

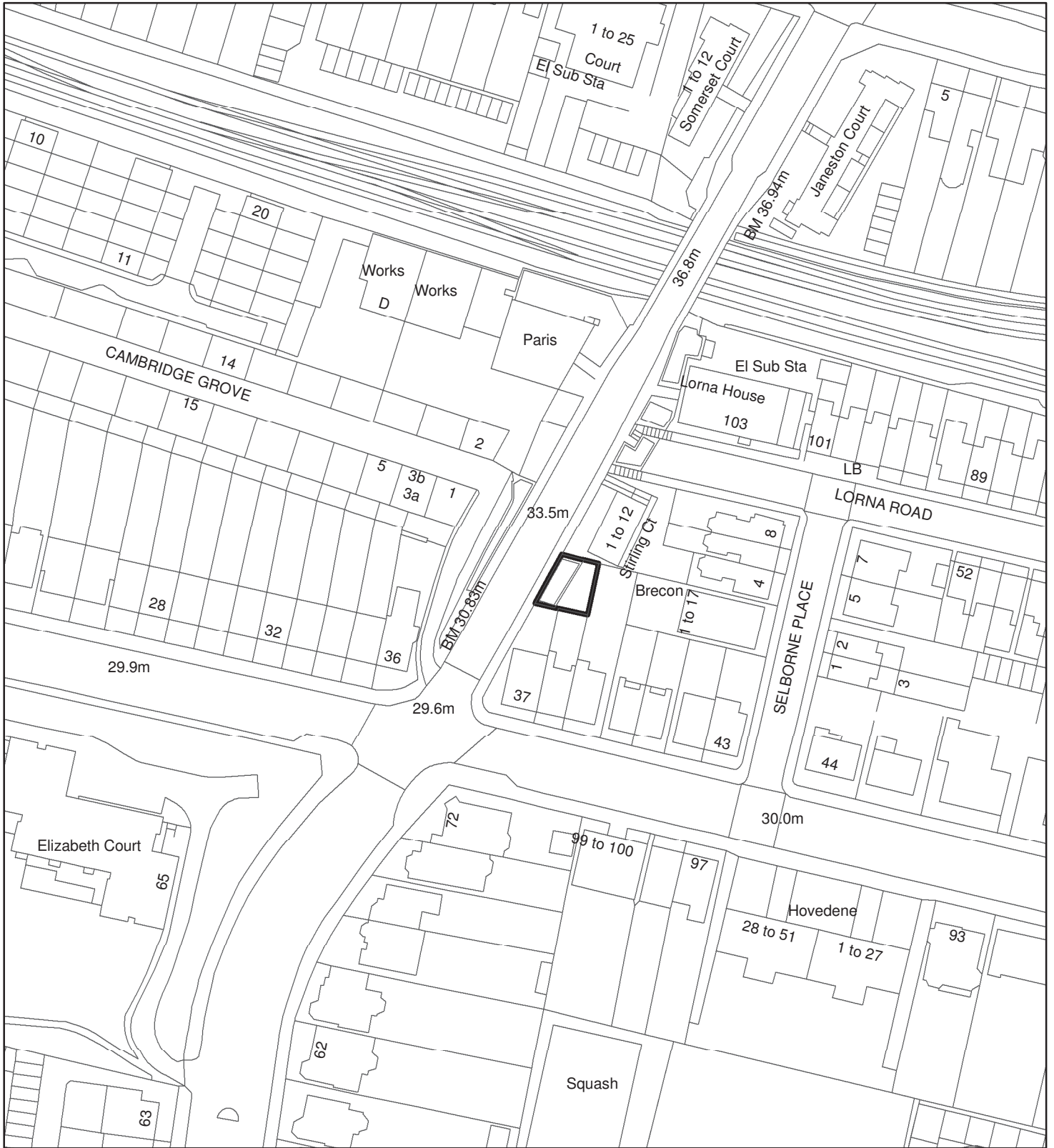
**PLANS LIST  
ITEM E**

**Land Rear of 37 & 38 Cromwell Road, Hove**

**BH2013/01112  
Full Planning**

**07 AUGUST 2013**

# BH2013/01112 Land Rear of 37 & 38 Cromwell Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANS LIST – 07 AUGUST 2013

<b><u>No:</u></b>	<b>BH2013/01112</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Rear of 37 &amp; 38 Cromwell Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey three bedroom eco house with associated improvements.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest Tel 293334</b>	<b><u>Valid Date:</u></b>	<b>09/04/2013</b>
<b><u>Con Area:</u></b>	<b>Adjoining Willett Estate</b>	<b><u>Expiry Date:</u></b>	<b>04 June 2013</b>
<b><u>Listed Building Grade:</u></b>	<b>Adjoining Grade II (39 Cromwell Road)</b>		
<b><u>Agent:</u></b>	<b>PROwe Planning Solutions, Melton Lodge, Rusper Road, Newdigate, Dorking</b>		
<b><u>Applicant:</u></b>	<b>Mrs Maureen Wheeler, c/o PROwe Planning Solutions</b>		

