

LIST OF MAJOR APPLICATIONS

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| <u>No:</u> | BH2011/01120 | <u>Ward:</u> | WESTBOURNE |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Lawncroft, 155 Kingsway, Hove | | |
| <u>Proposal:</u> | Demolition of existing building and construction of new four/five storey, 34 bed nursing home with basement car park, widened access and ancillary staff accommodation. | | |
| <u>Officer:</u> | Paul Earp, tel: 292193 | <u>Valid Date:</u> | 27 May 2011 |
| <u>Con Area:</u> | Pembroke and Princes | <u>Expiry Date:</u> | 26 August 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | DWA Architects, 39 Blossom Street, York | | |
| <u>Applicant:</u> | Lawncroft Nursing Home, Mrs Holliday-Welch, Princes Crescent, Hove | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a s106 Planning Obligation Agreement and to the following Conditions and Informatives:

S106 Heads of Terms:

- £7,200 Transport contribution.
- £9,000 Public Art contribution.
- £13,650 Local Labour Scheme contribution.
- Local Labour Scheme Agreement.

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no. SK(0)013 received on 16 May 2011, drawings AL(0)010, 10136/1 and unnumbered floor plans received 27 May 2011, and drawings SK(0) / 010F, 11H, 12G, 40B, 41E, 42F, 44E received 9 August 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The windows in the north facing elevation, with the exception of the angled windows to the rear bedrooms, shall not be glazed otherwise than with obscured glass. Additionally, the windows serving the stairwell shall be fixed shut whilst the windows serving bathrooms at first floor level and

second floor level shall be top hung opening outwards and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 4) 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.

- 5) 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.

- 6) The premises shall only be used for Residential Care Home/Nursing Home within Use Class C2 and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 7) 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.

- 8) No development shall take place until details of screening for the balconies and the roof terrace have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 9) No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be

implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 10) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 11) No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 12) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s] treatments, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with Local Plan policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 13) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 14) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority;

and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development 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.

- 15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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.

- 16) No development shall take place until details of the wall to be reinstated along Princes Crescent to the northern boundary with 3 Princes Crescent have been submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in strict accordance with the agreed details and thereafter permanently retained as such.

Reason: To ensure a satisfactory appearance to the development and in the interests of protecting the character and appearance of the conservation area and residential amenities of the occupiers of the adjacent property, and to comply with policies QD2, QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

- 17) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 18) The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and to comply with policies TR14 and TR19 of the Brighton & Hove Local Plan.

- 19) 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.
- 20) The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with SPG4 and policies TR1 and TR19 of the Brighton & Hove Local Plan.
- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.
- 22) All planting, seeding or turfing comprised in the approved scheme of landscaping 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. The applicants are reminded that a formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk

2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. 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).
5. 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:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal makes efficient use of the site by providing a new nursing home with an increased number of bed spaces. The scale and appearance of the building remains very similar to the extant approval, relates well to the adjacent buildings and would enhance this part of the conservation area. The development would achieve a high level of sustainability.

2 THE SITE

The application relates to the Lawncroft Nursing Home, a former residential care home, which is located on the north side of Kingsway at the junction with Princes Crescent. The site is located within the Pembroke and Princes Conservation Area.

The building, now in a derelict state, is a two storey detached property, which is rendered with a large feature veranda at first floor level on the front elevation. The roof is a steep red tiled pitched roof.

The area is predominantly residential in character, although the adjacent building to the east, a five storey flat roofed red bricked building, forms the Princes Marine Hotel and the building to the west, no. 157 Kingsway is a Grade II Listed Building is a nursing home. The neighbouring building to the north, no. 3 Princes Crescent, is a large two storey single dwelling house.

3 RELEVANT HISTORY

BH2011/01121: An application for Conservation Area Consent to demolish the building was withdrawn on 10 June 2011.

BH2007/04125: Construction of four/five storey, 30 bed nursing home with basement car park and ancillary staff accommodation. Approved 26 April 2010.

BH2007/04126: Demolition of existing building. Approved 21 May 2010.

BH2007/01639: An application for Conservation Area Consent to demolish the existing building was withdrawn on 23 July 2007.

BH2007/01160: An application for the construction of a new 4/5 storey 31 bed nursing home with basement car park, access widened and ancillary staff accommodation was withdrawn on 19 July 2007.

4 THE APPLICATION

Planning permission is sought for the construction of a residential care home with 34 bedrooms in a four/five storey building with a basement car park. The proposal consists of:

- Demolition of existing two storey building.
- Erection of building 15.1m high (maximum above ground level) five storey plus basement, 19.5m wide fronting Princes Crescent, 22m wide fronting Kingsway.
- Layout: basement: kitchen, plant room, store, services, cycle parking, 5 car parking spaces including 2 disabled. Ground floor: entrance lobby, lounge/dining room, office, 3 bedrooms. First floor: 8 bedrooms lounge/dining room, assisted bathroom, nurse station. Second floor: 10 bedrooms, assisted bathroom, nurse station. Third floor: 9 bedrooms, assisted bathroom, nurse station. Fourth floor: 4 bedrooms, assisted bathroom, nurse station, roof area to form terrace.
- Amenity space: 11 rooms with private balconies approximately 3.5m² each. Terrace above third floor roof 89m². Ground floor front garden 279m².
- Refuse / recycling; facilities located in northwest corner of site, adjacent to boundary with 3 Princes Crescent.
- Design / Materials: stepped form building, flat roofs, balconies to corner sections with glass screen, cream rendered wall with brick vertical sections, aluminium windows. Crossover widened.

The application has been amended to set back the ground floor fronting Kingsway to match the building line of the upper floors. This reduction of the footprint (by a maximum of 4.0m close to the eastern boundary) has resulted in relocating the kitchen from the ground floor to the basement and reducing the number of parking bays, which are situated in the basement, from 6 to 5.

The amenity space which was proposed above the flat roof of the ground floor protrusion which would have served the lounge/dining room is now to form garden.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **313 Kingsway; 17 Princes Court, Princes Avenue** objecting to the application for the following reasons:

- The building is too high, and overdevelopment of the residential area.
- The building is hideous in design and far too bulky in the design of the balconies and the roof. Kingsway has suffered with 60's blocks of flats and is earmarked for contemporary design to regenerate this pristine position. This building will be to its detriment. The building is neither contemporary or in keeping with the Pembroke area
- Loss of light and amenity to surrounding houses.
- Building should be limited to the height of the current 2 storey building on the site to be consistent with the other houses in Princess Crescent.

8 Fairlawns, 159 Kingsway: No objection in principle but concerned that demolition will cause considerable disturbance and request restricting the time frame during which work should be completed.

Conservation Advisory Group: This is an improvement to the previously approved scheme and recommend approval. The scheme would be further improved if the north flank wall to the roof terrace were reduced in height and topped with a glazed balustrade.

UK Power Networks: No objection.

Southern Water: No objection. Request an informative form part of any approval stating the need to make a formal application for connection to the public sewerage system.

Brighton & Hove Archaeological Society: The proposed demolition and development is unlikely to affect any archaeological deposits, and any vestiges of archaeology were probably removed during the construction of the existing building. This area has produced a number of findings in the past and recommend that the County Archaeologist be consulted.

Hove Civic Society: The building would not seem out of place. It might enhance the appearance of the seafront in this area and be suitable for the area in architectural terms.

East Sussex Fire and Rescue Service: No comment.

County Archaeologist: The proposed development is situated within an Archaeological Notification Area defining the medieval and post-medieval

village of Hove. Although there is an existing building on site which will have destroyed / damaged archaeological remains, the area of the existing garden still has a potential. The current building, although not listed, is of historical value due to its construction in the 1930's. There is a requirement to carry out targeted archaeological monitoring in the garden during groundwork and the requirement for the current building to be recorded prior to demolition.

In light of the potential archaeological significance of the site, the area affected should be subject to a programme of archaeological works.

Southern Gas: Gas mains are in proximity of the site and works must be carried out in accordance with safe digging practices.

Internal:

Sustainable Transport: No objection to the level of car and cycle parking provision. In accordance with policy TR1 a sustainable transport contribution of £7,200 should be sought to help finance off-site highway improvement schemes such as upgrading pedestrian linkages and crossing within the vicinity of the site to improve mobility impaired pedestrians to the seafront.

Arts Officer: To comply with policy QD6, a contribution of £9,000 should be sought to provide an art element within the development.

Design & Conservation: The proposed development is a variation to that approved in 2010, increasing the number of bedrooms from 30 to 34. Following concerns that the proposed ground floor projected 5.5m from the main building line, compared to 2.5m as approved, the scheme has been amended to reduce the footprint by the complete removal of this projection. This is a welcomed improvement over the previously approved scheme. The building line now relates well to the adjacent buildings and would form an appropriate western end to this block of buildings. The revision to the eaves which have been extended to form a greater overhang is an improvement which gives the elevations and roofline greater articulation. Changes to the windows are considered to be minor in terms of their impact on the appearance of the conservation area. The height of the building has not changed significantly from the previously approved scheme and the proposals are considered to be acceptable.

Ecology: PPS 9, QD17 and SPD 11 require new nature conservation features as part of development schemes. Greening measures should be incorporated to account for at least 700 'nature points' under SPD 11. Appropriate features include a 100m² green roof, green walls, and nest boxes incorporated into the walls of the building.

Environmental Health: A PPG24 noise survey is a requirement for this site which is situated in close proximity to the A259, a very busy arterial route serving the city.

Brighton & Hove Primary Care Trust: Support the application to provide nursing home accommodation as a significant number of older people and older people with mental health needs are still placed outside of the city.

Planning Policy: No objection. There are no fundamental policy issues as a change of use is not involved.

Sustainability: The site is previously developed land and the development should meet a BREEAM 'excellent' standard with 60% in water and energy sections.

City Clean: The proposed refuse provision is acceptable. Recycling needs to allow for the main materials in the waste stream including paper, cans, glass etc.

