

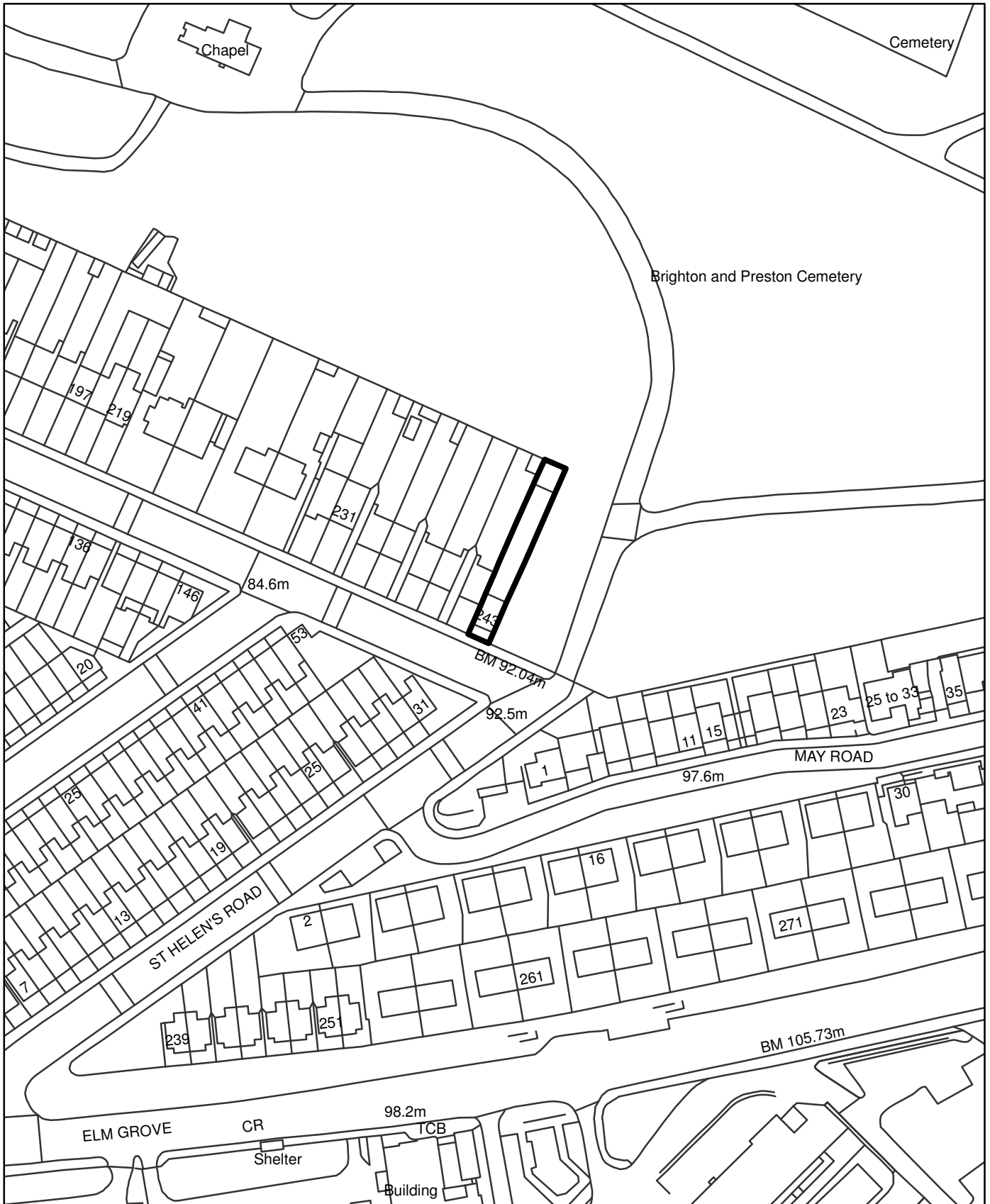
ITEM F

243 Hartington Road, Brighton

BH2014/01001
Full planning

04 JUNE 2014

BH2014/01001 243 Hartington Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01001	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	243 Hartington Road Brighton		
<u>Proposal:</u>	Demolition of workshop and store and erection of a 3no bedroom house (C3) incorporating home office building to rear and bicycle store and parking space to front. (Retrospective).		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	14 April 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 June 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Delavals Design, Heron House, Laughton Road, Ringmer, East Sussex BN8 5UT		
<u>Applicant:</u>	Mr M Knight, C/O Delavals Design, Heron House, Laughton Road Ringmer, East Sussex BN8 5UT		

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

The application relates to a semi-detached dwelling at the eastern end of Hartington Road. There was previously a single storey commercial building on the site; this has been demolished and the new dwelling constructed.

