

<u>No:</u>	BH2012/00712	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	9 Ridgeside Avenue, Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of a granny annexe ancillary to the main dwelling house.		
<u>Officer:</u>	Wayne Nee	<u>Valid Date:</u>	08/03/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 May 2012
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<u>Applicant:</u>	Mr & Mrs R Counsell, C/O Lewis & Co Planning		

1 RECOMMENDATION

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

1. The development fails to enhance the positive qualities of the neighbourhood. It would be out of character with the surrounding area as it would appear cramped within the plot of the main dwelling, and the positioning and layout of the ancillary accommodation would fail to reflect the spacious character of the area. The application is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. Notwithstanding reason for refusal 1 above, the submitted drawings suggest the development would result in the formation of a separate residential unit which would not be ancillary to the primary residence. The space within the site is of an inadequate size to accommodate an additional dwelling whilst preserving the open character of the area. The proposal represents an overdevelopment of the site, out of keeping with the surrounding area, and contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan which seek to ensure a high standard of design, and secure an intensity of development appropriate to the locality.

Informatives:

1. This decision is based on drawing nos. 0045.EXG.01, 0045.PL.502A, 0045.PL.500A, and 0045.PL.501A received on 08 March 2012.

2 THE SITE

The site is located at the end of a small cul de sac extension of Ridgeside Avenue, Patcham. This application relates to part of the wider site which is currently in use as a car garage and front and side garden area for the main dwelling.

Although located in close proximity to the A23 arterial road, the site and surrounding area are residential in character. The ground level slopes up to

the east from Ridgeside Avenue, and the houses on this side of the road are elevated significantly above the road level.

The application site adjoins the rear gardens of properties fronting onto Grangeways, and the single storey garage of the adjoining property, No. 7 Ridgeside Avenue.

The Ridgeside Avenue street scene is characterised by large detached houses set within substantial pots of land, with a large setback from the road.

3 RELEVANT HISTORY

BH2011/01189: Erection of pitched roof detached residential dwelling to replace existing garage – refused 26/07/2011. Appeal dismissed 11/01/12.

BH2010/00431: Erection of detached 2 storey, 2 bedroom house replacing existing garage. Refused 03/06/2010. Appeal dismissed 24/11/2010.

BH2008/01339: Erection of single detached house. Appealed for non-determination. Appeal dismissed on 27/02/09.

BH2007/02841: Erection of detached house. Refused 02/11/2007.

BH2006/02394: Outline application for the erection of a detached dwelling. Siting to be determined for the proposed development. Refused 02/10/2006.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing garage and the erection of a granny annexe ancillary to the main dwelling house.

The details are:

- Two storey building with kitchen and living room on ground floor, with one bedroom and bathroom on first floor;
- Exterior of building consisting of brickwork, render and clay roof tiles;
- Ground floor windows and doors on north, west and south elevations;
- Hipped roof with dormer and roof light on front roof slope, and dormer on rear roof slope;
- Creation of new garden space to north of main dwelling;
- Paving in front garden of granny annexe with steps leading to rear garden areas;
- Demolition of existing garage to be replaced by car parking space;
- Additional car parking space in front of main dwelling replacing part of front garden.

5 CONSULTATIONS

External

Neighbours: Twenty two (22) letters of representation have been received from 3, 7, 11, 13, 15, 17, 19, 20, 22, 26, 48 Ridgeside Avenue, 4 Grangeways, 43 Old Mill Close, Sunny Hills Ladies Mile Road, 176 Balfour Road, 1 Stoneleigh Avenue, 9 Sea-Saw Way, 7 Highfield Crescent, 65 Vere Road, 14 Sunnydale Close, 22 Shepherd's Croft, and 14 Tredcroft Road objecting to the application for the following reasons:

- Two storey dwelling cannot be called a granny annexe;
- Not ancillary as it has its own access and parking, and has larger footprint

than main dwelling;

- Access and 2 storey nature is not suitable accommodation for elderly;
- Would be used as dwelling in the future;
- Identical in design to previously refused proposal;
- Size, positioning, limitations of site space and excavation inappropriate;
- Overdevelopment of site;
- Not in keeping with the area which has spacious setting;
- Access by the new French doors would be difficult;
- Loss of outlook to neighbouring properties;
- Would overlook properties on Grangeways;
- Loss of privacy for future occupiers of the buildings;
- Allotment is in badger foraging area;
- Parking situation and additional traffic unsatisfactory;
- Loss of garage to 9 Ridgeside Avenue;
- Problems for access for emergency vehicles;
- Would remove trees north of site;
- Red line incorrectly shown;
- Building works disruption.

