

# **ITEM L**

**112 Carden Avenue, Brighton**

**BH2013/03400**  
**Full planning**

**02 APRIL 2014**

# BH2013/03400 112 Carden Avenue, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 02 APRIL 2014

<b><u>No:</u></b>	<b>BH2013/03400</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>112 Carden Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.</b>		
<b><u>Officer:</u></b>	Anthony Foster Tel 294495	<b><u>Valid Date:</u></b>	05 February 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02 April 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Mr Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		
<b><u>Applicant:</u></b>	Mr Paul Williams, 112 Carden Avenue, Brighton BN1 8NE		

**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 set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises the rear garden of no.112 Carden Avenue. This section of the garden is elevated above the floor level of nos.112 and 110. A fence (approx height 1.5m) is present on the boundary between the gardens of nos.110 and 112.
- 2.2 Two garages are located on the site at present within the eastern section of the garden. These are accessed via a private road adjacent to no.130 Carden Avenue.
- 2.3 The surrounding area is predominantly residential, although there commercial properties present at nos.122 to 128 Carden Avenue with residential flats over. A doctor's surgery is located at nos.114 – 118.

**3 RELEVANT HISTORY**

- BH2009/00014:** Erection of 1 no. 2 bedroom detached bungalow. Refused 16/03/2009
- BH2007/03690:** Construction of detached three bedroom chalet dwelling. Refused 18/01/2008
- BN88/1181/OA:** Erection of a detached dwelling with access onto Carden Avenue adjoining No.130. Refused 09/08/1988. Dismissed at Appeal

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing garages and the erection of a 3 bedroom detached dwelling with associated landscaping and access from the existing driveway adjacent to no. 130 Carden Avenue.

- 4.2 The proposed dwelling would be located 22.5m to the east of the existing dwelling at no 112 Carden Avenue, resulting in the garden being split to provide a rear garden for 112 Carden Avenue of 16.5m in length and 6m in length for the proposed dwelling.
- 4.3 The dwelling would appear as a single storey dwelling, but also provides accommodation within a basement level. At ground floor level the accommodation proposed includes a bedroom, bathroom and open plan living/kitchen area. Whilst two further en-suite bedrooms are proposed at basement level.
- 4.4 The property would be 3.4m in height to the front (east) elevation with a monopitch sloping roof down to 3m in height to the rear (west) elevation. The property is proposed to be finished in white render, with a sedum roof and powder coated aluminium doors and windows.
- 4.5 The application proposes a parking area to the front.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Five (5)** letters of representations have been received from the residents of **91 Graham Avenue, 110 (x2) 126/128, 130 Carden Avenue (x2)**, objecting to the scheme on the following grounds:
- The proposal will impact upon the wildlife in the area
  - Excavating to a lower level will have an impact upon drainage
  - The proposal is out of context for the area
  - Impact upon neighbouring amenity in terms of overlooking and loss of privacy
  - There is no right to use the adjoining parking spaces to allow for turning
  - There is uncertainty about the use of the shared driveway.
- 5.2 **Six (6)** letters of representations have been received from the residents of **82 Lyminster Avenue, 109 Carden Avenue, 4 Sunnydale Avenue, 101 Ladies Mile Road, 15 Rustington Road, 8 Birchgrove Crescent** supporting the scheme on the following grounds:
- In favour of an eco home
  - Good modern design with lots of outdoor space
  - The basement reduces the impact on the area
  - There is a current housing shortage in Brighton
  - Neighbouring amenity would not be impacted upon
  - It has been designed for use by disabled people

### Internal:

- 5.3 **Sustainable Transport: Comment**
- 5.4 **Pedestrian & Mobility Impaired Access**

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Access is via a private road leading to Carden Avenue. Ideally the applicant should consider a segregated pathway for pedestrians; however it is noted that the private road will only be used by the proposed dwelling and likely to be lightly trafficked, therefore in this instance it is deemed acceptable.

### 5.5 Cycle Parking

The applicant has proposed a cycle parking space in a shed in the garden at the rear of the site. When assessing the sections and layout plans there appears to be steps and a drop in level to reach the shed and the garden. If this is the case this location would be unsuitable and does not comply with Local Plan policy TR14.