Economic Regeneration: Comments awaited.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 5: Planning for the Historic Environment
- PPS 10: Planning for Sustainable Waste Management
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control
- PPS 25: Development and Flood Risk

Planning Policy Guidance Notes (PPGs):

- PPG 13: Transport
- PPG 24: Planning and Noise

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel plans
- TR7 Safe development
- TR14 Cycle access and parking

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| TR19 | Parking standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU10 | Noise Nuisance |
| SU11 | Polluted and noise control |
| SU13 | Minimisation and re-use of construction industry waste |
| SU15 | Infrastructure |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD4 | Design – strategic impact |
| QD5 | Design – street frontages |
| QD6 | Public art |
| QD7 | Crime prevention through environmental design |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| HO11 | Residential care and nursing homes |
| HO13 | Accessible housing and lifetime homes |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE8 | Demolition in conservation areas |
| HE12 | Schedule ancient monuments and other important archaeological sites |

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Developer Contributions: Interim Technical Guidance

8 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of development, the impact of the building on the character and appearance of the Pembroke and Princes Conservation Area, impact on residential amenity, traffic implications and sustainability issues.

Planning Policy:

Principle of development:

The existing building on the site is in a derelict state and formed a 10 bedroomed nursing home. Application BH2007/04125 granted Conservation

Area Consent for the demolition of the building on 21 May 2010, and application BH2007/04125 granted planning permission for the construction of four/five storey, 30 bed nursing home with basement car park and ancillary staff accommodation on 26 April 2010. This application is an amendment to the approval to provide a nursing home with 34 bedrooms. The applicants state that the additional 4 bedrooms are required to make the scheme viable. Financial information has been submitted which shows that the additional bedrooms make the scheme profitable. There is no objection to the principle of development.

Policy HO11 relates to a residential care and nursing homes and states planning permission will be granted for new residential care and nursing homes and extensions to existing residential care and nursing homes where it can be demonstrated that the proposal would not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking, provides adequate amenity space, is accessible to people with disabilities and provides operational parking in accordance with the council's standards.

The increase in the number of bedspaces by 4 more than on the extant scheme has been achieved by locating the kitchen in the basement and adjustments to office and service floorspace, and treatment rooms. In principle, the redevelopment to create a modern nursing home is welcomed and the application is supported by Brighton & Hove Primary Care Trust who recognise the need for such accommodation as a significant number of older people and older people with mental health needs are still placed outside of the city.

Elevation changes are primarily to the front elevation facing Kingsway, with the removal of the ground floor projection beyond the general building line, and the area forming garden rather than terrace. The amount of amenity space per resident is approximately the same as on the extant approval and is considered acceptable.

Design / impact on the character and appearance of the Sackville Gardens Conservation Area:

This site lies within the Pembroke and Princes Gardens Conservation Area and occupies a prominent position on the seafront. Policy QD1 and QD state that new development should emphasise and enhance the positive qualities of the local neighbourhood. Policy HE6 requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area.

The significance of the conservation area lies in its special interest as a largely late Victorian and Edwardian residential inner suburb and in the contrast of hard red brick and extensive use of white painted exterior timber and the overwhelming predominance of plain red tile. Princes Square and Princes Crescent contain spacious houses, mainly inter-war, with steep, tiled,

hipped roofs, brick and rendered elevations, some half-timbering and tile-hanging on the elevations. The Kingsway frontage is much more varied in terms of scale, building form and architectural style, mainly due to 1970s redevelopment, but includes the set piece 1930s listed building at 157 Kingsway. The existing building on this site is an inter-war house but much altered and extended and no of little merit. The immediate setting of the site is formed by the five storey Princes Marine Hotel to the east, fronting Kingsway, and a two storey detached dwelling house to the north fronting Princes Crescent. This is a corner site, and the site to the west is a large nursing home set within its own grounds surrounded by a high boundary wall.

The proposed building is a four/five storey contemporary building with a tiered flat roofline, angled corner section, balconies, and finished in render with vertical brick section to provide visual relief. The building is almost identical to the extant approval in terms of design and bulk, and footprint. The main differences being that it is approximately 0.2m higher, the footprint reduced and as a result of the revised layout, and angled windows introduced on the north elevation to bedrooms.

There is a strong consistent building line to this seafront block, from Viceroy Lodge on the corner of Kingsway with Hove Street to the Princes Marine Hotel which provides some coherence to a townscape of buildings of very different scales and styles with only projecting bays and balconies coming forward of that to slightly varying degrees. The Princes Marine Hotel has a porte cochere at the front which projects by 5m but this is an open structure. To safeguard this important element the footprint of the proposed ground floor has been amended to align with the general building line. The original proposal was for the ground floor to project 5.5m from the main building line, compared to 2.5m as approved. The removal of this projection in its entirety is considered to be an improvement over the extant scheme as the building line now relates well to the adjacent building and would form an appropriate western end to this block of buildings.

The proposed building is very similar in appearance to the extant scheme in terms of appearance, materials, and impact on the conservation area. As with the approved scheme it is considered that the proposal is an acceptable replacement for the existing building which would enhance the character and appearance of the conservation area, particularly with the removal of ground floor car parking which will form garden.

Conservation consent was granted for the demolition of the existing building (application BH2007/04126) and is valid until 21 May 2013.

Impact on Amenity:

Policy QD27 aims to protect residential amenity.

The design of the proposed building is very similar to the approved scheme. The impact of the development on adjacent properties was considered

acceptable as the adjacent hotel has a flank wall facing the site, and windows within the side elevation of 3 Princes Crescent are secondary. The proposed third floor terrace is as previously approved and primarily faces west, towards the detached nursing home opposite which is set in large grounds surrounded by high wall and vegetation. The main difference between this and the extant scheme is the inclusion of 3 additional windows to the north elevation to serve bedrooms at first to third floor levels. The windows are angled so as not to directly overlook the adjacent property, 3 Princes Crescent.

For these reasons it is not considered that the scheme will adversely impact on residential amenity.

Sustainable Transport:

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

The application is accompanied with a Travel Plan which indicates that 15 staff will be employed in three shifts. The Plan aims to minimise minimum car use for staff and visitors to this site which is well served by public transport. The proposal provides 5 car parking bays, including 2 disabled, and 6 cycle stands, within the basement. The level of car parking has been reduced from 6 to 5 spaces to provided improved layout and access to the cycle stands. Based on TRICS database which is a national transport impact data for various land uses it is calculated that 12 spaces should be provided. Whilst the level of provision is less, given that the site is within a Controlled Parking Zone and residents of the home will not be entitled to parking permits and visitor parking can be accommodated on the street, it is considered that the level of parking which includes two disabled bays, is acceptable. The level of cycle parking provision is above minimum standard and acceptable. The Traffic Engineer considers this level of provision is acceptable.

To comply with policy TR1 a contribution of £7,200 is sought to help finance off-site highway improvement schemes such as upgrading pedestrian linkages and crossing within the vicinity of the site to improve mobility impaired pedestrians to the seafront. This is sought as part of the Section 106 Obligation. A sum of £6,300 was sought in connection with the extant approval for the 30 bedroom development.

Sustainability:

PPS1 and PPS3 place weight on the sustainability of new development in terms of energy efficiency, high quality inclusive design and the promotion of social cohesion and the consideration of people's diverse needs. Under Local Plan Policy SU2 and Supplementary Planning document SPD08 Sustainable Building Design this development is expected to meet a BREEAM 'excellent' standard with 60% in water and energy sections.

The application is supported with a Sustainability Checklist and a pre-

assessment which demonstrates that a BREEAM rating of “Excellent” will be achieved including 70% in water and energy sections. The development would be part of the Considerate Constructors Scheme.

The standard approach to secure this rating is to impose a pre-commencement condition and a post occupation condition to ensure that standard is met.

Ecology/Nature Conservation:

Policy QD17 & QD18 and SPD11: Nature Conservation and Development, aim to conserve biodiversity. The site consists of the derelict building with the open area being largely tarmaced. The application is accompanied with a Biodiversity First Impressions Checklist which indicates no loss of natural habitat. The proposal development includes a garden which would enhance ecology and could incorporate nesting boxes etc; these are sought by condition.

Waste Management:

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal is a substantial development and is therefore required under the regulations to have a SWMP. An informative forming part of any approval would advise applicant of this.

Archaeology:

Policy HE12 requires development proposals to preserve and enhance sites of known and potential archaeological interests and their settings. The site is situated within an Archaeological Notification Area defining the medieval and post-medieval village of Hove. The County Archaeologist comments that although there is an existing building on site which will have destroyed or damaged archaeological remains, the area of the existing garden still has a potential. For this reason it is required by condition to carryout targeted archaeological monitoring in the garden during groundworks and the requirement for the current building to be recorded prior to demolition.

Arts component:

Policy QD6 seeks the inclusion of an arts component within major development. In accordance with policy a contribution of £9,000 is sought for the provision which is to be secured as part of the Section 106 Obligation.

Local Labour Scheme:

Since the previous approval of a scheme on this site an Interim Technical Guidance Note on Developer Contributions has been adopted. This contains guidance on the implementation of QD28 Planning Obligations and sets out the rationale for contributions towards the Local Labour Scheme. Participation in the Local Labour Scheme together with a contribution is

recommended as part of the s106 Planning Obligation Agreement.

