

# **ITEM F**

**20a Cromwell Road, Hove**

**BH2013/02905**  
**Full planning**

**08 JANUARY 2014**



PLANNING COMMITTEE LIST- 08 JANUARY 2014

<b><u>No:</u></b>	<b>BH2013/02905</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>20A Cromwell Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Conversion of outbuilding to form one bedroom dwelling (Retrospective).</b>		
<b><u>Officer:</u></b>	Mark Thomas Tel 292336	<b><u>Valid Date:</u></b>	11 September 2013
<b><u>Con Area:</u></b>	Willet Estate	<b><u>Expiry Date:</u></b>	06 November 2013
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Collins Planning Services Ltd, 4 Yeomans, Ringmer, Lewes BN8 5EL		
<b><u>Applicant:</u></b>	Mr M Wood, Flat 1 , 20 Cromwell Road, Hove BN3 3EB		

**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 is located on the northern side of Cromwell Road some 20m to the east of its junction with The Drive. It comprises a five storey (including basement and roof accommodation) Grade II Listed semi-detached Victorian villa. The property was previously in use as a language school featuring a lengthy rear garden at the end of which is a rendered flat roofed single storey building which was previously in use as a student common room. The application site has previously been granted planning permission for conversion of the main house to five flats with the outbuilding having consent as an ancillary use to the residential use of the main building.
- 2.2 The site lies within the Willet Estate Conservation Area.
- 2.3 The surrounding area is mixed commercial and residential in character. To the east of the site, Cromwell Road comprises pairs of semi-detached Victorian villas, comparable to the application premises, which have largely been subdivided into flats. The adjoining semi to the west (i.e. 76 The Drive) is in use as flats. To the south of the site, on the opposite side of Cromwell Road, is a pair of multi-storey blocks of flats. Adjoining the site to the rear, Cambridge Grove is a two storey mews comprising a mix of residential, commercial and live-work units.
- 2.4 Cromwell Road is a heavily trafficked classified road which is subject to on-street parking restrictions.

**3 RELEVANT HISTORY**

**BH2011/03777** Erection of rear boundary fence to replace existing. (Part Retrospective)- refused 13/02/2012.

**BH2011/03776** Erection of rear boundary fence to replace existing. (Part Retrospective)- refused 13/02/2012.

**BH2011/03361** Listed Building Consent Internal alterations to out building to form one bedroom flat- approved 23/12/2011.

**BH2011/03360** Internal alterations to out building to form one bedroom flat- refused 28/12/2011 (appeal withdrawn).

**BH2011/03138** Erection of rear boundary fence to replace existing. (Retrospective)- withdrawn

**BH2011/02885** Erection of rear boundary fence to replace existing. (Retrospective)- withdrawn

**BH2011/00589** Application for Approval of Details Reserved by Condition 5 of application BH2010/01022 -approved 08/04/2011.

**BH2010/03602-** Application for approval of details reserved by Condition 2 of application BH2010/01023- approved 02/02/2011.

**BH2010/01023-** Amendment to approved application BH2008/01274 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout- approved 27/08/2010.

**BH2010/01022-** Amendment to approved application BH2008/01271 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout- approved 27/08/2010.

**BH2008/01274-** Listed building consent for alteration, extension and conversion of existing vacant language school building to form 5 self-contained residential units- approved 13/06/2008.

**BH2008/01271-** Full Planning Consent for alteration, extension and conversion of existing vacant language school building to form 5 self-contained residential units- approved 13/06/2008.

**BH2008/00199-** Listed Building Consent to alter and convert existing vacant language school to form six residential units- withdrawn 18/03/08.

**BH2008/00198-** Change of use, alteration and conversion of existing vacant language school building to form six residential units- withdrawn 18/03/08.

**4 THE APPLICATION**

- 4.1 Planning permission is sought retrospectively for the conversion of the single storey outbuilding within the rear garden into a self-contained residential unit. The application does not propose any physical alterations. The forms indicate that the use commenced in August of 2012. The unit is approximately 36m<sup>2</sup>.

