aubyns. This is of a small stature and would be located well away from any groundworks. In this respect, the proposed development is not considered likely to cause any harm to it.

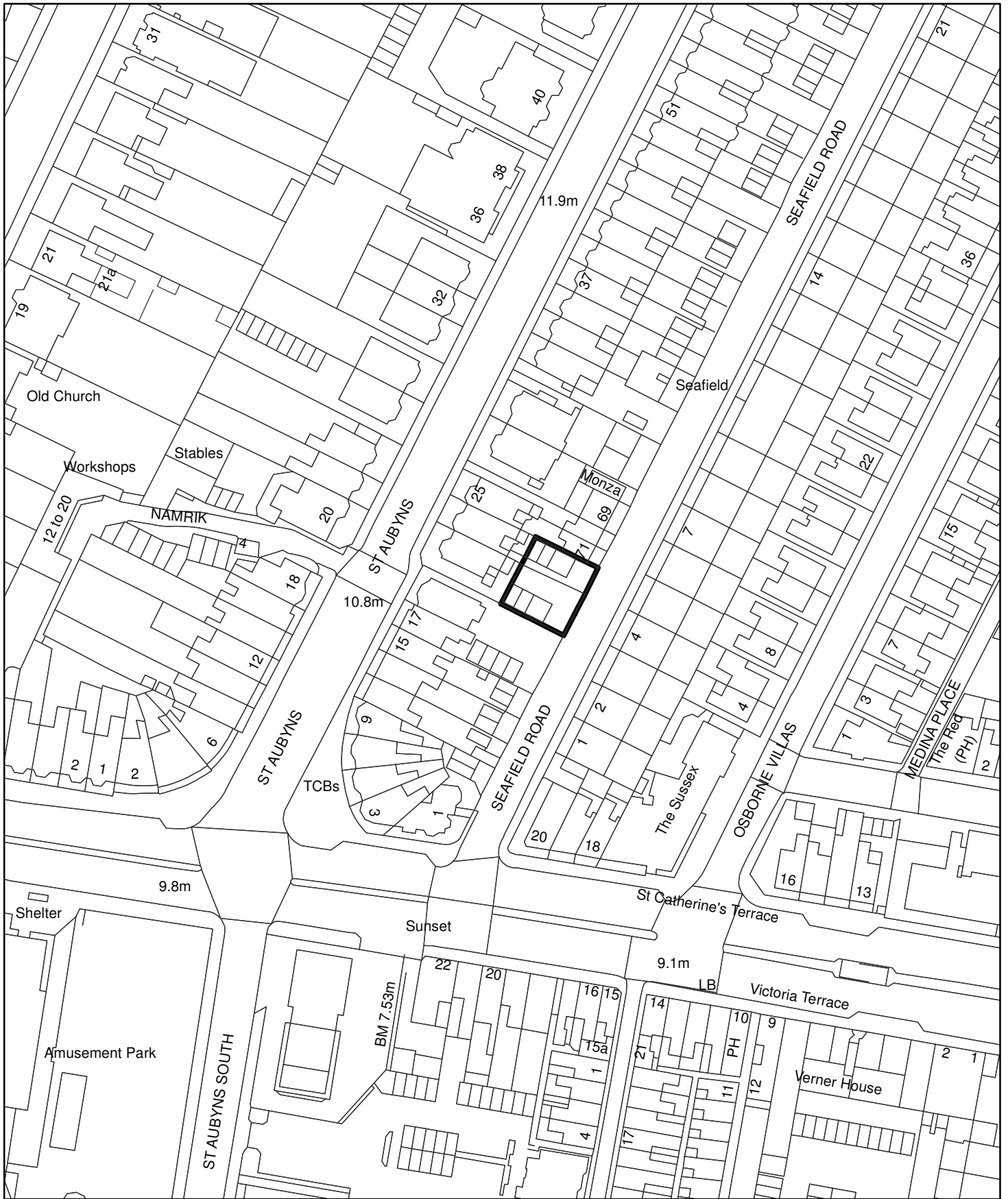
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would make an efficient and effective use of this brownfield site and would be of a scale and massing that is reflective of the surrounding area. The proposed development would be of a design that would compliment the street and wider Old Hove Conservation Area, and the setting of the Cliftonville Conservation Area, and is not considered to have an excessively harmful impact on the amenities of adjacent occupiers in respect of loss of privacy or loss of light. Subject to compliance with the above conditions, the scheme would achieve a Level 3 Code for Sustainable Homes and would meet all relevant Lifetime Homes standards.