9 CONCLUSION

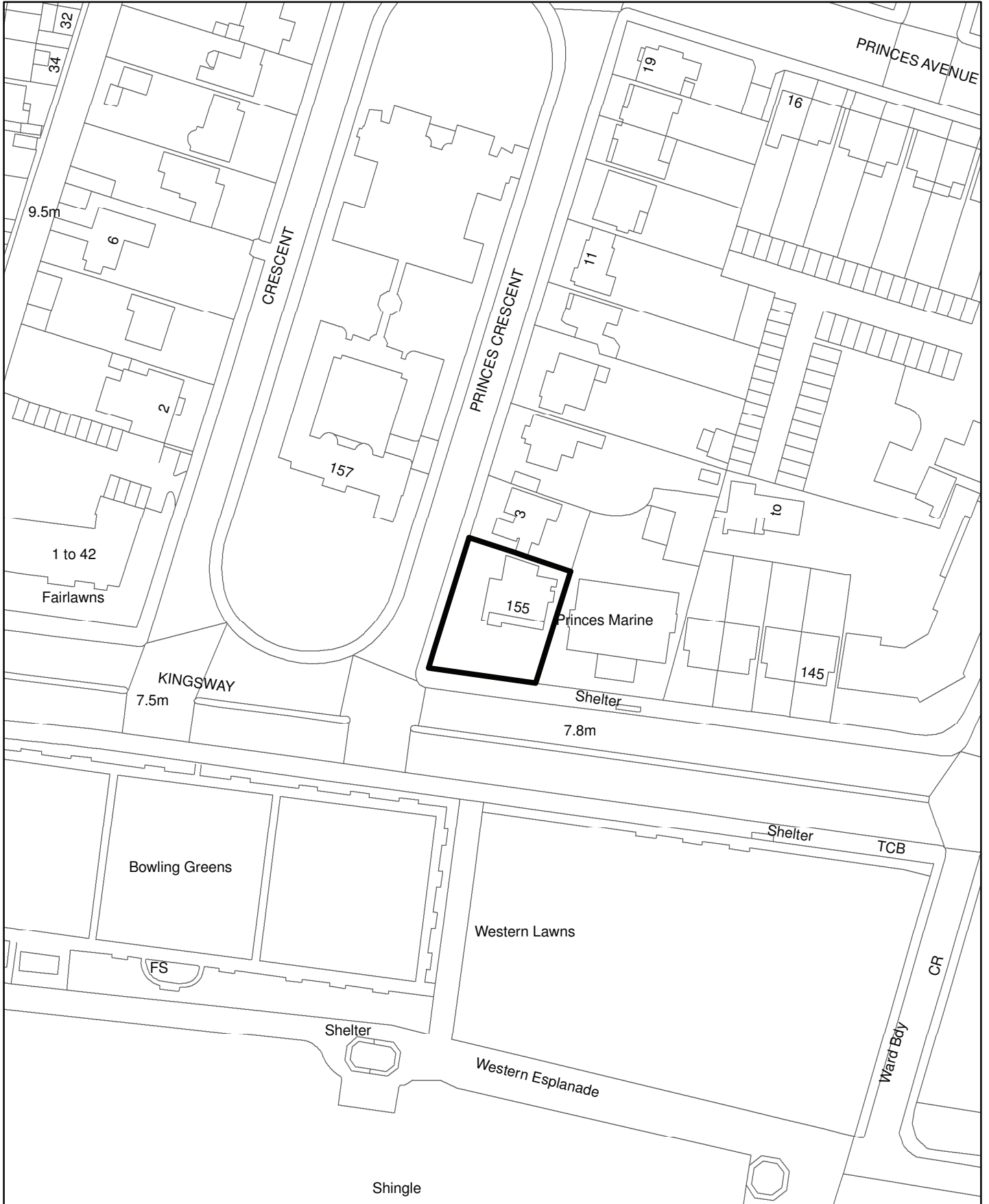
This application follows an extant approval to replace the existing 10 bedroomed nursing home with a new building with 30 bedrooms. This application is to increase the number of bedrooms by 4 to 34 in order to make the scheme financially viable. The proposal makes efficient use of the site by providing a new nursing home with an increased number of bed spaces.

The scale and appearance of the building remains very similar to the extant approval, relates well to the adjacent buildings and would enhance this part of the conservation area. The reduction of the footprint by the removal of the ground floor which projected beyond the general building line is an improvement over the previously approved scheme. Changes to fenestration have little material impact on neighbouring amenity. The development would achieve a high level of sustainability. For these reasons the application is recommended for approval.

10 EQUALITIES IMPLICATIONS

Policy HO11 requires the internal layout to be accessible to people with disabilities.

BH2011/01120 Lawnscroft, 155, Kingsway



LIST OF MINOR APPLICATIONS

| | | | |
|--------------------------------------|---|----------------------------|-------------|
| <u>No:</u> | BH2011/01932 | <u>Ward:</u> | WISH |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land East of Hove Deep Sea Anglers Club, Western Esplanade, Hove | | |
| <u>Proposal:</u> | Erection of boat house. | | |
| <u>Officer:</u> | Adrian Smith, tel: 290478 | <u>Valid Date:</u> | 11/07/2011 |
| <u>Con Area:</u> | No constraints | <u>Expiry Date:</u> | 05/09/2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | David Pennington, 36 Middleton Avenue, Hove | | |
| <u>Applicant:</u> | Lagoon Watersports, Hove lagoon, Kingsway, Hove | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the site plan and approved drawing no. ONE received on the 11th July 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building adjacent.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD4 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:

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed boathouse would afford no significant harm to the appearance of the locality or to strategic views along the seafront, and would not impact on the amenities of the nearby beach huts. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to the shingle beach to the east of the Hove Deep Sea Anglers Clubhouse located on the south side of Western Esplanade, Hove.

3 RELEVANT HISTORY

BH2011/01149: Erection of beach locker to replace existing and winch housing. Approved 15/06/2011.

4 THE APPLICATION

Planning permission is sought for the erection of a 4.9m deep, 2.9m wide & 1.8m high boathouse for a safety boat used by the Hove Lagoon Watersports Club. The boathouse would be located on the shingle beach east of the Hove Deep Sea Anglers Club building directly adjacent to an existing storage structure and winch.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **303 Kingsway (2); 69 Tamworth Road; 36 Tongdean Avenue; 19 Cudworth Park, Dorking; 10 Bridges Close, Horley; unknown address, Ramsey; 58 Freeks Lane, Burgess Hill (2); and the Hove Lagoon Model Yacht Club, objecting to the application for the following reasons:**

- This public open space is the only shingle area along the western end of Hove promenade with its shingle vegetation. This should not be destroyed for the sake of a boathouse, especially as many tourists and holidaymakers take photos of this area with its colourful boats and sea in the background.
- It would be intrusive for all sunbathers who wish to relax on the beach west to the groyne which has become a very popular beach for its relaxed atmosphere which cannot be said for the beach designated to windsurfers where the safety boat is required.
- Windsurfers who have a storage base in the newly refurbished pavilion on the south side of the Lagoon are disturbing sunbathers who are using the beach to the east of the groyne.
- The Lagoon has in recent years become increasingly commercialised by more noisy and aggressive sports, putting the likes of the Hove Lagoon Model Yacht Club under a great deal of pressure. The boathouse is an additional facility to benefit a commercial enterprise and will negatively effect the appearance of the promenade.

- It would further intensify the commercial use of the Lagoon area.
- They already have a suitable space for a boathouse at their premises by the Lagoon.
- The location is an archaeological site.
- The proposal is nothing more than a shed and does not preserve and enhance the appearance of the promenade, but is an eyesore and out of place to the pleasing ambience of the area.
- The boathouse would obstruct seaviews from the nearby beachhuts.

Brighton & Hove Archaeological Society: No objection.

County Archaeologist: No objection.

Internal:

Seafront Operations Manager: No objection.

Sustainable Transport: No objection.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development

PPS 25: Development and Flood Risk

Brighton & Hove Local Plan:

SU7 Development within the coastal zone

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD4 Design – strategic impact

QD27 Protection of amenity

8 CONSIDERATIONS

Matters relating to the current operations at the Hove Lagoon Watersports Club are not material planning considerations. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance of the building and promenade, the amenities of the adjacent beachhuts, and the impact on the archaeological

site.

Planning Policy:

Policy SU7 relates to development within the coastal zone, stating that planning permission will only be granted where it takes into account the layout, design, landscape and materials within the area; incorporates adequate flood protection measures; respects or enhances the appearance and character of the seafront environment; does not adversely affect existing sea views; and does not reduce public access to the coast. This policy is to be read in conjunction with other policies within the development plan, including policies QD1 and QD4 which seek good design and the protection of strategic views within the city, and policy QD27 which seeks the protection of the amenities of adjacent occupiers.

Design and Appearance:

The site as existing forms a 21m wide access way onto the shingle beach directly east of the Hove Deep Sea Anglers Club (HDSA). The HDSA clubhouse is located on the south side of the Western Esplanade, directly fronting the public beach, and has a small storage shed and winch amongst a small area of shingle vegetation within the access way. This access way is required for bulldozers to access the beach to undertake regular maintenance, including beach re-profiling and coastal defence works.

The Hove Lagoon Watersports Clubhouse sits to the north of the promenade, on lower ground level adjacent to the Lagoon. The Club operate a wide range of water-based sports both in the Lagoon and out at sea, requiring the deployment of their safety boat when out at sea. As existing, their safety boat is located adjacent to their clubhouse by the Lagoon and has to be transported to the sea west alongside the Lagoon and then up and back along the promenade to the access way east of the HDSA building. This proposal seeks a permanent home for the safety boat closer to the sea where it can be deployed with greater ease. The location has been chosen in consultation with the HDSA, where an agreement already exists to use the HDSA winch to pull the safety boat out of the sea and up to the promenade.

The proposed boathouse would be a brick structure 4.9m deep, 2.9m wide & 1.8m high, with timber doors facing the promenade. It would sit directly adjacent to the HDSA winch and lockers, maintaining a 6m gap to the adjacent groyne. This separation is suitable for the bulldozers to retain access the beach, and is to the satisfaction of the Council's seafront development officers. It is noted that the HDSA lockers adjacent have planning consent under BH2011/01149 to be re-built to a height of 1.8m, including the addition of a new winch building to the south. The applicants have stated that they have had discussions with the HDSA club over integrating the two buildings however their separate needs are such that this was not possible.

Representations have been received from local users of the beach and Lagoon raising concern over the visual impact of the building and the

intensification of use the boathouse bring to the seafront. The boathouse is required to house an existing safety boat currently used to assist the Club's existing use of the beach and sea. This use is under license from the Council's seafront development team and would need to be amended to allow any intensification of use of the beach.

With regard its visual impact, it is not considered that the proposed boathouse would be significantly harmful to the appearance of this section of the promenade, or to more strategic views along the seafront. The boathouse is of a necessarily functional design and would be completed to match the appearance of the HDSA building adjacent, whilst also replicating the materials used on the approved locker building. Whilst these storage buildings are of no special architectural merit, within the context of the site and surrounds (including a car park to the west side of the HDSA building) they would not be excessively scaled and would not disrupt the appearance of this largely open section of the promenade to a significant degree. The proposal would therefore respect the character of this area of the seafront, whilst not adversely affect existing sea views or reducing public access to the coast. The granting of consent would not set a precedent for further such buildings in this location as the need to maintain the access way to the beach would be prohibitive.