- 5.6 There appears to be other locations on the site that does not have a stepped approach. It is requested that the applicant provides a further drawing that details a cycle parking space that is in a convenient location with no stepped approach and a condition is recommended in this respect. If the space is on a lawn area then a tarmac path or similar should also be detailed to ensure that the space can be used during inclement weather.

### 5.7 Car Parking

The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The amount of parking complies with the City Council's Maximum Parking Standards SPG04.

- 5.8 There is a loss of 2 garages due to this proposal that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway.

- 5.9 On assessment, however, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Highway Authority does not wish to object to the loss of the garages.

### 5.10 Vehicular Crossover

The vehicular crossover to the private road that services the site is as existing and appears to be acceptable.

### 5.11 Trip generation/ Financial contributions comment

The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

## **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
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

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QD18	Species protection
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
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 main considerations in the determination of this application relate to the principle of the subdivision of the plots, the impact of the proposal on the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability and traffic considerations.

### **Principle:**

8.2 Local Plan policies QD3 and HO4 seek effective and efficient use of development sites. However, in seeking the more efficient use of sites, Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic and in context of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to neighbouring buildings, but the townscape and landscape of the wider locality.

8.3 The character of the surrounding area is mixed, however there is a relatively established building grain within the area, which largely comprises of a traditional pattern of development with a predominance of two storey semi-detached and detached properties with pitched roofs with large gardens which extend to the rear.

8.4 The dwelling is proposed within the rear section of the garden of No.112 which is elevated above the floor levels and lower section of the gardens of Nos.110 and 112 Carden Avenue by approximately 2m. The gardens of properties along this section of Carden Avenue and properties to the east on Graham Avenue have long gardens of typically some 35 to 45 metres in length.

8.5 The proposed siting of the dwelling would appear relatively contrived in relation to the existing plot and the grain of development within the area. Whilst there

are existing garages on the site these are for domestic use only and do not provide additional residential accommodation sited adjacent to the rear boundary close to other neighbouring garages and outbuildings and they are modest in height. The proposed development in contrast is clearly residential in character with large windows proposed in the north, east and west elevations and is sited some 10m further west into the plot.

- 8.6 It is considered that the proposal would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots, and would be detrimental to the character and appearance of the area and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**Design:**

- 8.7 Policies QD1, QD2, and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.
- 8.8 The proposal is simple in design terms. There is little detailing provided in relation to the design of the dwelling and the overall approach appears to be contrived, particularly with the proposed monopitched roof, which seeks to ensure that the proposal has a minimal impact upon neighbouring occupiers. Whilst the proposal would not be readily visible from within the street scene it is considered that this overly simplified approach does not represent a high standard of design which enhances the positive characteristics of the neighbourhood. In addition, the siting of the proposed dwelling bears no relationship to the surrounding linear development along Carden Avenue and Graham Avenue. Further, due to the site's elevated position in relation to Carden Avenue development, the proposal fails to provide adequate subservience and would appear intrusive in views of the site from surrounding neighbouring properties. The visual intrusion of the proposal is exacerbated by its siting within the rear of the plot at 112 Carden Avenue with the west elevation of the proposed dwelling sited some 16.5m forward of the rear boundary of the site which is currently surrounded on all sides by largely open garden areas.
- 8.9 It is recognised that there is a mix of properties within the area however, the proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.

**Amenity for future residential occupiers:**

- 8.10 Policy QD27 seeks to resist development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private



amenity useable amenity space in new residential developments, which is appropriate to the scale and character of the development. The application proposes two windows to the rear elevation which would be a minimum of 23m between the rear elevation of the proposed dwelling and the ground floor extension of no 112 Carden Avenue. This separation distance is considered acceptable in the context of the wider area and ensures that the future occupiers of the scheme are not directly overlooked by the surrounding neighbours.

- 8.11 Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwelling would be capable of complying with lifetime home standards, given the overall size of the dwelling.
- 8.12 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the property is capable of providing a suitable level of provision. Were the scheme otherwise considered acceptable this could be controlled by suitably worded conditions.