3 RELEVANT HISTORY

BH2013/04047 Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments – Currently under consideration

BH2013/02817 Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments – Refused 01/11/2013

BH2013/02620 Non material amendment to BH2012/00173 to allow for alterations including the omission of the lower ground floor level of the dwelling, the installation of 2no. velux windows to front elevation, changes to rear fenestration and replacement of garden office (retrospective). Refused 19/09/2013.

BH2013/00097 Application for Approval of Details Reserved by conditions 6, 7, 8, 9, 10 and 11 of application BH2012/00173. Split decision 12/08/2013.

BH2012/00173 Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office. Approved 13/09/2012.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of a workshop and store and erection of a 3no bedroom house (C3) incorporating home office building to rear and bicycle store and parking space to front. This is a retrospective application.
- 4.2 The dwelling which has been constructed does not accord with the scheme approved under application BH2012/00173.
- 4.3 The most significant deviations from the approved scheme are as follows:
- The basement level which formed part of the approved scheme has not been constructed.
 - The rear dormer roof extensions constructed do not accord with the previously approved drawings.
 - The outbuilding to the rear garden area, which was to be retained, has been demolished and replaced with a new structure.
 - Two rooflights have been inserted to the front roofslope.
 - The rear first floor windows of the dwelling are set lower than was approved.
 - The raised hardstanding to the front of the property is set at a higher level in relation to the dwelling than was shown in the previously approved drawings.
- 4.4 The Head of Law has advised, in relation to undetermined variation of condition application BH2013/04047, that insofar as the dwelling has been constructed a variation of condition application is inappropriate as such an application can only be used where the development involved is yet to be carried out. Where development has already been carried out a retrospective planning application must be made.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from **(233, 235, 237, 329 and 241 Hartington Road, 31 St Helens Road, 5 Hylden Close Woodingdean and 6 Rectory Close Shoreham-by-Sea)** supporting the application for the following reasons:
- Virtually every property on the street has larger dormers than proposed here;
 - The dormers are well designed in comparison to others;
 - This is a minor issue;
 - The property is a vast improvement to what was there before.

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Internal:

- 5.2 **Ecology:** It is considered unlikely that the development will have any significant impacts on biodiversity. It is recommended that a condition be applied to provide a scheme to enhance the nature conservation interest of the site, in line with the NERC Act and NPPF.
- 5.3 **Environmental Health:** No comment
- 5.4 **Planning Policy:** No comment
- 5.5 **Sustainable Transport:** Recommended approval as the Highway Authority has no objections to this application. The Highway Authority comments are similar to recent application such as BH2013/02817 and BH2013/04047. The Highway Authority would look for further details of cycle storage to be secured via condition.
- 5.6 **Natural England:** No comment
- 5.7 **Access Officer:** The gradient of the access path appears to be far too steep. The required 300mm clearance to the leading edge of the entrance door is missing. There seems to be a step up to the rear doors. They should have level approach. The ground floor plan shows about 550mm space in front of the WC where there should be 1100mm. There needs to be suitable side transfer space beside the 1st floor WC (1000mm from centre line)

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

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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

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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business and warehouse units

Supplementary Planning Guidance:

SPGBH4	Parking standards
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Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation and Development
SPD12	Design guide for extensions and alterations

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 loss of the established employment use on the site the proposal for a new residential dwelling, neighbouring amenity, the appearance of the proposed development, the standard of accommodation which the new

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dwelling would provide, transport, sustainability, trees landscaping and ecology, and impact upon the adjoining SNCl.

Background:

8.2 A planning application (BH2013/02817) for the variation of condition 2 to allow for minor amendments was refused for the following reason:

8.3 *The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.*

8.4 In this resubmission, the dormers have been amended on the drawings with a narrower width.

Principle of development:

8.5 The established use of the premises was considered under application BH2013/00173 to be a workshop (Use Class B1). The loss of this use must therefore be considered having regard to Policy EM6 of the Brighton & Hove Local Plan which states that:

8.6 ***'small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235 sq m or less) will be retained for employment purposes unless:***

8.7 ***a. specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental;***

8.8 ***b. the premises have been assessed and are genuinely redundant***

8.9 ***i.e. they are vacant and have been marketed locally at price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;***

8.10 ***c. continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or***

8.11 ***d. access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.***

8.12 ***e. a change of use is the only practicable way of preserving a building of architectural or historic interest.'***

Criterion (a)

8.13 A statement addressing the criteria of policy EM6 along with marketing information / evidence was submitted to the LPA in March 2012. The

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statement identified starter units in the city which were vacant at the time.

- 8.14 Searching the Council's commercial property database on 14/08/2012 for industrial / storage units of less than 100m² yielded a 95.1m² unit on Hollingbury Enterprise Estate, an 82.7m² unit at Hove Enterprise Centre, an open yard to the rear of 37 Lewes Road, and a 61.7m² storage unit on Marine Square Mews. 10 units of 100-200m² were also identified. A search for small office units yielded numerous results across the city. Therefore whilst no details of starter business units 'elsewhere in the neighbourhood' have been identified, there are B1 units available in the city and overall it is considered that it would be unreasonable to refuse the application for failing to fully demonstrate compliance with criterion (a).