Other matters:

With regard other comments received, the county archaeologist and archaeological society have both raised no objection to this proposal, despite its location in a designated archaeologically sensitive area. The proposed building would be located close to a run of new beach huts, but is sufficiently offset such that it would not significantly disrupt direct sea views from these huts, or the use of the wider seafront by sunbathers and tourists. With regard the loss of shingle vegetation, this area of vegetation is restricted to a small area around the existing HDSA lockers, and is not designated as being a nature conservation site within the Brighton & Hove Local Plan. Its value as shingle vegetation is not considered significant within the context of this section of seafront therefore its loss is deemed acceptable.

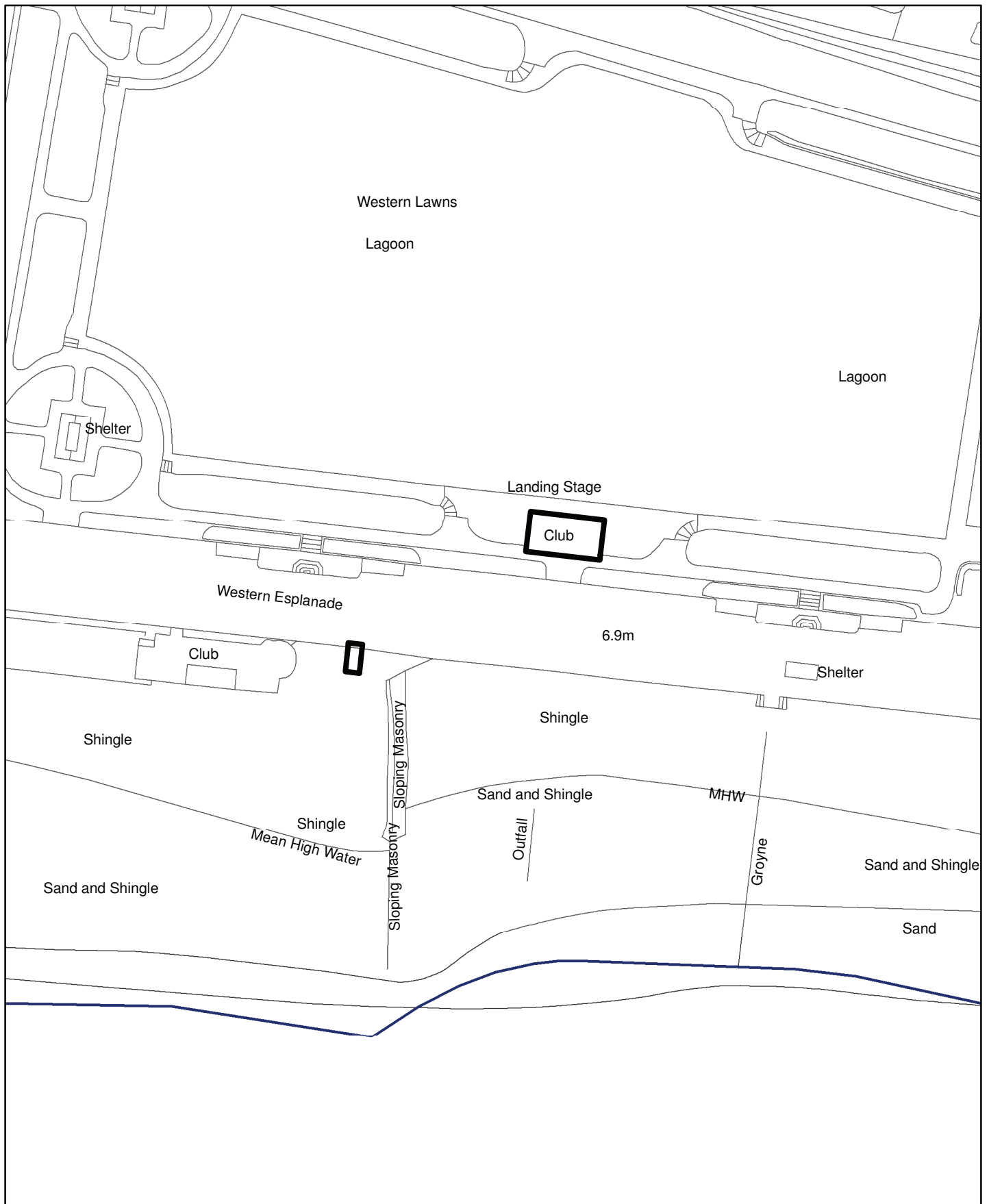
9 CONCLUSION

The proposed boathouse would afford no significant harm to the appearance of the locality or to strategic views along the seafront, and would not impact on the amenities of the nearby beach huts. The proposal is considered to be in accordance with policies SU7, QD1, QD4 & QD27 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01932 Land east of Hove Deep Sea Anglers Club, Western Esplanade



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------|
| <u>No:</u> | BH2011/01825 | <u>Ward:</u> | WITHDEAN |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land adjacent 29 Surrenden Holt, Brighton | | |
| <u>Proposal:</u> | Erection of a single storey dwelling | | |
| <u>Officer:</u> | Guy Everest, tel: 293334 | <u>Valid Date:</u> | 28/06/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 23 August 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | DH Design, 11 Dartmouth Crescent, Lower Bevendean, Brighton | | |
| <u>Applicant:</u> | Mrs Christine Ponsonby, 29 Surrenden Holt, Brighton | | |

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 reason(s):

1. The development would result in a harmful loss of openness in this section of Surrenden Road, to the detriment of the prevailing character and appearance of the area. Furthermore the development, by reason of its siting and form, would appear discordant and contrived in relation to the prevailing pattern and layout of surrounding development and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. Policy SU2 of the Brighton & Hove Local Plan, including SPD08 on Sustainable Building Design, requires new residential development on land not previously developed to achieve Level 5 of the Code for Sustainable Homes. The applicant has failed to demonstrate that Level 5 of the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

Informative:

1. This decision is based on drawing nos. 004 L-02, 004 L-03, 004 L-04, 004 L-05, 004 L-06 received on 22nd June 2011; and drawings no. 004 L-01 Rev A and 004 L-07 received on 28th June 2011.

2 THE SITE

The application site relates to the garden curtilage of a building on the eastern side of Surrenden Holt, a residential cul-de-sac comprising flatted buildings designed to appear as semi-detached dwellings. The site currently provides amenity space in connection with an adjoining ground floor flat, and is

appreciably higher than street level to Surrenden Holt and Surrenden Road. There is an electricity sub-station located on the site.

3 RELEVANT HISTORY

BH2010/00258: Construction of one and two storey residential dwelling. Refused for the following reasons:-

- 1. The proposal by reason of its siting, bulk, design and detailing constitutes a cramped form of development that would appear incongruous in relation to surrounding development and result in a harmful loss of openness in this section of Surrenden Road. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*
- 2. The proposal would result in harmful overlooking to a bedroom window of 1 Whittingehame Gardens, to the detriment of amenity for occupants of this property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

Planning permission is sought for the construction of a partially underground two-bedroom dwelling on garden land currently connected to 29 Surrenden Holt, a ground floor flat. To accommodate the development the existing ground levels would be excavated to street level on Surrenden Road. The dwelling would incorporate a sedum roof with solar panels and rooflights; the elevations, where visible, would comprise full height glazing and brickwork. A new pedestrian entrance would be formed from Surrenden Road.

5 CONSULTATIONS

External:

Neighbours: 35 letters of representation have been received from 8 Balsdean Road; 74 Barnett Road; 85 Bernard Road; 30 Carden Avenue; 10 Chester Terrace; 6A Cripps Avenue; 43 Dale Crescent; 2 Deans Close; 43 Deeside; 14 Desmond Way; 18 Dover Road; 12B Gladstone Terrace; 1 Hartfield Avenue; 69 Hertford Road; 31 Hollingbury Park Avenue; 57 Horton Road; 52 Mackie Avenue; 132 Osborne Road; 49 Overhill Drive; 28 Petworth Road; 23 Sandhurst Avenue; 19 Surrenden Crescent; 29 Surrenden Road; 51 Stamner Villas; 9 Steine Street; 4 Stoneham Road; 89 Upper Lewes Road; 78 Vale Avenue; 32 Warmdene Road; 19 Whittingehame Gardens; 47 Withdean Crescent; 83 Woodland Drive (x2) and 2 letters of no address supporting the application for the following reasons:

- The proposal would allow a disabled person to live in their home, keep health costs down and benefit other families in years to come;
- There is a lack of housing for severely disabled people;
- The building would be eco-friendly;
- The building respects neighbouring considerations;

- The piece of land is too big to remain attached to the existing house;
- The whole area needs updating with something new to complement the existing flats.

23 letters of representation have been received from **1, 4, 5, 6, 7, 9, 10, 11, 12, 16, 17, 20, 21, 22, 25, 26, 27 & 28 Surrenden Holt; 80 Surrenden Road; 7 Walnut Close, Varndean Park and 1 & 4 Whittingehame Gardens** objecting to the application for the following reasons:

- The proposal would change the character of Surrenden Holt which at present consist of blocks of four flats with pitched roofs set back from the road;
- Properties in Surrenden Road have been built behind the building line;
- The siting would be contrary to a condition imposed on the original consent which required 10ft separation from boundaries;
- The loss of openness, and of a garden, would be harmful to the neighbourhood;
- The single storey dwelling, with a flat grass roof, on a small garden would stand out and look ugly;
- The proposal would unbalance the entrance to Surrenden Holt;
- The development may lead to future pressure for additional height to the building;
- The existing timber fence, which does not have planning permission, already detracts from the openness of Surrenden Road;
- Question the need for a separate dwelling and possible future property speculation;
- The proposal would reduce the overall level of security in Surrenden Holt through the creation of a new entrance onto Surrenden Road and would alter an important element of the community;
- Increased noise and disturbance due to the close proximity of the dwelling to adjoining properties;
- There is already an on-street parking problem in Surrenden Holt with access for ambulances problematic;
- The existing bus stop would need to be permanently relocated which would severely impact residents;
- An adjoining bus stop would inhibit access during construction works;
- The external stair would not comply with Building Regulations;
- The relocation of an electricity sub-station would cause disruption to adjoining properties and it is not clear how access would be achieved for maintenance;
- The proposal would create a precedent for other sites in the area;
- Loss of property value.

