

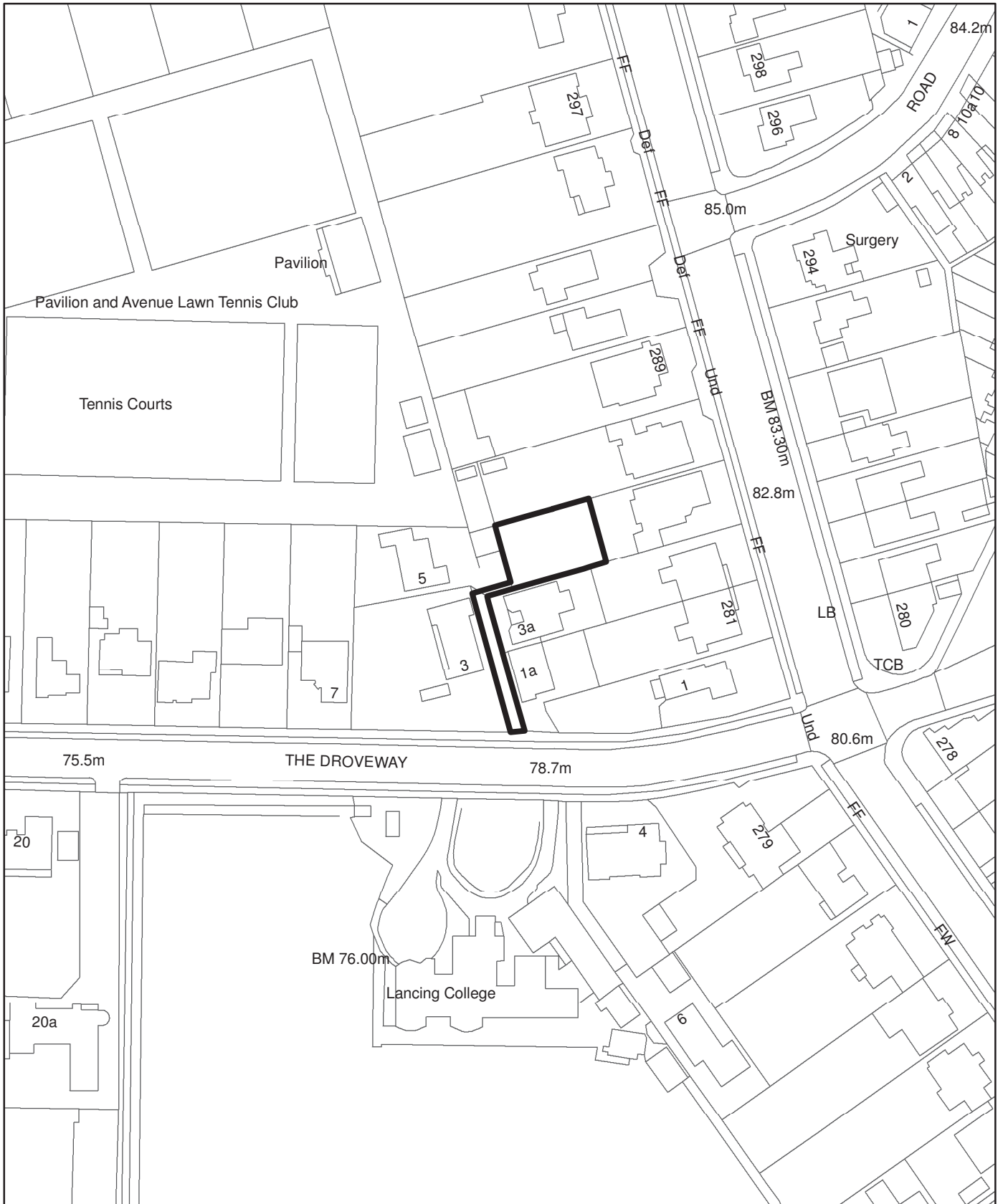
ITEM E

Land rear of 285 Dyke Road, Hove

BH2013/02616
Full planning

20 NOVEMBER 2013

BH2013/02616 Land rear of 285 Dyke Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02616	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 285 Dyke Road Hove		
<u>Proposal:</u>	Erection of 1no three bedroom bungalow with access from The Droveaway.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	31/07/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25/09/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton, BN1 6ED		
<u>Applicant:</u>	Lakeside Investments Ltd, C/O CJ Planning Ltd, 80 Rugby Road, Brighton, BN1 6ED		

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 reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to the land to the rear of 285 Dyke Road. 285 Dyke Road is a large three storey dwelling which is divided into flats. The top flat includes a large roof terrace at roof level overlooking the garden. The garden is approximately 32m long and 15m wide and can be accessed from an access road off The Droveaway. There is a garage and hardstanding directly adjacent to rear garden wall of no.285 which is owned and used by a different property. There are also two bungalows (3a and 5 The Droveaway) which are accessed from the access road. The bungalow at 3a The Droveaway is in the rear garden 283 Dyke Road.