**5 PUBLICITY & CONSULTATIONS**

**External**

**Neighbours:** Nine (9) letters of representation have been received from; **Flats 5 and 6, 20 Cromwell Road; 2 Queenhythe Road, Guildford; 32 Albany Villas; 1 Salisbury Road; 5b Cambridge Grove; 44 Scotland Street and; 54 Bankside** supporting the application for the following reasons:

- The property could offer sustainable and affordable housing for key workers in a central location. It is currently difficult for young people to find affordable one-bedroom flats in the city.
- The building blends in well with neighbouring properties.
- The building has been occupied for a year without any problems.

### **Internal**

#### **Environmental Health: Comment**

The historical maps for the development have been viewed and it is noted that on the location of the premises there was once a glass house. This glass house was in place from approximately 1898 to 1979. Some greenhouses may have had heating – which can potentially cause localised land contamination. Additionally it is noted that on Cambridge Grove there are two underground (status unknown) derelict tanks.

As the property has been built there are no conditions or recommendations that can be made. However the developers must note that if any complaints are made that may indicate land contamination problems then the site will possibly have to be investigated under Part IIA of the Environmental Protection Act 1990.

#### **Heritage: Comment**

This application relates mainly to the use and internal alteration of this out building and it is not considered that this has any impact on the listed building or the conservation area, however the proposal to subdivide the garden space between the main building and No 20A with a high fence will change the relationship of the main building with its original garden space, and it is considered that this will have a detrimental impact on the understanding and interpretation of the history of the plot and on the setting of the heritage asset.

This element would not sustain or enhance the significance of the heritage asset or make a positive contribution to local character and distinctiveness, as required by the NPPF, and this element of the application should therefore be removed from the proposal.

#### **Access Officer: Comment**

- The approach to the entrance should be level or gently sloping. There appear to be several steps on the approach route.
- There should be weather protection over the entrance.

#### **Sustainable Transport: Comment**

The Highway Authority has no objections to the above application for the conversion of an outbuilding to form a one bedroom dwelling. The proposals are not considered to have a significant increase in trip generation associated with the site. The Highway Authority would recommend that further details of the nature of the cycle parking are secured via condition.

## **6 MATERIAL CONSIDERATIONS**

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- 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
TR14	Cycle access and parking
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

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SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

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

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 Matters relating to property prices within Brighton & Hove are not material planning considerations. The main considerations in the determination of this application relate to the principle of the development, the impact on the amenity of existing/ future occupiers of the building in question and nearby properties, and parking/ traffic implications.

### **Planning history**

8.2 Planning permission was granted in 2008 (BH2008/01271) for the conversion of no. 20 Cromwell Road from a language school to five flats. The existing garden building, formerly a common room, was granted consent for an ancillary use in relation to the host property. The 2008 consent states in condition 2 that:

2. The outbuilding at the end of the rear garden shall only be used as ancillary accommodation in connection with the residential use of the main building and at no time be converted to a self-contained unit.

**Reason:** In order to protect the amenities of adjoining residential occupiers and to preserve the character of the Willett Estate Conservation Area in accordance with policies QD27 and HE6 of the Brighton & Hove Local Plan.

8.3 In 2011 (BH2011/03360) planning permission was refused for the conversion of the outbuilding to a self-contained residential unit. The reason for refusal stated:

8.4 'The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use'.

8.5 Following the refusal of planning permission an appeal was submitted to the Planning Inspectorate in January 2012. The appeal was not determined since it was withdrawn by the appellant on 5<sup>th</sup> July 2012. Notwithstanding this, it is understood that the inhabitation of the outbuilding as a self-contained residential unit commenced in November 2012. A complaint was received by the Planning Investigations team in May 2013 regarding the unauthorised use of the outbuilding. The current application seeks to regularise the unauthorised use, but does not propose any physical alterations. As such, the current application is an identical proposal to that refused under BH2011/03360.

### **Planning Policy**

- 8.6 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. The NPPF highlights the role of Local Planning Authorities in resisting the inappropriate development of residential gardens.