30 Surrenden Road; 81 Ladies Mile Road, 148 Ladysmith Road, 6 Midway Road & 32 Warndene Road have no objection to the proposal.

Cllr A & K Norman object – letter attached.

Preston & Old Patcham Society: Concerned about the potential adverse

effect on the street scene. The old wall and wide verges contribute to the area's character. If the existing fencing were to be removed or lowered to the height of the old wall the building would become very overtly too close to the public highway.

The existing building line looks right in the context of the area; it offers a fairly open feel which is in keeping with the character of the area. To build so close to Surrenden Road would be detrimental. The plot might be better suited for a decent sized conservatory and garden which may suit the applicant's and future occupant's needs.

Internal:

Environmental Health: The proposed development is not listed as being potentially contaminated land but is immediately adjacent to an electrical sub station, which has been located at the site since 1955. The land on which the substation is located is potentially contaminated land due to the use of PCBs in such substations. This substation site could therefore act as a potential source of contamination to the proposed development, especially as the proposal building involves 'digging' down under the existing surface level of the ground. Recommend a full contaminated land discovery condition is applied to this development.

Sustainable Transport: No objection, recommend conditions to protect the interests of the public using the roads and footways.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 3 Housing

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 |

Supplementary Planning Document:

| | |
|-------|-----------------------------------|
| SPD03 | Construction and Demolition Waste |
| SPD08 | Sustainable Building Design |

8 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the visual impact of a dwelling in this location, its impact on neighbouring amenity and transport; and sustainability issues.

Character and appearance

The thrust of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming. Planning Policy Statement 3 (housing) confirms that garden land is excluded from the definition of previously developed land and the application therefore relates to a greenfield site.

The eastern side of Surrenden Road is partly characterised by buildings set well back from the main road. This creates a substantial broad green corridor having the appearance of a pleasant mature landscape with significant trees. The Urban Characterisation Study recognises this tree-lined appearance as an important townscape feature of the Surrenden neighbourhood.

The proposal would replace the raised area of outdoor space with a low flat structure with two excavated patio areas. Although the structure would occupy ground level from Surrenden Holt and Surrenden Road it would essentially be sited at lower ground level in relation to immediately adjoining buildings, which are set at a higher level.

The development would bear no relation to the recognised characteristics of the area. The proposed siting is a somewhat contrived arrangement which would not compensate for the loss of open space which makes an important contribution to the prevailing character and appearance of the area. The proposed dwelling by reason of this siting would appear discordant in relation to the prevailing pattern and layout of surrounding development, and in conjunction with the introduction of a compact building form into a garden setting would result in the significant reduction of visually important open

space at the entrance to Surrenden Holt and fronting Surrenden Road.

For the reasons outlined it is considered that the proposed development would fail to make a positive contribution to the visual quality of the environment or retain existing open space in an effective way. The proposed development would therefore be harmful to the character and appearance of the area and represents a form of town cramming, in conflict with local plan policies QD1, QD2 and QD3.

The personal circumstances of the applicant, and their desire for a disabled accessible dwelling on the site, are appreciated. These circumstances are not though considered to outweigh the material harm identified and would not justify an inappropriate form of development.

Standard of accommodation

The dwelling would be based around external patio areas from which natural light and outlook would be derived. The patio areas are of a sufficient size to allow for adequate light and outlook to main habitable rooms and this would be supplemented by rooflights providing an additional natural light source. There is no objection to the size of the proposed rooms.

The external patio areas and raised decking (to the south-east corner of the site) would provide usable private amenity space appropriate to the scale and character of the development.

The development would incorporate lifetime home standards throughout.

The Environmental Health Team has advised that the site is potentially contaminated. If the application was approved it would be necessary to require further information on previous uses and potential contamination through condition.

Impact on amenity

The development, by reason of its siting below the level of adjoining development, would not result in loss of light or outlook for occupiers of adjoining properties.

The adjoining property, 29 Surrenden Road (and the ground floor flat), would retain private amenity space comparable with that enjoyed by adjoining properties and appropriate to the scale and character of the dwelling.

The sound insulation of the development would be secured through Building Regulations; and there are no reasons to believe that the outdoor amenity areas, which adjoin similar outdoor areas to adjoining properties, would lead to undue levels of noise or disturbance for occupiers of adjoining properties.

Transport

The development does not provide off-street parking and the dwelling is likely

to generate an additional parking demand for 1-2 vehicles. There have been a large number of representations from adjoining residents concerned that this additional demand would create problems for access into and along Surrenden Holt.

The existing properties on Surrenden Holt have garage accommodation at the eastern end of the cul-de-sac and at the time of a site visit on-street parking was available along the southern side of Surrenden Holt; with sufficient space for vehicle movement along the remaining roadway. The absence of off-street parking would not therefore create a safety hazard or a harmful demand for on-street parking.

The development would not necessitate relocation of a bus stop on Surrenden Road and there is no objection to the new pedestrian access, which would be sited between two piers within the existing brick boundary wall.

Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that a development of this scale incorporates a sustainability checklist and meets Level 5 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 4 of the CSH. This is below the level required by policy. It is not considered appropriate to require the attainment of Level 5 through condition as there is no evidence to suggest that this could be achieved within the constraints of the proposed design. The sustainability measures to achieve Code Level 5 should instead have been taken into account in the initial design stage, with information submitted to demonstrate how the building would meet the required standards at this planning application stage. For this reason the refusal of permission is recommended.

A Waste Minimisation Statement (WMS) has been submitted demonstrating that there are no reasons why waste cannot be minimised during construction works. If necessary further details could be required by condition.

9 CONCLUSION

The development would result in a harmful loss of openness in this section of Surrenden Road, to the detriment of the prevailing character and appearance of the area. Furthermore the development, by reason of its siting and form, would appear discordant in relation to the prevailing pattern and layout of surrounding development and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

In addition the applicant has failed to demonstrate that Level 5 of the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

10 EQUALITIES IMPLICATIONS

The development would be built to Lifetime Home standards.

Guy Everest
Environmental Services.
Brighton and Hove City Council.
Norton Road,
Hove BN3 3BQ
cc Jane Clarke

Date: 8th August 2011

Dear Mr. Everest,

Application Number: BH2011/01825
Address: Land Adjacent to 29, Surrenden Holt, Brighton & Hove Council
Description: Erection of a single dwelling
Application type: Full Planning

We are writing as a Withdean Ward Councillors to oppose the application BH2011/01825 on behalf of residents.

This application is to construct a single storey sunken disabled dwelling on land adjacent to 29 Surrenden Holt. As the application describes, the single dwelling would be built to a large extent underground. The drawings submitted with the application show that very little natural light is anticipated for this dwelling with the few windows and doors included also being constructed underneath the existing boundary wall of this site. The only other natural lighting to this proposed dwelling would be via roof lights.

Our primary concern is centred on the fact that this development is described as a ‘disabled dwelling’ but the design, physical location (underground) and problematic access via steps and a narrow gate/door make it totally unsuitable for disabled living.

We believe that this application does not conform to policies as stated in the Brighton and Hove Local Plan 2005.

QD1 - Design – quality of development and design statements
QD3 - Design – efficient and effective use of sites
HO13 - Accessible housing and lifetime homes

Should the officer decision be to agree this application under delegated powers, we wish to request that the application be referred to the Planning Committee for decision.

We would also request that this letter of objection be included in full in the relevant committee agenda should this application go to committee for decision.

Yours sincerely,



Councillor Ann Norman



Councillor Ken Norman

| | | | |
|--------------------------------------|--|----------------------------|-------------------|
| <u>No:</u> | BH2011/01793 | <u>Ward:</u> | WESTBOURNE |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 38 Walsingham Road, Hove | | |
| <u>Proposal:</u> | Loft conversion incorporating hip to gable roof extension, rear dormer and 3 no rooflights to front roof slope (Part retrospective) | | |
| <u>Officer:</u> | Wayne Nee, tel: 292132 | <u>Valid Date:</u> | 22/06/2011 |
| <u>Con Area:</u> | Sackville Gardens | <u>Expiry Date:</u> | 17 August 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | DW Planning, 59 Sadlers Way, Ringmer, Lewes | | |
| <u>Applicant:</u> | Dr James Read, 38 Walsingham Road, Hove | | |

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. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBHI). The proposal to replace the hipped roof with a gable end imbalances the symmetry of the semi-detached pair and creates a visually heavy roof to one half, to the detriment of the appearance of the properties on the street and to the wider Sackville Gardens Conservation Area. The proposal is therefore contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Roof Alterations and Extensions (SPGBH1).
2. The advice contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBHI) seeks to ensure proposed dormers are kept as small as possible, should be no wider than the windows below and should have a roof form and detail appropriate to the character of the building. Furthermore the advice states that there should be no large areas of cladding either side of the window or below it. The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the rear roof slope of the property. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPGBH1.
3. Supplementary Planning Guidance SPGBH1 states that roof lights should be kept as few and as small as possible and should not dominate the

roof. The proposed roof lights, by reason of their excessive number, would dominate the front roof slope and would form an unacceptable addition to the property and the surrounding Sackville Gardens Conservation Area. As such, the proposal is contrary to policies QD14 and HE6, and to Supplementary Planning Guidance Note SPGBH1.

Informatives:

1. This decision is based on the unnumbered drawing and supporting documents received on 21 June 2011, and drawing no. RE/02 received on 22 June 2011.

2 THE SITE

The application relates to a 2 storey semi detached property situated on the western side of Walsingham Road. The site lies within the Sackville Gardens Conservation Area and is a good example of late Victorian architecture. This part of the street is characterised by 2 storey semi detached houses consisting of yellow gault brick and hipped roofs which is the prevailing roof form. The 2 storey street line and consistent building features create a coherent streetscape which is important to retain for the integrity of the conservation area.