#### **Neighbouring amenity**

- 8.13 The previously refused application BH2009/00014 included a reason on the basis of impact on neighbouring amenity and read as follows:
- *The proposal, by reason of siting, design, height, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.*
- 8.14 The design of the current application has been amended since the previous scheme in relation to a reduction in the size of the footprint, from approximately 9m in depth and 8m in width, to approximately 8.5m in depth and 7.5m in width. In addition, the previously proposed pitched roof has been replaced by a mono-pitched roof and the maximum height has therefore been reduced from approximately 5.25m down to 3.7m above ground level (the heights are based on the plans submitted which are not however related to Ordinance Datum (AOD)). The siting remains largely unaltered, in front of the existing garages and the proposal now includes basement level of accommodation and an additional bedroom to that previously proposed.
- 8.15 Although the reduction in the maximum height through the removal of the fully hipped roof and slight reduction in the size of the footprint are noted, the impacts of the proposal in relation to neighbouring amenity as set out in the reason for refusal above remain largely very similar. The impact of the reduction in the footprint and removal of the fully hipped roof are weighed against the fact that the buildings elevations are now proposed to be approximately 3.4m above ground level where they were previously proposed to be approximately 2.7m

above ground level. As such although the maximum height has been reduced in relation to the fully hipped roof, the main bulk of the dwelling has increased in height when compared to the previous scheme. In addition, the elevated position of approximately 2m above that of 112 Carden Avenue, the proposed dwelling, particularly in relation to the neighbouring properties to the west of the site, results in the proposal unduly impacting on neighbouring amenity. The impact is further compounded by the fact that the aspect for the surrounding properties is currently that of largely open garden area. The proposal would therefore appear over-dominant when viewed from surround properties and gardens.

- 8.16 The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.
- 8.17 There is a ground difference of at least 2m from the front of 112 Carden Avenue to the rear of the site where the dwelling is proposed. The rear elevation of the property would be set back from the boundary with no 112 Carden Avenue by circa 6m, and from the adjoining boundary with no 110 Carden Avenue by 1.8m. There would potentially be the opportunity for some level of overlooking of the amenity space to the adjoining property no 110 Carden Avenue, due to the change in levels which exists across the site. However, it is considered that this level of overlooking is commensurate to that within this sub-urban location, and would not cause demonstrable harm to neighbouring amenity by way of loss of privacy. These details could be secured by conditioned were the scheme otherwise considered acceptable.

**Impact on local highway network/parking:**

- 8.18 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.19 The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The proposed level of car parking is in line with the maximum car parking standards quoted within SPG04 and is deemed acceptable.
- 8.20 The application proposes the loss of 2 garages that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway. However, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Sustainable Transport Officer raises no objection to the loss of the garages.

8.21 Policy TR14 requires all new residential developments to have secure, covered cycle storage. The application proposes a cycle parking space in a shed in the garden at the rear of the site, however there appears to be steps and a drop in level to reach the shed and the garden, which is not considered acceptable to the Sustainable Transport Officer. There appears to be other locations on the site with sufficient space that do not have a stepped approach and were the scheme otherwise considered acceptable this could be controlled via a suitably worded condition.

**Sustainability:**

8.22 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

8.23 The proposal is for new build development on garden land as such the scheme should therefore achieve Level 5 of the Code for Sustainable Homes as recommended by SPD08. The submission of a Sustainability Checklist is also required. The completed sustainability checklist submitted with the application contends that the development will meet level 5 of the Code for Sustainable Homes. This is considered acceptable and could be secured by a suitably worded condition were the scheme otherwise considered acceptable.

**9 CONCLUSION**

9.1 The proposed the development would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots. The proposed development is considered to be of an unacceptable standard of design, which fails to emphasise and enhance the positive qualities and would be detrimental to the character and appearance of the area.

**10 EQUALITIES**

10.1 The development would be required to meet Lifetime Homes Standards.

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and the proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.
2. The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their

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private amenity spaces due to its overbearing and over-dominant impact. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and as such the proposal is contrary to policy QD27 of 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>
Location Plan & Block Plan			05/01/2014
Existing site plans	01	A	09/10/2013
Existing Sections and Elevations	02	A	09/10/2013
Proposed Plans, Sections and Elevations	03	B	29/11/2013
Proposed Site Plan, Roof Plan, Cycle Store and Fence Details	04	A	9/10/2013
Proposed Rear (West) Sectional Elevation	05		05/03/2014