**Standard of accommodation/ Impact on amenity**

- 8.7 It is noted that letters of support for the application have been received for the current proposal, including representations from occupiers of no. 20 Cromwell Road. It has been stated that the occupation of the outbuilding by the current occupier has not raised any specific issues relating to overlooking or noise and disturbance. Notwithstanding this, the Local Planning Authority has a duty to consider not only the impact of a development on current occupiers and neighbours, but also on future occupiers and residents. As such, the support for the current application and the current circumstances would not preclude a refusal of planning permission on these grounds where the longer term arrangement and possibilities must be given sufficient weight, and is determined to be unacceptable. It is noted that a complaint was received by the Planning Investigations team in May 2013 regarding the unauthorised use of the garden building. This complaint serves to highlight that the self-containment of the garden building could be perceived to have a material impact on the amenity of occupiers of neighbouring or nearby properties.
- 8.8 The internal partitioning of the existing outbuilding has been completed, and the unit fitted out with a kitchen and bathroom. The unit is considered of adequate size, and would receive appropriate levels of natural light and ventilation. Mechanical ventilation has also been provided to the kitchen and bathroom areas.
- 8.9 It is noted that in addition to the previous refusal on this site, planning permission for the self containment of a garden building rear of 26a Cromwell Road (albeit a two storey building) for use as a self-contained annexe was dismissed on appeal (against non-determination REF: APP/Q1445/A/03/1122629) for reasons of overlooking and increased noise and disturbance. It is considered that there are similarities between this site and the application property in relation to the position relationship between main house and garden building, and the access to the garden building through communal private amenity space.
- 8.10 The single aspect of the outbuilding, facing towards the rear elevation of no. 20 Cromwell Road and the communal garden, together with insufficient screening between the main house and communal garden and the garden structure, would provide for unacceptable overlooking/ loss of privacy to and from the proposed self-contained unit. It is considered that this would represent an oppressive situation, particularly for the occupier of the garden building. It can be reasonably considered that the occupation of the garden building as a self-contained residential unit would necessitate the utilisation of curtains/ blinds, thus preventing an acceptable outlook from the building, at times when one

would normally expect to be able to enjoy natural light and an outlook onto their private amenity space. This situation would be particularly notable in the summer when use of the communal garden would not be unexpected late into the evening. Originally, the current application acknowledged and sought to address the potential for overlooking to and from the garden building, proposing the erection of a 1.8m close boarded timber fence between the outbuilding and the rear communal garden. Following concerns raised by the Heritage Officer, however, this fence has subsequently been deleted from the current proposals. The proposed arrangement is considered significantly more harmful than that associated with the use of the outbuilding as ancillary accommodation to the main house. The permitted use of the outbuilding as a garden structure would be expected to be used intermittently, as part of the amenity space of the main house. The creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. It is considered that this would result in significantly harmful disturbance to nearby residents, and in particular those at no. 20 Cromwell Road.

#### **Sustainable Transport**

- 8.11 No off-street car parking can be provided. However, in view of the proximity of the site to Hove Station and accessible bus routes, off-street provision is considered unnecessary. A secure cycle store has been provided in the rear garden in accordance with policy TR9 of the Local Plan as part of planning consent BH2008/01271. It is considered that this store has potential to provide for an additional cycle to the five provided in connection with the conversion of the main house. If this did not transpire to be the case and alternative arrangements were required this could be ensured through a condition attached to any grant of planning permission.

#### **8.12 Additional considerations**

Letters in support have been received with neighbouring occupiers advising that affordable units are needed in the city. The scheme does not represent affordable housing.

### **9 CONCLUSION**

- 9.1 The use of the garden building as a self-contained residential unit would represent a poor standard of living accommodation by virtue of the oppressive impact to occupiers of the building, with a significant and notable lack of privacy. This lack of privacy would likely necessitate the restriction of the outlook from the garden building, indicating that the occupation of the main house and of the communal garden would have an overbearing impact on existing and future occupiers of the proposed residential unit.
- 9.2 The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road. Further, the creation of a permanent living unit would introduce a much greater level of

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activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use.

### 10 EQUALITIES

10.1 None identified

### 11 REASON FOR REFUSAL / INFORMATIVES

#### 11.1 Reasons for Refusal:

1. The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road and its garden towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. The proposed development would represent a poor standard of living accommodation for occupiers of the garden building, and would result in a loss of amenity for occupiers of no. 20 Cromwell Road and, to a lesser extent, towards neighbouring properties. As such, the proposed development would be 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>
Site location plan	ADC270/LP	-	27 <sup>th</sup> August 2013
Existing and proposed plan	ADC563/02	-	8 <sup>th</sup> November 2013