Originally these properties would have had slate tiled roofs. Many of them now, including no. 38 Walsingham Road, have since been altered to consist of concrete tiles.

At the time of the site visit, the works had commenced, with the gable roof completed apart from the finishes. The applicants have stated that they were not aware that they were in a conservation area and so did not know that the works required planning permission. In the planning support statement, it is confirmed that building works were halted once this was known to await the outcome of a planning application.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Planning permission is sought for a loft conversion incorporating a hip to gable roof extension, rear dormer and 3 no rooflights to front roof slope. The gable roof extension is on the side (south) roof slope, and would have a white render finish. The flat roof dormer is on the rear roof slope, and would have tile hanging and timber windows. The 3 no. rooflights to the front roof slope would be of conservation style. This is a part retrospective application.

During the process of the application, the applicants submitted 5 duplicate letters from neighbours in support of the application.

5 CONSULTATIONS

External:

Neighbours: Two (2) letters of representation have been received from **6 and 36(Flat 2) Walsingham Road** supporting the application for the following reasons:

- this is a tastefully executed loft conversion;
- causes no problem visually;
- in keeping with the character and appearance of the conservation area;
- there are precedents for similar schemes in conservation area.

Three (3) letters of representation have been received from **Flats 1, 2 and 3 of 51 Carlisle Road** objecting to the application for the following reasons:

- roof extension is large and unsightly;
- not in keeping with other buildings;
- results in loss of privacy to gardens and bedrooms in Carlisle Road;
- affects saleability of these properties.

Five (5) letters of representation have been received from **34, 37, 39, 40, 42 Walsingham Road** stating no objection to the application.

One (1) letter of representation has been received from **28 Walsingham Road** commenting on the application:

- just completed loft conversion after consulting council;
- was advised by the council that the roofline needed to remain intact;
- would have carried out the same work as no. 38 Walsingham Road if advised otherwise.

Internal:

None.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- | | |
|------|---|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |
| HE6 | Development within or affecting the setting of conservation areas |

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

The Sackville Gardens Conservation Area Character Statement

8 CONSIDERATIONS

The main issues for consideration in the determination of the application are the impacts of the proposed development upon the character and appearance of the pair of semi detached properties, the wider area, and the Sackville Gardens Conservation Area, together with the impact on amenity of neighbouring properties.

There is no objection to the principle of alteration or extension to the property provided the scheme demonstrates that it would have no adverse impact on amenity, that it preserves or enhances the character and appearance of the conservation area, and that it is well designed in terms of impact on the property itself and adjoining /surrounding properties. Policies HE6, QD14 and QD27 are the relevant policies. Further guidance on the application of these policies is contained in SPGBH1: Roof Alterations & Extensions, and the Sackville Gardens Conservation Area Character Statement.

Design

The properties on the western side of Walsingham Road (between nos. 18 - 48) have a uniformed appearance, and are characterised by two storey semi detached properties with similar features on their frontages as well as hipped tiled roofs. The character statement notes the value of the pairs of semi detached properties particularly in this location. This row of semi detached properties serve as a set-piece within the Sackville Gardens Conservation Area.

SPGBH1 states that roof extensions that alter the basic shape of the roof, for example, from a hip to a gable end on a semi-detached house will be unacceptable. The proposal to replace the existing hipped roof with a gable end imbalances the symmetry of the semi-detached pair to the detriment of the appearance of the existing property and the neighbouring property of no. 40 Walsingham Road, which currently has a hipped roof. The proposed gable roof creates a visually heavy roof to one half of the semi detached pair. This development upsets the uniformed appearance of the properties in this part of the street and consequently has a detrimental impact on the Sackville Gardens Conservation Area.

SPGBH1 states that a proposed dormer ‘...should be kept as small as possible. Generally its overall width should be no wider than the windows below. There should be no large areas of cladding either side of the window or below it. Its window cill should sit just below the roof slope. The thickness of the dormer cheeks should normally appear to be little wider than and almost entirely concealed by the face of the window frame.’ The supplementary planning guidance also states that modern loft roof extensions are often oversized and relate poorly to the design of the existing building.

The proposed rear dormer would be a large feature spanning the width of the rear roof slope (6.2m), and would give the appearance of a bulky second floor addition. The dormer would represent an overly dominant addition to the rear roof slope and would create a top-heavy appearance to the property. It is considered the creation of headroom within the converted loft has taken precedence over the design principles upon which the SPG is based and resulted in a roof extension which would detract from the existing appearance and proportions of the existing property. The SPG states that 'schemes that rely on extensions...to gain the major part of their usable space are generally unacceptable and will be resisted'.

Supplementary Planning Guidance SPGBH1 states that roof lights should be kept as few and as small as possible and should not dominate the roof. Although the roof lights are an acceptable size in isolation, the proposal is considered to have an excessive number of roof lights in relation to the size of the roof slope. The proposed rear roof lights would dominate the roof slope and would therefore form an unacceptable and visually prominent addition to the property, the street scene, and the wider conservation area.

Policies HE6 and QD14 of the Brighton & Hove Local Plan as well as the design guidance detailed in SPGBH1 seek to ensure that poorly designed extensions which would harm the appearance of a property and the surrounding street scene do not receive planning permission. This proposal is an example of a poor design response to the need for additional accommodation.

Impact on Amenity

The proposed roof extensions would not result in loss of light, overshadowing or the increased sense of enclosure of any adjacent residential properties. The key issue would be any increase in overlooking.

It is considered that the views from the proposed dormers would be no more significant than views from other windows in the immediate vicinity which create mutual overlooking of rear gardens. Although the proposed dormer windows would have the potential to create new views towards the rear gardens of properties in Carlisle Road, the dormer would be of a sufficient distance away (over 20m) for the views to not cause significant overlooking.

The proposed roof lights are likely to give views of the other roof slopes on the street and are acceptable in terms of overlooking issues.

Objections have been raised based on the proposal having the potential to lower property values. This is not a material planning consideration and so cannot be considered for the determination of the planning application.

9 CONCLUSION

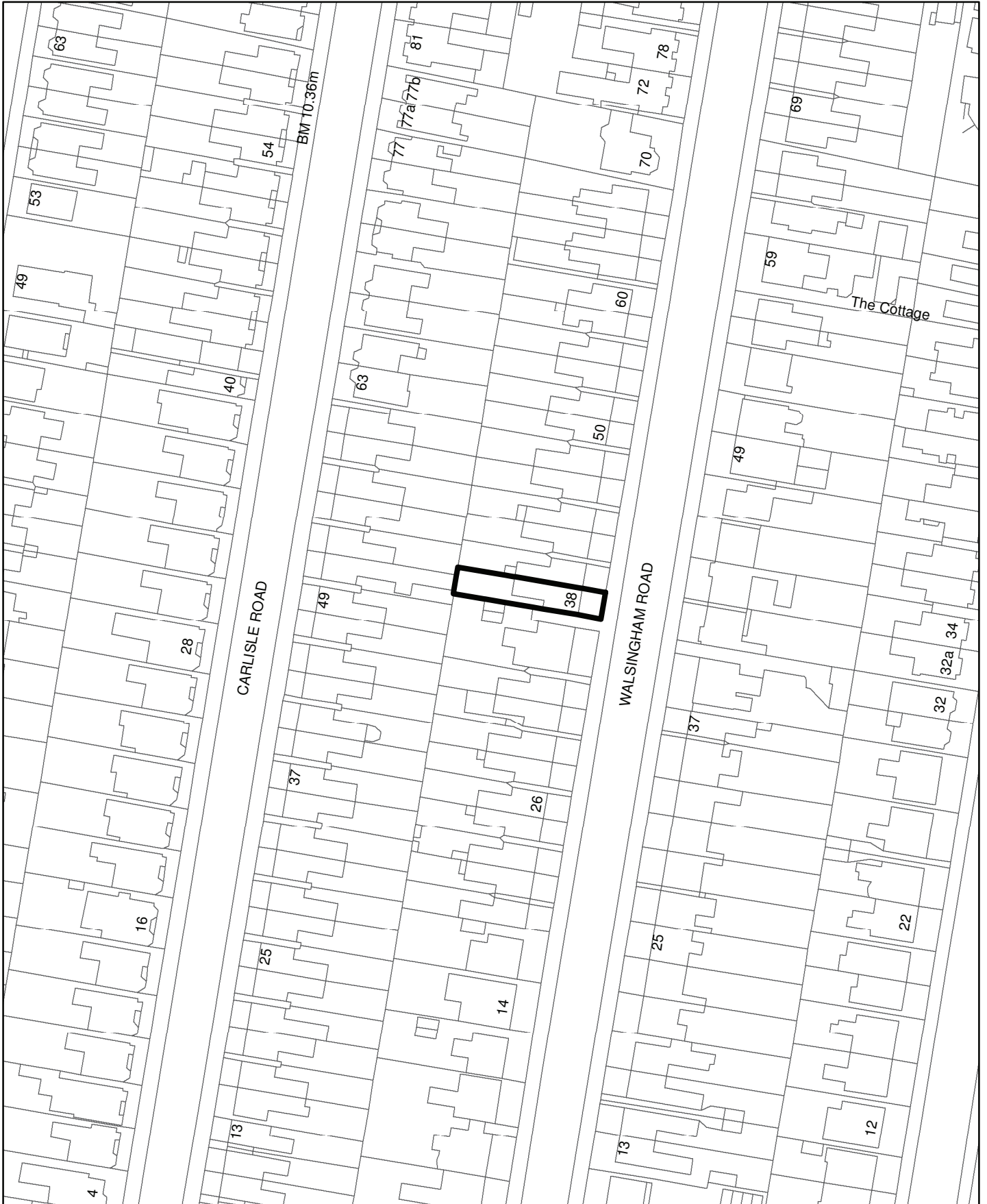
Whilst the development is not considered likely to have a detrimental impact on the living conditions of the occupiers of neighbouring properties, the

proposed roof extensions and alterations by reason of design and bulk is considered to have a detrimental impact on the character of the main property, the surrounding area and the wider Sackville Gardens Conservation Area. The application is therefore recommended for refusal.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01793 38, Walsingham Road



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|----------------------------|
| <u>No:</u> | BH2011/02034 | <u>Ward:</u> | ROTTINGDEAN COASTAL |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 11 Ainsworth Avenue, Brighton | | |
| <u>Proposal:</u> | Erection of two storey side extension incorporating dormers. | | |
| <u>Officer:</u> | Liz Arnold, tel: 291709 | <u>Valid Date:</u> | 06/07/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 31 August 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | RSP Architects, 1 Westbourne Grove, Westbourne Gardens, Hove | | |
| <u>Applicant:</u> | Mr & Mrs D Plant, 11 Ainsworth Avenue, Brighton | | |

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 reason(s):

1. The proposed two storey extension, by virtue of its design, massing, bulk and siting on the shared common boundary with no. 9 Ainsworth Avenue, would significantly reduce the visual gap between the two neighbouring properties, which would be of detriment to the visual amenities of Ainsworth Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed two storey extension, in conjunction with the front and rear dormer window, by virtue of its design, including a large flat roof section, and massing would result in a visually intrusive and bulky addition to the side of the property which is unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
3. The formation of a balcony, in association with the proposed front dormer, would result in a contrived and incongruous addition to the existing property, to the detriment of the visual amenities of the existing dwelling and the Ainsworth Avenue street scene. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.