**1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises open land to the rear of 37 & 38 Cromwell Road with a street frontage onto Wilbury Villas. The ground levels across the site fall considerably away from Wilbury Villas, with the rear of the site appreciably lower than street level. The site is currently enclosed by fencing and partly characterised by the presence of overgrown shrub planting.
- 2.2 The adjoining buildings to Cromwell Road, south of the site, are large Victorian gault brick semi-detached villas with slate roofs. To the north is a 1960s 4-5 storey brick block of flats, Stirling Court. The site adjoins the Willett Estate Conservation Area and lies to the west of a Grade II Listed Building, 39 Cromwell Road.

**3 RELEVANT HISTORY**

**BH2012/00306:** Erection of 1no three bedroom dwelling house. Withdrawn 11/04/2012.

**BH2009/00814:** Construction of a new five-storey building comprising 4 No. residential flats. To include 4 No. photovoltaic panels on roof. Provision of cycle store and waste /recycling facilities. Refused 10/06/2009 for the following reasons:-

- 1) *The applicant has identified that the land is vacant, with no previous use. There does appear to have been some landscaping of the site, but based on the information submitted, the Local Planning Authority consider the land to be private open space. Policy QD20 of the Brighton & Hove Local Plan*

*prevents development on open space unless there are exceptional circumstances to develop the area. The proposal involves the loss of open space important to the setting of the Willett Estate Conservation Area and wider street scene. The development is therefore contrary to policy QD20 of the Brighton & Hove Local Plan.*

- 2) *The proposal, due to its height, bulk, massing, design, and excessive foot print, fails to respect the space between buildings, and would be unduly intrusive in the townscape, and would be out of character with the Willett Estate Conservation Area. The scheme represents an overdevelopment of the site which would also be visually incongruous and overbearing in relation to this adjacent Grade II Listed Building in Cromwell Road. The development would harm the setting and appreciation of the Willett Estate Conservation Area and adjacent listed buildings, contrary to policies QD1, QD2, QD3, QD4 and HE3, HE6 of the Brighton & Hove Local Plan.*
- 3) *The proposed development, by virtue of its bulk, form and massing in close proximity to the neighbouring boundaries, results in an excessive and un-neighbourly form of development which would be intrusive, overbearing and cause an increased sense of enclosure to the occupiers of no 37, 38, and 39 Cromwell Road. The development would therefore be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, and QD27 of the Brighton & Hove Local Plan.*
- 4) *The excessive footprint of the development, occupying much of the site, leaves limited opportunities for private amenity space. The proposal would result in an unsatisfactory level of private amenity space which would be detrimental to the living conditions of any future residential occupiers of the scheme and is contrary to policies HO5 and QD27.*

A subsequent appeal was dismissed 18/02/2010 with the Inspector agreeing with reasons for refusal 1, 2 & 3 (the appeal was not dismissed for reasons relating to private amenity space, and reason no. 4).

**BH2008/00478:** Erection of five storey building comprising three two bed apartments and two one bed apartments. Refused 08/04/2008.

**3/96/0556(F):** Erection of 3 storey house and garage. Refused 25/11/1996, dismissed at appeal 01/10/1997.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two-storey three-bedroom dwellinghouse on the site. As a result of ground level changes across the site the dwelling would be single-storey above the level of Wilbury Villas and two-storey to the side and rear. The dwelling would incorporate a flat roof form accommodating angled photovoltaic panels and a green roof. Hedgerow planting is proposed to the front and side boundaries of the site.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External

**Neighbours: Twelve (12)** letters of representation have been received from **45 & 96 Church Road; 14 (flat 1 x 2), 37 & 37A Cromwell Road; 91 May Road; 34 (x2) Robertson Road; 49 Waldegrave Road; 18 West Hill Place** and **6 Wolstonbury Road** supporting the application for the following reasons:-

- The site offers no benefit to the local neighbourhood and causes fly-tipping problems;
- The Council should be supporting ecohomes;
- The scheme is well designed and would be unobtrusive.

5.2 **Conservation Advisory Group:** No objection to the principal of development, concerned with the treatment of the roof and in particular the effect of angled solar panels, a pitched roof may be more appropriate.

5.3 **Cllr Buckley** supports the application – letter attached.

5.4 **Cllr Jarrett** supports the application – letter attached.

5.5 **37F Cromwell Road** objects to the application due to loss of light and overshadowing.