Five (5) Letters of representation have been received from **24 Ridgeside Avenue, 114 Old London Road, 42 Overhill Gardens, 11 Whittinghame Gardens, and 1 The Woodlands** supporting the application.

Cllr Brian Pidgeon and Cllr Geoffrey Theobald have written a letter of objection, a copy of which is attached to the agenda.

Southdowns Badger Protection Group have written a letter of comment to state that there are at least 2 active badger sett entrances around the site and requesting that consideration is given to this matter when considering the current application.

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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the

NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH4 Parking Standards

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development including the design and appearance and impact on the character of the area and the impact on the residential amenity of neighbouring properties.

Planning Policy:

Policy QD1 states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. The following design aspects will be taken into account scale and height of development, architectural detailing, quality of materials, visual interest particularly at street level, and appropriate levels and type of landscaping.

Policy QD2 states that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. height, scale, bulk and design of existing buildings;
- b. topography and impact on skyline;
- c. natural and developed background or framework against which the development will be set;
- d. natural and built landmarks;
- e. layout of streets and spaces;
- f. linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of

- public transport; and
- h. natural landscaping.

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Principle of Use

The current proposal seeks to construct a 2 storey detached building so as to provide a substantial residential annexe to the dwelling comprising various habitable rooms.

An ancillary use such as an annexe would be expected to have a link to the main dwelling in some way. This may be a physical link such as a shared entrance doorway (if the annexe was attached to the main dwelling for instance) or a doorway between the annexe and the main dwelling. It may have some shared facilities or be dependent on the main dwelling in some way.

In this case there appears to be no established link. It would have complete physical detachment from the main dwelling. The only visible link shown is the sharing of a garden space. Other than this small part of the proposal, the occupants of the annex would be living completely independent of the main dwelling.

The proposed building would have the appearance of an additional and independent dwelling. The physical size and footprint of the building would be the same as the size of the proposed dwelling in the previously refused application which was dismissed at appeal. It would also appear to have a larger footprint than the main dwelling which highlights a lack of subservience in this ancillary development.

A self contained unit of accommodation would be provided, including separate access, kitchen and living room, as well as separate car parking space amongst its features. The kitchen is fully sized, where in many cases an annexe may only have a kitchenette. The scale of the annexe and the floor plans indicate that this development could be used as a new house. There are concerns about its design and appearance on the street scene as noted in this report below. The formation of such a use in the future would give rise to further issues such as whether the site would have enough private amenity space for two separate units which the Planning Inspector considered it did not.

The site planning history reveals that there have been attempts in the past for a proposed building to be used as a separate dwelling which suggest that if approved the building may be used completely independently in the future. Putting the size of the proposed annex and its clear separation from the main dwelling into consideration as well, and there is a cumulative concern as to

whether it would be genuinely be used as an ancillary building.

It is considered that a planning condition to ensure that the building is used as an ancillary building is not appropriate in this circumstance. The design and layout of the building, as well as the lack of visible links to the main dwelling, suggests that a planning condition would not be enforceable as there would be no clear way of establishing its use in the future.

The potential for the formation of a new residential house in this location would be out of character with the surrounding area. As such the proposal would be contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Design and Appearance:

Design of the Scheme:

The properties which surround the site are a mix of bungalows and two storey dwellings, those which are sited on the eastern side are two storey and predominantly have a hipped roof design and are brick built with areas of tile hanging or painted as in the case of numbers 17 and 19. On the west side of this section of Ridgeside Avenue the properties are predominantly bungalows, the majority of the properties also have hipped roofs with exceptions such as number 7 opposite. There are examples of roof dormers in the location however the majority are located on the rear roof slopes.

The current design reflects that of the local context in respect of the use of materials and the hipped roof. The Inspector noted when dismissing the last appeal in paragraph 6 that *'simply in terms of scale and design, the dwelling would be an appropriate response to the context of the surrounding buildings'*. As the design of the proposed annexe building is the same as that of the refused dwelling (apart from the removal of the attached garage), it is considered that the scale and design principles including materials are also acceptable in this proposal.

Design in Context:

Although the proposed building would reflect design principles found in the street, it would sit less comfortably in its setting on this site. With the proposed annexe to be located tight within the north-west corner of the site, with limited space around the building, it would appear as a distinctly discordant feature.