9 EQUALITIES IMPLICATIONS

The proposed development would meet all relevant Lifetime Homes Standards.

BH2010/03512 Land to rear of 21 & 23 St Aubyns



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03513	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Land to Rear of 21 & 23 St Aubyns, Hove		
<u>Proposal:</u>	Demolition of existing garages.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	12/11/2010
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	07 January 2011
<u>Agent:</u>	Mr Mark Hills, Flat 7, 8 Eaton Gardens, Hove		
<u>Applicant:</u>	Godfrey Investments Ltd, 41 Arundel Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** Conservation Area Consent, subject to the following conditions and informatives:

Conditions:

1. BH01.04 Conservation Area Consent
2. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 305702 received on the 10th November 2010.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
HE8 Demolition in Conservation Areas
 - (ii) for the following reasons:-
The loss of the two garage blocks would serve to remove non-original structures from the site, thereby enhancing the character and appearance of the Old Hove Conservation Area, in accordance with development plan policies.

2 THE SITE

The application relates to two blocks of garages to the rear of Nos.21 & 23 St Aubyns, Hove, a residential building within the Old Hove conservation area.

3 RELEVANT HISTORY

BH2010/03512: Demolition of existing garages and erection of 3no terraced four storey houses with amenity space at front and rear. Awaiting determination.

BH2002/02510/FP: Demolition of garages and erection of 3 no residential units with garages. Approved 22/12/2003.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the two garage blocks to facilitate the erection of three terraced houses (BH2010/03512- to be determined)

5 CONSULTATIONS

External:

Neighbours: None received.

Internal:

Design and Conservation: No objection.

This plot is within the Old Hove Conservation Area but also affects the Cliftonville Conservation Area which covers properties on the other side of the road. It is currently in use as two lines of garaging running at right-angles to the road, and the form and alignment of the garages along with the large area of concrete surfacing between them has a negative impact on the quality of the environment at this part of Seafield Road.

The plot to the north has been developed with appropriately aligned and scaled dwellings and any development of this site should have regard to this. The development of this site with housing continuing the street line is welcome.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Old Hove Conservation Area.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted

where all of the following apply:

- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The existing garage blocks are single storey in nature and sit to the rear of the site, perpendicular to the main building at Nos 21 & 23 St Aubyns. They are basic brick flat roofed structures containing three garage each, and are accessed directly from Seafield Road. The garages do not relate in scale, design or appearance to the main building which is a much older rendered structure (circa 1900). The main buildings along St Aubyns provide a valuable contribution to the Old Hove Conservation Area however the associated garage blocks and excessive hardstanding to the rear are of negligible value, and appear to have been constructed on what once would have been their rear gardens. In this respect the loss of the two incongruous garage blocks would in essence serve to enhance rather than harm the character and appearance of Conservation Area. A scheme has been submitted to replace this compound with a terrace of three houses (BH2010/03512) which is currently under consideration. Although the loss of the garage blocks is generally welcomed, in line with policy HE8 above, it is considered expedient to secure their demolition only once a scheme to re-develop the site has been agreed. This is to avoid the risk of the garages being demolished and the site being left in an unkempt state for lengthy period of time, thereby protecting the appearance of the Old Hove Conservation Area. Subject to the imposition of this condition, no harm is identified and the proposal is considered to accord with policy HE8 of the Brighton & Hove Local Plan.