3 RELEVANT HISTORY

BH2013/01196: Erection of 1 no three bedroom bungalow with access from The Droveaway. Refused on 20 June 2013 for the following reasons:

- The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore deemed contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
- Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not deemed an appropriate relationship and results in a loss of amenity and a poor standard of accommodation. The scheme is therefore deemed contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.
- The scheme retains the rear garden wall and three windows serving habitable rooms for the proposed bungalow would be directly facing this wall. The proposed windows would be within 1.5m of the wall. Due to their proximity to the wall, these windows would not benefit from adequate light or

outlook. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

- The bungalow is positioned within 1m of the boundary wall between nos.285 and 287 Dyke Road. Having regard to the low height of the wall and the lack of vegetation, the bungalow would stand out as prominent addition and would significantly impact on the enjoyment of the garden of no.287 resulting in an unneighbourly development and an increased sense of enclosure. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.

3/77/0245: New dormer window to existing bedroom at rear of premises. Approved 1977.

M/16586/72: Widening vehicular access to Dyke Road from 9" to 18'0". Granted 1972.

M/10903/64: Outline application for chalet bungalow and garage. Refused 1964.

M/2429/53: Conversion into 3 flats & 1 maisonette. Approved 1953.

The following applications are also of relevance for this application:

BH2005/01515/FP: Land rear of 283 Dyke Road. Demolition of 3 garages and construction of one dwelling. Approved July 2005.

BH2013/02778: 287 Dyke Road. Erection of single storey detached building in rear garden. Approved October 2013.

BH2013/03457: 287 Dyke Road. Erection of single storey detached building in rear garden. Currently under consideration.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a detached bungalow to the rear of no.285. The bungalow would measure 12.5m x 12.1m and is proposed with a pitched roof. The south facing roofslope includes photovoltaic panels. The scheme includes a separate cycle store / shed and indicates that the land will be partly excavated to allow the new bungalow. The scheme also includes 2m high fencing along the north boundary which also separates the dwelling from the host property. No parking is provided for the proposed dwelling.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** representation has been received from **5 The Drove** way objecting to the application for the following reasons:
- The garages of 5 The Drove way are just next to the tiny garden door which is their main entrance. It is not suitable for a house to be accessed this way.
- 5.2 **Five (5)** representations have been received from **Basement Flat, 8 Bath Street; 52 Mount Batton Court, Ingram Crescent East; South Cottage, The Mews, Lorna Road, Flat 48 Southdown Avenue and Flat 1, 285 Dyke Road** in support of the scheme on the following grounds:

- The garden is far too big for the small ground floor flat and it is hard and expensive to maintain. It makes more sense to build a new home on this land.
- The new bungalow has been well designed to fit with the area and will not adversely affect neighbours.
- The bungalow is similar to the existing bungalow at the back of 287.
- Brighton is short of housing and this application will allow a home for a family and reduce pressure on housing supply.

5.3 **Brighton & Hove Archaeological Society:** The society is unaware of any archaeological implications with regard to this application. The B&H Archaeological Society suggest that the County Archaeologist is contacted for his recommendations.

5.4 **East Sussex County Council Archaeologist:** The Archaeologist does not believe that any archaeological remains are likely to be affected by these proposals. No further recommendations.

Internal:

5.5 **Sustainable Transport:** No objection subject to the following conditions:

- The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- The development hereby permitted shall not be commenced until details of appropriate signage on the access have been submitted and approved in writing by the Local Planning Authority in order to improve road safety. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

5.6 **Environmental Health:** No objection.

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 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) is a material consideration.
- 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
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 Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations of this case relate to firstly, the design, siting and appearance of the proposed scheme; secondly, the impact on neighbouring properties; thirdly, the adequacy of living conditions provided for future occupiers; and finally, highway issues, and sustainability matters.
- 8.2 This scheme follows a recent refusal for a proposed bungalow in the garden of no.285. Whether the current scheme has addressed the reasons for refusal in the previous scheme is also a material consideration.