In their planning statement, the applicant states that the annexe has *'been designed to repair and complete the street scene by siting a building to the head of the cul-de-sac and providing a transition between the bungalows on the west side of the street and the two storey houses on the higher, east side of the street.'*

The Inspector noted in paragraph 5 when dismissing the last appeal that *'cutting the building into the slope on the eastern into the slope on the eastern side would further emphasise this very cramped arrangement, which would be at odds with the generally more spacious pattern in the wider area. Thus,*

irrespective of the building's design and appearance, the development would detract from the street scene rather than contribute positively to it: it would neither repair nor complete the street scene.'

The applicant has attempted to address the cramped appearance by proposing to remove the existing garage. The building has also been relocated approximately 0.35m to the east. However it is considered that this alone would not significantly reduce the perceived harm. The proposed annexe would have the appearance of an additional and independent dwelling, which would be at odds with the spacious, low density pattern of development found in the vicinity.

The proposal represents a form of harmful overdevelopment that would be detrimental to the character and appearance of the immediate area. As the proposal is in conflict with policies QD1 and QD2 of the Brighton & Hove Local Plan.

Impact on Amenity:

The proposed dwelling will also maintain suitable levels of privacy, the closest neighbouring window services the staircase to 9 Ridgeside Avenue and will not therefore give rise to adverse overlooking.

The proposed rear dormer window – despite the screening from trees - would have the potential for views towards the rear gardens of properties on Grangeways. This landing window could consist of obscure glazing and be fixed shut controlled by a planning condition.

Given the space between buildings, the proposal is not considered to result in a loss of light or result in a sense of enclosure to neighbouring properties.

Overall the proposal is considered to accord with policy QD27.

Sustainable Transport:

The proposal involves the loss of the existing garage but with the construction of 2 off street car parking spaces which is considered acceptable for a dwelling and site of this size.

The parking space in front of the main dwelling proposes some excavation work and the erection of a retaining wall, as such if the application were acceptable it would be recommended that a condition be imposed to secure full details.

Other Considerations:

The existence of badger setts has been alleged by neighbouring occupiers and a letter has been received from the Southdowns Badger Protection Group. The applicant's attention is therefore drawn to the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (amended 1991).

The issue of boundary lines has been raised by neighbours and objectors;

however these are not material considerations in the determination of this planning application.