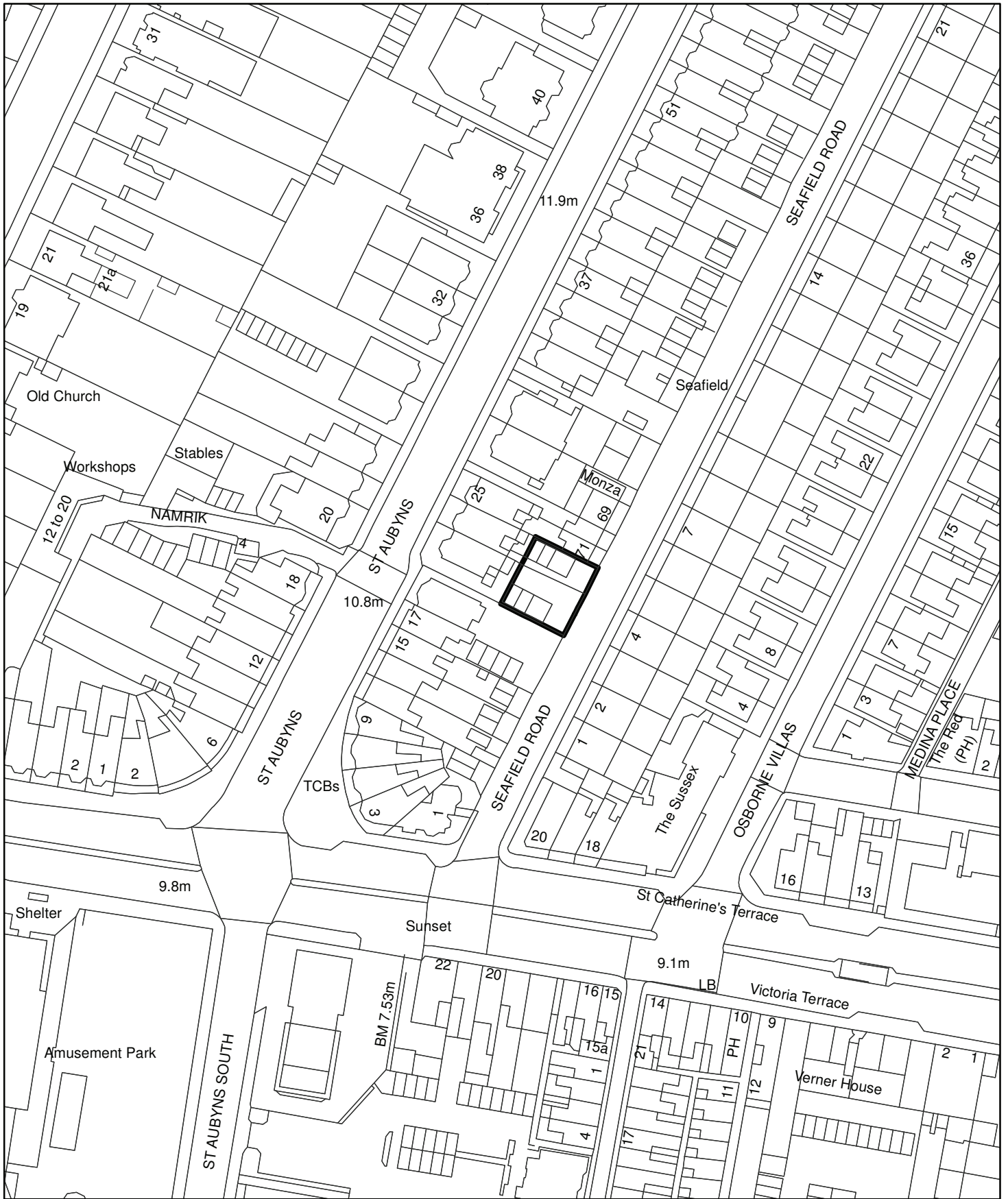
8 REASONS FOR RECOMMENDATION TO GRANT CONSERVATION AREA CONSENT

The loss of the two garage blocks would serve to remove non-original structures from the site, thereby enhancing the character and appearance of the Old Hove Conservation Area, in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03513 Land to rear of 21 & 23 St Aubyns



**Brighton & Hove
City Council**



Scale: 1:1,250