Siting & Design of Proposal

- 8.3 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or be detrimental to the amenity of the surrounding area.
- 8.4 Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.5 Permission is sought for the construction of a detached bungalow to the rear of 285 Dyke Road. The proposal would divide the garden into two areas with a retained garden measuring 7.6m (measured from the rear bay window) and an area measuring 23.2 x 15m for the proposed house with a garden area. The plans indicate that the garden will be excavated to allow the proposed house. The scheme includes new fencing and retaining wall which divides the proposed bungalow from the host property. The bungalow is proposed in facing brick with plain clay tiles.
- 8.6 The proposed bungalow would be square shaped with a floor area of approximately 135m². The bungalow is set 1m from the northern boundary, 1.5m from the rear boundary and 2m from the southern boundary. The bungalow has a pitched roof and has a total height of 7.2m. The bungalow includes a number of solar panels to the south facing roofslope.
- 8.7 A bungalow was approved to the rear of 283 Dyke Road in July 2005 (ref: BH2005/01515/FP) which is in place. The sites and two bungalows are comparable to some extent. For instance, the existing and proposed bungalows are of a similar size and scale. Drawing no.PL05/C was submitted which indicates that the proposed bungalow is similar in height to the adjacent bungalow at no.283. The height of the bungalow is deemed appropriate given the adjacent dwelling.
- 8.8 There is another bungalow (no.5 the Droveway) fronting the alleyway to the rear of 281-287 Dyke Road. The proposed alleyway is accessed from The Droveway in between nos.1 & 3 The Droveway. No.1 The Droveway is a two-storey dwelling and no.3 The Droveway is also a bungalow. An additional

single-storey building has also been granted recently to the rear of no.287 Dyke Road for the use of the care home at no.287.

- 8.9 With these buildings in place, the proposed dwelling to the rear of 285 Dyke Road would not be visible from the street scene and it could also be argued that the bungalow fits in with the character of the area given that there are existing bungalows and buildings fronting the alleyway. Notwithstanding the existing residential arrangement, there are concerns over the siting and overall appearance of the proposed dwelling as outlined below.
- 8.10 One of the key differences between the proposed bungalow and the adjacent dwelling at 3a The Droveaway is the location of the proposed bungalow and its relationship to the main dwelling. The garden of no.285 is significantly smaller than that of no.283 and no.287. The garden of no.285 is 3m smaller than that of no.283 and no.287. This means that the proposed dwelling at no.285 is closer to the host property when compared to the bungalow at no.285 and the building approved at no.287. The difference in size means that the remaining garden for the host property would be much smaller than that of no.283. The proposed dwelling is also in close proximity to the side and rear boundaries and the bungalow would stand out as prominent addition. It is also felt that additional fencing would add to the prominence of the development.
- 8.11 It is therefore felt that the proposed house is too large and out of proportion for this site and will appear as an incongruous and overdominant feature. The scheme is deemed an overdevelopment of the site. There are significant contrasts between the application site and the existing bungalows accessed off the alleyway in respect of positioning, scale and footprint and for the reasons outlined the scheme is therefore contrary to the above policies.

Impact on Neighbouring Properties

- 8.12 Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties. The scheme most affects the flats within the host property to the east, the adjacent bungalow to the south, the adjacent property to the north and the adjacent bungalow to the west.
- 8.13 In respect of the host property, the proposed bungalow is set at a significantly lower level than the west facing windows on no.285. Given this relationship, the proposed bungalow would not result in significant impact on these windows in terms of loss of outlook, light or an increased sense of enclosure.
- 8.14 There are concerns that the east facing windows of the proposed bungalow and its garden area would be overlooked by the existing windows and roof terrace at the host property. The bungalow includes three windows facing east serving two of the three bedrooms and the lounge. These windows are within 17m of the west facing windows at no.285. The scheme includes a fence dividing the gardens. It is unclear whether this would stop overlooking from the rear raised terrace and ground floor windows at no.285.
- 8.15 There would also be clear views into the garden and bedroom and lounge windows from the extensive first floor windows and from the large second floor

roof terrace. Given the proximity of the proposed bungalow and the limited separation distances to the host property, it is felt that there will be a significant loss of privacy and overlooking of the proposed garden and east facing rooms for the bungalow. This is not deemed an appropriate relationship and result in a loss of amenity for the future occupiers of the proposed development.

- 8.16 There is also concern that the scheme would be a prominent addition in relation to no.287 (the adjacent property to the north). There is currently a low wall along this boundary with limited boundary vegetation and trees. The scheme includes 2m fencing along this boundary to mitigate the impact of the proposed bungalow. With the fencing in place, the scheme would not result in a significant impact on the amenity of no.287. It should also be noted that the proposed building to the rear of no.287 recently granted permission would mitigate the impact of the proposed bungalow to some degree and does not include any side facing windows which would be affected by the proposal.
- 8.17 In respect of the existing bungalow to the immediate south, the proposed bungalow is set 2m from the boundary. No.3a The Drove way includes obscure glazed windows facing north. There is also extensive screening in the form of plants and bushes along this boundary. Drawing no. PL04/C indicates the retention of the bushes and shrubs. The proposed bungalow is also single-storey. Having regard to the retained bushes and distance between the 3a The Drove way and the proposed bungalow, the scheme would not result in a significant impact on this property.