5.6 **Hove Civic Society** support the application which would enhance the land with no loss of visual amenity and provide additional housing in a socially and environmentally sustainable manner. The attainment of Code for Sustainable Homes Level 5 and Lifetime Homes standards is welcomed. The site is well served by public transport and local amenities. The design fits in with its surroundings and would avoid overlooking of adjoining properties, the visual effect of photovoltaic panels would be compensated by parts of the green roof.

5.7 **saveHOVE** object to the application which is profoundly out of keeping with the area and adjacent Conservation Area. The roofline is at odds with those adjoining. The site is awkward and small, too small to reasonably build on, and should be used to provide a pocket park.

### 5.8 Internal:

**Access Officer:** The revised layout is largely satisfactory, recommend amendments to the entrance and bathroom doors.

5.9 **Arboricultural Officer:** There are no trees on the application site that would be affected by the proposed development.

5.10 **Sustainable Transport:** No objection; the development is not expected to significantly increase trip generation to or from the site. Recommend conditions relating to cycle parking facilities and details of the retaining wall to Wilbury Villas.

## 6 MATERIAL CONSIDERATIONS

6.1 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

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made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### 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
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
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development

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HO7	Car free housing
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

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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### Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The key issues for consideration in the determination of this application relate to the visual impact of a dwelling in this location, including the impact on the adjoining Conservation Area and Listed Buildings, and its impact on neighbouring amenity and transport. Whether or not rubbish has been dumped on the site is not a material planning consideration,

### **Character and appearance:**

- 8.2 The adjoining section of Cromwell Road is characterised by large town houses with relatively large front and rear gardens. The resulting openness to the rear of buildings in Cromwell Road is important to the setting and character of the Conservation Area. The application site is prominent in views across the junction of Cromwell Road and Wilbury Villas and, despite not previously forming part of a residential garden, contributes to the overall character and spaciousness of the Conservation Area.
- 8.3 The proposed development entails a two-storey dwellinghouse with a square footprint, flat roof and external brickwork. The dwellinghouse would be single-storey from Wilbury Villas due to significant level changes across the site. The applicant considers that the development would be 'invisible' in the street scene due to a proposed hedgerow to the north and western boundaries of the site (the hedgerow is indicated as being approximately 3.3 metres in height to the Wilbury Villas frontage) and that the green roof would enhance the appearance of the site.
- 8.4 It is considered that the introduction of a compact building form would result in a significant reduction of visually important open space to the rear of Cromwell Road at the entrance to Wilbury Villas. The proposed scale, form and siting of the proposed building would bear no relation to the recognised characteristics of the area, with the siting forward of Stirling Court to the north. The resulting development would therefore appear discordant in relation to the prevailing pattern and layout of surrounding development.

- 8.5 The proposed screening (hedgerow) to the Wilbury Villas frontage represents a contrived arrangement designed solely to conceal the proposed dwellinghouse, as opposed to contributing to the overall landscape quality of the area. The height and extent of screening would appear at odds with the informal open nature of adjoining boundaries along Wilbury Villas, with the resulting enclosure of the street scene extenuating the loss of openness resulting from the proposed built form. The suggested amenity value of the proposed green roof is considered to be overstated, and the main impression from Wilbury Villas would be derived from angled solar panels. The green roof and boundary planting would not therefore compensate for the loss of open space which makes an important contribution to the prevailing character and appearance of the area.
- 8.6 A recent appeal decision (see section 3) considered that the site amounts to private open space, important to local people because of its amenity value as a source of outlook from surrounding buildings, and, due to its positive contribution to the street scene where it provides an important sense of openness and the setting of listed buildings. There has been no material change to the site or surrounding area since this view was taken and, as outlined above, the site continues to be of importance to the setting of the adjoining Conservation Area and associated buildings.
- 8.7 Local Plan policy QD20 states that planning permission will not be granted for proposals resulting in the loss of important areas of private open space unless exceptional circumstances can be demonstrated. The applicant has not sought to demonstrate such a circumstance but considers that since the site was not identified in a 2011 Open Space Study (update) (*prepared as a background study for the Submission City Plan*) it has no value for such use. Whilst this is acknowledged, the Open Space Study is not the key document in determining whether development on the site is appropriate. The proposed development is instead considered inappropriate in this location for the reasons outlined in paragraphs 8.2 to 8.5.
- 8.8 It is acknowledged that as existing the site has an unkempt appearance which would benefit from regular upkeep. This would not though justify a development which would result in the loss of open space, important to the amenity and conservation value of the area, and which would harm the character and appearance of the surrounding area and, as a result, the setting of the adjoining Conservation Area and Listed Buildings. The proposal is thereby contrary to Local Plan policies QD1, QD2, QD3, QD20, HE3 and HE6.

**Housing:**

- 8.9 The development would create a 3-bedroom dwellinghouse with adequate room sizes throughout and private amenity space to the south of the site. At lower ground floor level light and outlook to bedroom accommodation would be compromised by the retaining wall to Wilbury Villas and boundary screening. It is though considered that given the main living space would at first floor level, with an open aspect to the west, the shortcomings at lower ground would not, in themselves, warrant refusal of the application.