Informatives:

1. This decision is based on drawing no. 01RevC received on the 8th August 2011.

2 THE SITE

The application relates to a detached property located on the northern side of Ainsworth Avenue, between the junctions with Greenways and Ainsworth Close. The single dwelling appears to have been extended in the past by way of a rear extension and the construction of an attached side garage.

3 RELEVANT HISTORY

BH2010/02806: Erection of two storey side extension incorporating dormers. Refused 27/10/2010.

BH2000/00376/FP: Amendments to previously refused application (ref: BH1999/01800/FP) for first floor rear extension by omission of side roof dormer. Approved 26/04/2000.

BH1999/01800/FP: First floor extension at rear of property (Amendment to previously approved application ref. 96/0757/FP for a single storey rear extension). **Refused** 29/09/1999. Upheld on Appeal 02/02/2000.

96/0757/FP: Erection of single storey rear extension and modification to approved garage (under extant consent BN/89/0346/F). Approved 17/09/1996.

4 THE APPLICATION

Planning permission is sought for the erection of a two storey side extension which would comprise dormer windows and an associated balcony. This proposed extension would replace the existing single storey side attached garage.

Following a previous refusal, discussions with the Local Planning Authority took place. The amendments discussed do not form part of this application.

5 CONSULTATIONS

External:

Neighbours: 11 Letters of representation have been received from 3 **Ainsworth Avenue** (2 letters each with a different signatory), 13 **Ainsworth Avenue** (2 letters each with a different signatory), 15 **Ainsworth Avenue** (2 letters each with a different signatory) and ‘**Seadowns**’ 19 **Ainsworth Avenue** (3 letter each with a different signatory) and 9 **Grange Farm Cottages Greenways** (2 letters each with a different signatory), stating they support the application but with no reasons given.

7 **Ainsworth Avenue**, supports the application as it is a quite modest scheme when compared with some of the gross unsightly re-building works granted in the area over the last few years which the Council has allowed. Furthermore it is being built to provide accommodation for a frail elderly relative and not merely to line the pockets of a local property developer.

21 **Ainsworth Close**, has no objections to the planned extension.

9 **Ainsworth Avenue**, objects as the previous application was declined on good grounds and believes comments made in relation to the previous

application are still valid especially as this latest application has not made any material changes to the design and is for an even larger extension. Believe

1. this development due to its size, design and proximity to their property is contrary to policies.
2. Design, including dormer windows/doors to the front of the property, are out of keeping to the current style of the property and Ainsworth Avenue street scene.
3. The large flat roof, clearly visible and fronting Ainsworth Avenue, is unsightly and out of keeping with the current street view.
4. The increased mass and proximity to their property would not only be detrimental to the Ainsworth Avenue street scene it would also result in significant loss of privacy and daylight/sunlight to neighbouring properties contrary to policy.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations and Extensions

8 CONSIDERATIONS

Under application BH2010/02806 permission was sought for the erection of a two storey side extension, incorporating dormer windows. This application was refused as it was considered that the design, massing and positioning of the proposed extension would be of detriment to the visual amenities of the existing property and the Ainsworth Avenue street scene. This refusal was not appealed.

The main differences between the development refused under the 2010 application and that now proposed are;

- The formation of a balcony to the proposed front dormer,
- The relocation of existing rooflights,
- An increase in length of the proposed extension, and
- The loss of the existing kitchen access door.

The main considerations in the determination of this application relate to the impacts of the proposed development upon the visual amenities of the host property, the Ainsworth Avenue street scene and the wider area. In addition the impacts upon the amenities of the neighbouring properties must also be assessed.

Design:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

At present an attached single storey garage is located on the western side of the property. The applicant seeks planning permission to replace this existing garage with a two storey side extension. A dormer window would be inserted within the rear roofslope of the proposed side extension and a dormer window, with an associated balcony, would be inserted within the front roofslope.

The existing side garage measures approximately 3m in width by approximately 5.9m in length. The south-west facing elevation of the existing garage is located flush with that of the rest of the dwelling. The associated flat roof is located approximately 2.4m above related ground level, whilst the ridge of the false pitch roof, located at the front of the garage, is located approximately 2.9 above ground level.

The proposed side extension would project from the main western facing elevation of the dwelling by approximately 3m. The ground floor section of the proposed extension would measure approximately 12.1m in length (previously 10.4m in the refused application). The south-western facing elevation of the proposed extension would be flush with that of the existing property. As a result of the increased length of the proposed extension the existing door associated with the existing kitchen would be lost.

The proposed extension would comprise two pitched roofs, two almost flat roof sections and a west facing gable style end. The middle of the flat roof sections would be located approximately 5.8m above related ground floor level and approximately 0.8m below the ridge of the main roof of the dwelling,

whilst the ridges of the proposed pitched roof would be located approximately 5.5m above related ground level and approximately 1m below the ridge of the main roof of the dwelling. As a result of the increased in width between the extension refused in the previous application and that now proposed, the expanse of flat roof section has increased, from approximately 4.6m to approximately 6.3m.

The eaves of the proposed extension would be located approximately 2.2m above related ground level, which results in them being at the same height as the eaves related to the main roof of the dwelling, and would overhang the north and south elevations of the extension by approximately 0.2m.

In order to accommodate the proposed development the existing chimney stack, located on the western side of the dwelling, would be removed.

A window would be inserted within the rear elevation of the extension at ground floor level in addition to out-ward opening glazed doors being inserted within the front elevation of the extension. Internally a new ground floor level would be created which would result in the ground floor of the proposed extension being level with that of the existing dwelling. This alteration to the ground level would result in the cill of the proposed front facing French doors being higher than the cill of the existing garage door.

The existing raised patio area, with a depth of approximately 1.9m, located at the front of the dwelling would be extended as part of the application, along the front elevation of the proposed side extension, in order to provide direct access into the proposed side extension from the front of the dwelling. Glass and metal balustrading would be erected along the southern edge of the proposed patio area.

A dormer window would be inserted within the front and rear roofslope of the proposed extension in relation to the creation of two bedrooms and an ensuite within the roof of the proposed extension. One of the proposed bedrooms would replace an existing bedroom which would be converted to a family bathroom as part of the proposal. The cill of these flat roof dormer windows would be positioned approximately 1.4m back from the eaves of the extension and would be set down from the ridge of the related pitched roofs by approximately 0.5m. The dormer windows would measure approximately 1.7m in height, approximately 1.9m in width and would project from the related roofslopes by approximately 1.7m. A pair of in-ward opening glazed doors would be inserted within the front dormer window and as a result part of the roofslope of the proposed roofslope would be cut into in order to accommodate the height of these proposed doors. A window of a style, design and glazing proportions to match those within the rear of the dwelling would be inserted within the proposed rear dormer window.

It is considered that the proposed dormer windows accord with guidance set out in SPGBH1 Roof Alterations and Extensions as they are set down from

the ridge of the related roof, are positioned well within the related pitched roofs, are positioned well in relation to windows in the elevations below and are considered to be of an acceptable size and design.

A balcony would be created at the front of the proposed front dormer with associated glass balustrading. From the side elevational plan and the floor plans provided it would appear that a balcony area would be created with a width of approximately 0.6m however this is not reflected in the roof plan provided and whilst on site it was stated by the applicant that the balcony would only be of a Juliet style rather than externally accessible. The proposed glass balustrading would have a height of approximately 1.1m.

Four rooflights are currently located within the western facing elevation of the main roof of the dwelling. In order to accommodate the proposed two storey side extension, the southern most rooflight would have to be removed. In addition as part of the proposal it is stated on the plans that one of the retained velux windows would be relocated further to the south however from comparison of the positioning of the rooflights shown in the existing and proposed side elevational drawings it would appear that both the retained southern most rooflights would be relocated further to the south. No objections are raised to the loss of one of the existing rooflights and the repositioning of one of two of the retained rooflights.

The pitches of the proposed side extension would be finished with tiles to match those of the existing dwelling whilst the flat roof sections of the proposed extension and the related dormer windows would be covered in lead. The elevations of the proposed extension would be finished in render to match those of the existing dwelling. The new windows and doors would be uPVC.

It is considered that the proposed two storey side extension would add significant bulk and massing to the side of the existing dwelling. The insertion of the proposed associated rear and front dormer windows adds further to the bulk and massing of the proposal. No. 9 Ainsworth Avenue, which is of a bungalow format, has a front roof pitch which is set further back from Ainsworth Avenue than the existing gable end of no. 11. As a result of the existing built form of the western neighbouring property, no. 9, this neighbouring properties existing roof form would not obscure the bulk of the proposed extension when viewed from areas to the west of the site, in Ainsworth Avenue.