Adequacy of Living Conditions

- 8.18 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers.
- 8.19 The previous scheme was partly refused on the grounds that the scheme did not provide a suitable standard of accommodation. This was due to the retention of the rear garden wall. Three windows were proposed facing this wall. With this wall in place, it was felt that the windows would not benefit from adequate light or outlook. To overcome this concern, the current scheme proposes the lowering of the height of the rear wall by 1m. With this reduction in height in the boundary wall, the rear windows would receive adequate light and the scheme is deemed to provide a suitable standard of accommodation.
- 8.20 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes a garden area for the proposed bungalow and retains a small garden for the ground floor in the host property. The retained garden area for the ground flat of no.285 is appropriate. There are however concerns that the garden for the bungalow would be significantly overlooked by the host property (as outlined above). Accordingly, the scheme does not offer a suitable private outside amenity space for the new bungalow and is contrary to policy HO5.
- 8.21 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. As new build, the scheme would be required to fully comply with the standards. Details of Lifetime Homes are outlined with an

accompanying statement. If recommended for permission, a condition would be recommended requiring the scheme to fully meet the standards.

Transport Issues

- 8.22 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.23 The applicant proposes no parking spaces on the site. The Transport Manager has commented that any such parking could either occur on the adjacent private land (that is not controlled/owned by the resident) via the existing crossover or on the surrounding highway network. There appear to be no significant circumstances on either of these areas that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 8.24 In respect of cycle parking, the applicant proposes 2 cycle parking spaces with 'certified fixings for cycle stands' in a store in the rear garden. The Highway Authority requests that an amended drawing is submitted that details the exact type of fixings/stand(s) being proposed in the store. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. It is also noted that access to the store is via a proposed lawned area. This is not satisfactory and access should be via a tarmac/ paved path to ensure all year, convenient access. If recommended for permission, amended details or cycle storage could be secured by condition.
- 8.25 The applicant is proposing pedestrian access to the bungalow via the access road. This will mean that the access road will be used by both vehicles and pedestrians. This is not ideal and the Transport Manager has requested that signage is erected at the entrance on the Droveway to alert both pedestrians and motorists that the access road is a shared space. Details of signage could also be secured by condition, if recommended for approval.

Sustainability

- 8.26 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The scheme does include some sustainability measures such as solar panels and a sustainability checklist.
- 8.27 As the scheme is deemed as greenfield development, the scheme is required to meet level 5 of the Code for Sustainable Homes as outlined in the SPD08: Sustainable Building Design. The applicant has stated they can achieve the minimum requirement of code level 5, which is in line with the above guidance.
- 8.28 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the

amount of waste being sent to landfill. Information has been submitted with the application to demonstrate how these requirements have been met. The information is acceptable and the scheme is compliance with the above policy and SPD.

9 CONCLUSION

9.1 The scheme is deemed unacceptable and is recommended for refusal on the following grounds:

- The proposed dwelling is in close proximity to the side and rear boundaries of the garden and would be a highly prominent addition in this position. The bungalow also occupies a smaller area than the adjacent bungalow at 3A The Droveaway and is set closer to the host property than the adjacent bungalow. Given its scale and positioning, the proposed bungalow at no. 285 would stand out as an inappropriate and unsympathetic addition and would appear as overdevelopment of the site.
- Given the proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 would directly overlook the east facing windows and garden of the proposed bungalow. This is not deemed an appropriate relationship and results in a loss of amenity. This also results in an overlooked amenity space for the proposed dwelling.

10 EQUALITIES

10.1 The new house would be required to fully comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

11 REASON FOR REFUSAL / INFORMATIVES

1.1 Reasons for Refusal:

1. The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore considered to be contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
2. Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not considered to be an appropriate relationship and would result in a loss of amenity and a poor standard of accommodation. The scheme is therefore considered to be contrary to policy QD27 and HO5 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 COMMITTEE LIST- 20TH NOVEMBER 2013

Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan	PL01	A	31 st July 2013
Block Plan	PL02	A	31 st July 2013
Existing Plan	PL03		31 st July 2013
Proposed Ground Floor Plan & Plan	PL04	C	31 st July 2013
Proposed Elevations	PL05	C	31 st July 2013