- 8.10 The Access Officer has identified minor amendments required in order for the dwellinghouse to meet Lifetime Homes standards. If necessary these amendments, which would not affect the overall form or design of the proposal, could be secured through condition.

**Impact on amenity:**

- 8.11 The proposed building would be highly visible in views from the lower ground floor levels and rear gardens to residential units within 37, 38 & 39 Cromwell Road. There would though be considerable separation, a minimum of approximately 15 metres, between window openings to Cromwell Road properties, to the south of the site, and the proposed building. This arrangement and separation is considered sufficient to ensure no harmful loss of light.
- 8.12 The garden of no. 39 extends across the rear of the application site and direct views would be possible from first floor window openings within the proposed dwellinghouse. There would also be minimal separation, of approximately 1 metre, between the proposed dwelling and shared boundary. As a result of this close proximity the 2-storey dwelling would appear as an excessively dominant and overbearing feature when viewed from the rear garden of no. 39. Whilst this garden is relatively deep this would not justify the extent of harm which would occur as a direct result of the application.
- 8.13 There would be greater separation between the proposed dwelling and the gardens associated with nos. 37 & 38. Whilst, in amenity terms, the proposal would encroach on the outlook currently available within the adjoining gardens the resulting impact is not considered so significant as to warrant refusal of the application.
- 8.14 The formation of a residential dwelling, and associated amenity space, in this location would not be expected to cause significant levels of noise or disturbance for occupants of adjoining properties.

**Transport:**

- 8.15 The Sustainable Transport Team has commented that the development would be unlikely to significantly increase trip generation to or from the site; on this basis the proposal would not create a harmful demand for travel. The application site is in an accessible location where, if necessary, a condition could create a car free development in accordance with local plan policy HO7. There is sufficient space within the curtilage of the site for cycle parking facilities, and if necessary further details could be secured through condition.

**Sustainability:**

- 8.16 Local Plan 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 development on previously undeveloped, Greenfield, sites achieve Level 5 of the Code for Sustainable Homes (CfSH). The supporting information indicates the proposed development could achieve CfSH Level 5. If necessary this could be secured through condition.

**9 CONCLUSION**

9.1 The development would result in a harmful loss of openness which makes a positive contribution to the character of the street scene and adjoining Conservation Area and Listed Building. 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 emphasise and enhance the positive qualities of the local neighbourhood, or preserve the character or appearance of the Conservation Area.

**10 EQUALITIES**

10.1 The development would be built to Lifetime Homes standards.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The development would result in the loss of open space which would have a harmful impact on the street scene of Wilbury Villas and on the character and appearance of the adjoining Willett Estate Conservation Area and Grade II Listed Building. 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 emphasise and enhance the positive qualities of the local neighbourhood, or preserve the character or appearance of the Conservation Area. The proposal is thereby contrary to policies QD1, QD2, QD3, QD20, HE3 and HE6 of the Brighton & Hove Local Plan.
  
2. The development, by reason of its proximity and scale in relation to the shared boundary of the site with 39 Cromwell Road, would appear overbearing and would result in harmful loss of privacy for occupants of this property. The proposal is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floor Plans & Sections	AD100	-	08/04/2013
Proposed Elevations	AD101	-	08/04/2013

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COUNCILLOR REPRESENTATION



RECEIVED  
09 MAY 2013

**Councillor Ruth Buckley**

c/o Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

Guy Everest  
Senior Planning Officer  
Development Control  
1<sup>st</sup> Floor  
Hove Town Hall  
Norton Road  
HOVE

**Date:** 8 May 2013

**Our Ref:** RB/EB

**Your Ref:**

Dear Guy

**REF: BH2013/01112**

I would like to support the above application as:

- I believe neighbours have approved the plans
- The site has been vacant for a number of years and is unsightly
- There is a real need for family housing in the Goldsmid area and in the city as a whole
- There will be no negative visual impact
- The plans are considerate to neighbours and the local environment
- The identified area is not an open space, it is waste land, often used to dump rubbish
- The plans will not impact on the conservation area

It would also be of great benefit to the city to see more of these Code Level 5 eco houses due to their zero carbon rating, which can only be of benefit to the city's residents. These houses also obtain the highest standards generally, meaning they are built to last and can save large amounts of money through water and energy efficiency.

Yours sincerely

Councillor Ruth Buckley

## **Planning Application - BH2013/01112**

I support the Planning Application

### **Sender's details**

Cllr Rob Jarrett

### **Comment**

I think this is a very good design and code level 5 is excellent. The building will improve the visual appearance of this currently scruffy site. I do not think there will be an adverse affect on the nearby conservation area as it is some way away and screened by trees.