Reference on the submitted plans is made to a previous application at no. 9 Ainsworth Avenue, namely planning application BH2006/00124. This application granted consent for a development which included a ground floor extension, a first floor pitched roof extension, in order to create an additional storey, and a hipped pitch roof to the existing rear/side ground floor accommodation. It is apparent on site that the roof extensions approved under application BH2006/00124 have not been constructed. It is

acknowledged that a rear extension was constructed following this approval however the design, shape and size of the extension constructed differs to that shown in the approved application and therefore it is not considered that it could be said that this development has been commenced on site. As a result of a 3 year expiration condition being attached, this permission expired on the 14th March 2009. This neighbouring property has however been altered by way of a large rear dormer window, rear ground floor single storey extensions, the insertion of front rooflights and the formation of roof gables over the original front bay windows (alterations approved under Planning Permission application BH2006/01902 and Certificate of Lawfulness application BH2010/00375). As a result of the development approved under application BH2006/00124 not being evident on site and the fact that commencement period for this permission has expired, the Local Planning Authority does not give any weight to the neighbouring development approval in the determination of the current application, especially with regards to the impacts that a first floor roof extension at no. 9 would have upon the visibility of the development proposed at no. 11.

It is acknowledged that the north-western section of Ainsworth Avenue does not provide a uniform appearance with regards to style, design and type of dwellings or associated roof forms, although one generic characteristic is the presence of large areas of roof surface and visual gaps between the roof forms. It is noted that the proposed development would increase the amount of roof surface visible from Ainsworth Avenue, however as a result of the two storey form of the proposal and it siting on the common boundary with no. 9 Ainsworth Avenue, the visual gap between these neighbouring properties, especially between their roof forms, would be significantly reduced. The loss of the visual gap between nos. 9 and 11 is considered to be of detriment to the visual amenities of the Ainsworth Avenue street scene.

It is noted that a Juliet Balcony is present on the front elevation of no. 41 Ainsworth Avenue, which is located approximately 185m to the east of no. 11 Ainsworth Avenue. However under application BH2006/02070, the retention of a Juliet Balcony, formed with metal balustrading was refused on grounds that it was considered that the Juliet Balcony was out of keeping with the character of the street scene, creating an inappropriate and unfamiliar feature to the front elevation of the related dwelling. The Juliet Balcony viewed at no. 41 during the Case Officer's site visit was however formed of glass balustrading. Regardless of the balustrading material the presence of a Juliet Balcony at no. 41 Ainsworth Avenue is unauthorised.

It is also acknowledged that under application BH2010/02935, approval was granted for no. 31 Ainsworth Avenue for the replacement of the existing first floor front balcony with part glazed/part opaque panels. However this approval would result in the replacement of an existing external balcony area with an enclosed balcony area and therefore it is considered that this approval is for a development of a different character to that proposed at no. 11 in addition to it being considered that the approved application at no. 31 removes an

uncharacteristic feature within the Ainsworth Avenue and replaces it with a development which appears more integrated with the character and appearance of the related dwellinghouse. Whilst on site it became apparent that the external balcony area has been removed but the enclosed balcony area has yet to be constructed.

Overall it is considered that the formation of a balcony area (external or Juliet style) to the front of the proposed front dormer window would result in a contrived and incongruous addition to the existing property to the detriment of the parent property and the Ainsworth Avenue street scene.

Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would 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.

In considering whether to grant planning permission for extensions to residential properties, account would be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatments and how overbearing the proposal would be.

Due to the proposal relating to the western and southern sections of the property it is not considered that the intended development would have a significant adverse impact upon the amenities of no. 13 Ainsworth Avenue.

The proposed front dormer window, the associated balcony and the proposed new ground floor window, would face onto the front garden area of no. 11 and beyond towards Ainsworth Avenue. There are no properties located on the southern side of Ainsworth Avenue, opposite the site address however there are garden areas related to properties sited on Greenways, approximately 24m away from the front elevation of no. 11 Ainsworth Avenue. Given the presence of existing ground and first floor windows within the front elevation of no. 11, it is not considered that the proposal would have an adverse impact upon the amenities of the properties located to the south of the site on Greenways.

The western elevation of the proposed side extension would be located along the same building line as the existing side garage. As a result the proposed extension would form part of the shared common boundary between nos. 9 and 11 Ainsworth Avenue. A distance of approximately 1.4m would be retained between the western elevation of the proposed extension and the eastern facing elevation of no. 9.

The proposed extension would project beyond the original north facing elevation of no. 9 Ainsworth Avenue by approximately 4.7m (previously approximately 3m). This western neighbouring property has however been

extended in the past by way of rear extensions (approved under application BH2006/01902). The proposed extension would not project as far to the north as the existing conservatory style extension located at the rear of no. 9 (which is not shown on the submitted block plan). This neighbouring development does not exceed the height of the fence located along the shared common boundary between the two neighbouring properties. As a result of the projection of these existing neighbouring property extensions it is not considered that the proposed extension would not have a significant over bearing impact upon the occupiers of no. 9.

Windows are located within the original eastern elevation of the western neighbouring property. These windows currently face onto the side elevation of the existing garage at no. 11. Due to the siting of no. 9 Ainsworth Avenue to the west of no. 11 and the orientation of the sun it is not considered that the proposed two storey extension would have a significant adverse impact upon the amenities of the western neighbouring property with regards to loss of light or sunlight.

The letter of objection from the western neighbouring property is noted however it is not considered that the proposed rear dormer window would have a significant adverse impact upon the amenities of no. 9 Ainsworth Avenue with regards to over looking or loss of privacy as views from the proposed dormer to the west would be oblique.

Given the positioning and nature of the relocated rooflights, it is not considered that their re-positioning will have a significant adverse impact upon the amenities of no. 9 Ainsworth Avenue towards which they will face.

Other Issues

It is stated on the submitted drawings that the front section of the proposed side extension would provide a disabled bedroom and that the existing downstairs bathroom would provide an adjacent disabled bathroom. However it is not considered that the proposed disabled facilities, due to their limited size, could be sufficiently utilized by a non-ambulant person in addition to it not being demonstrated how a non-ambulant person could get onto the raised patio area for level access to be obtained into the proposed side extension. However it is not considered that refusal on this basis could be sustained given that the occupiers of the dwelling could utilize the proposed extension for any ancillary living accommodation they require without planning consent being required.

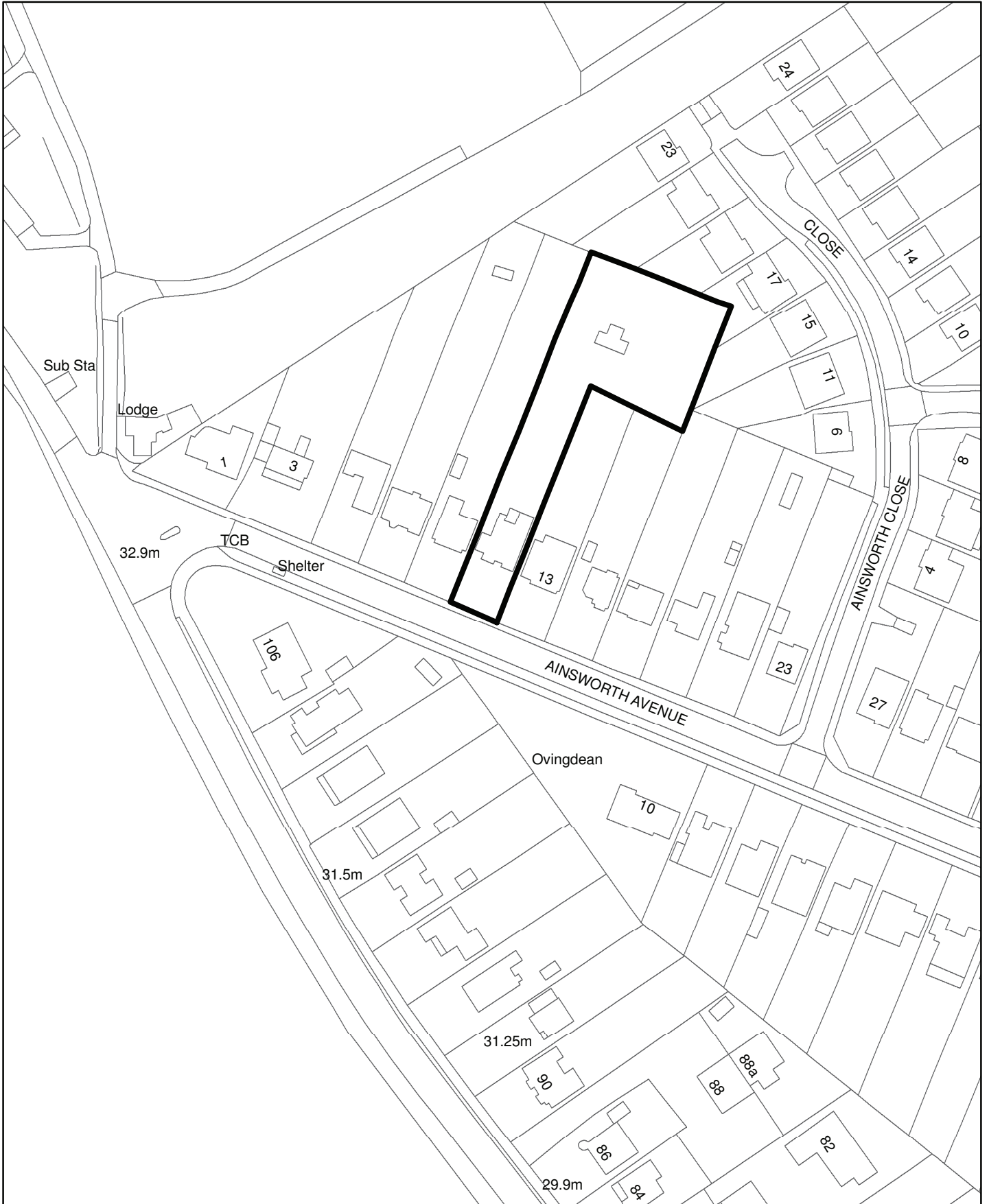
9 CONCLUSION

For the reasons set out above it is considered that the proposal fails to accord with policies of the Brighton & Hove Local Plan and SPGBH1 Roof Alterations and Extensions, refusal is therefore recommended. It is not considered that there are any material considerations that warrant a departure from policies and guidance set out in SPGBH1 and the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

Please refer to the 'other issues' section above.

BH2011/02034 11, Ainsworth Avenue



**Brighton & Hove
City Council**



Scale: 1:1,250