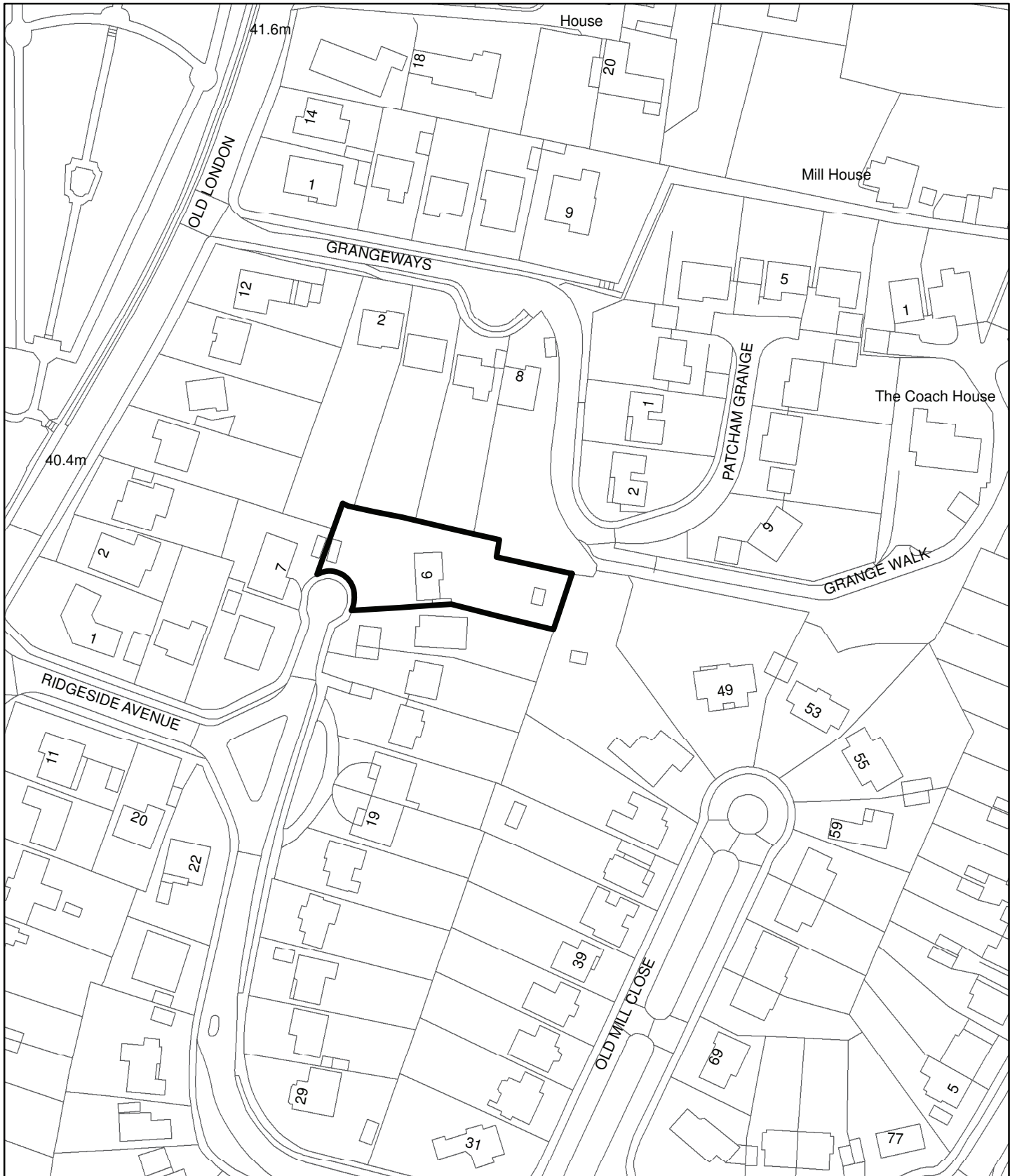
9 CONCLUSION

The applicant has failed to address matters relating to the small plot size and amount of space around the proposed annexe. The development fails to enhance the positive qualities of the neighbourhood and is out of character with the surrounding area which is predominantly spacious in character. Furthermore there is concern as to whether it would be genuinely be used as an ancillary building. Refusal is recommended

10 EQUALITIES IMPLICATIONS

None identified.

BH2012/00712 9 Ridgeside Avenue, Brighton.



Scale: 1:1,250



Brighton & Hove COUNCILLOR REPRESENTATION
City Council

PLANS LIST – 16 MAY 2012

Ms Janette Walsh
Planning & Public Protection
Hove Town Hall
Norton Road
Hove
BN3 3BQ

9th April

Application No: BH2012/00712
Applicant: Mr. & Mrs. R Counsell
Site/Property: 9 Ridgeside Avenue Brighton
Demolition of existing garage and erection of a granny ancillary to the Main dwelling house

Dear Ms. Walsh

Over the last few weeks Councillor Geoffrey Theobald and my self have received many letters from Residents of the area who wish to object to the above application to build a granny annex in the front garden.

The location of the site is the basic problem. The street scene in Ridgeside Avenue is characterized by large detached houses. The area benefits from mature vegetation to the frontages creating an open attractive view of the surrounding properties. The proposed development would give the cul de sac an overcrowded appearance.

The proposed house is identical in every respect to that which was rejected, the proposed house lies in an identical position to that last submitted and is virtually wedged against the north fence making access by the French windows extremely difficult. Assuming that the granny annex would be used by residents with some form of physical disability would prove very difficult for them to access the parent house and the garden facilities because of the steep slopes.

Parking is a very serious problem in the cul de sac and the entrance to it with many cars parked on the road, particularly during evenings and weekends, giving rise sometimes to discord between neighbors. Service and emergency vehicles already have a problem accessing the cul de sac and it is not possible to use the turning point at the end because vehicles are always parked there. Visiting cars/vans consistently and without permission use the private driveways of residents for turning and parking leading to driveways being damaged.



PLANS LIST – 16 MAY 2012

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

The loss of Green space available to wildlife would be a serious concern. Badgers come to their feeding station in the houses No 9. 11. 13.15 using the front gardens their paths are clearly visible. For many years there has been a sett at the top of Grangeways, adjoining the rear garden of No 9 the sett has been damaged in the past by persons unknown. We are very concerned for the safety of these animals. They would be seriously affected by loss of space. The animals and the sett are, of course entitled to protection under the "Protection of Badgers Act 1992"

We would expect a "Granny Annex" to be much more closely connected to the main house but it is entirely separate and there appear to be no special facilities to aid the elderly.

The proposed development and increased traffic will seriously reduce the quality of the residential environment for the neighboring residents

This is the sixth application made by Mr. & Mrs. Counsell with 5 failed and 3 appeals by inspectors which also failed we ask the planning committee to reject this application.

We ask that this letter is printed in full in the Agenda and a site visit is arranged

Either Councillor Geoffrey Theobald or my self will wish to speak at the planning meeting.

Yours sincerely,
Signed on behalf of Cllr Theobald

Councillor Brian Pidgeon