Criterion (b)

- 8.15 Marketing information was previously submitted with no supporting evidence. The information indicated that the property was marketed at some time in the past; no dates were confirmed. The redundancy argument presented therefore relies upon the condition of the pre-existing building, the length of time since employment use last took place (which was over 15 years), the lack of off-street parking / loading area, and the conflicts with the residential use to the west and the cemetery use to the east and north.

Criterion (c)

- 8.16 In regard to criteria (c) it is acknowledged that industrial / employment uses located in close proximity to residential properties can have a significant negative impact on neighbouring amenity due to noise pollution, air pollution, and general disturbance. It is also the case that many such businesses, appropriately run, can successfully function within such locations without causing significant negative impacts. The subtext of Policy EM6 states that:

- 8.17 *'Brighton & Hove has a densely developed built up area with limited opportunities for introducing new workshop premises but it still retains many small workshops within the urban fabric. It is very important that these sites are retained for starting up new employment enterprises. This is shown by a strong demand for small and inexpensive industrial or business premises, preferably within easy reach of residential neighbourhoods..'*

- 8.18 On this basis it cannot be assumed that all employment sites in residential locations are inappropriate. It is however clear that a case could be made in this regard given the proximity of residential properties. The adjoining residential property is clearly in extremely close proximity to the application site. Use of the existing building and open rear curtilage for a light industrial purpose could cause significant disturbance to neighbouring residents. The size of the site and the large open space

to the rear could facilitate a level of activity beyond that which for example a small workshop or office unit would create.

- 8.19 Criterion (d) and (e) not relevant in this case.
- 8.20 It is clear that the site was not in active employment use for a period of time, and that the existing building was not particularly suitable for modern employment use. Furthermore, the size of the site and the open nature of the rear curtilage means that an employment use which fully utilised the site could cause significant noise and disturbance. Due to the immediate proximity of neighbouring residential dwellings this is a significant concern. Overall, having regard to the information that was submitted, the nature of the application site and the proximity of neighbouring residential properties, it is considered that the loss of the employment use is acceptable in this case. The proposed replacement use, as a residential dwelling house, is considered to be appropriate in this location and in principle compliant with local and national planning policies.

Visual Impact:

- 8.21 The proposed dwelling adjoins the dwelling alongside to form a semi-detached pair in keeping with the pattern of development on the northern side of Hartington Road. There is roof level accommodation resulting in a total of three storeys of accommodation. A traditional design style is proposed. To the front of the dwelling is a two storey bay to match the dwelling alongside. Walls are brick faced and painted render finishes with tile hanging to the front bay. The roof is of gable-end form and tiled finish. To the side of the dwelling a brick faced finish is proposed at ground floor level with painted render finish above. A side window is proposed at roof level. To the rear of the building glazed doors are proposed at ground floor level.
- 8.22 The proposed dwelling sits comfortably in the street scene and from the front it relates well to the dwelling alongside. The front curtilage is to some extent dominated by the proposed raised driveway and any vehicle parked on it, the layout proposed is however dictated by the need to provide gently sloping access to the front entrance of the dwelling and the desire for an off-street parking space and overall the arrangement is considered appropriate. The proposed railings are considered acceptable.
- 8.23 Under the original application, a large box dormer was initially proposed. This was considered to be unacceptable and revised drawings which showed two smaller dormers of an acceptable design were submitted and approved. The dormers which have been constructed do not comply with the previously approved drawings, they are significantly larger. The dormers are considered to be contrary to policy QD14 of the Brighton & Hove Local Plan and to the guidance set out in SPD12 which states:

- 8.24 *'Dormer windows should instead be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. In some cases a flat roof may be considered preferable to a pitched roof in order to reduce the bulk of a dormer. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a "heavy" appearance and there should be no large areas of cladding either side of the window or below. As a rule of thumb a dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.'*
- 8.25 The dormer extensions which have been constructed are significantly larger than the windows, with large areas of cladding surrounding the windows. The dormers are not set significantly down from the ridge height, nor up from eaves height. In this application the dormers on the drawings are set in from the sides of the roof, however they still dominate the appearance of the rear roof rather than appearing as sympathetic additions to the roof. The dormers cause significant visual harm and are considered to warrant refusal on these grounds.
- 8.26 It is noted that the property alongside, no. 241 Hartington Road, has a large rear dormer, with large areas of cladding and an unusual roof form. There is no planning history relating to this extension which it appears was carried out under permitted development rights. This extension is not considered to set a precedent for the approval of similar additions, rather, as with the roof dormers to the application property, the extension serves as an example of the visual harm inappropriate roof extensions can cause. The applicant has also provided examples of other dormer windows in the vicinity which do not appear to have planning permission and are therefore considered to have limited weight in this respect.
- 8.27 Two rooflights have been inserted to the front roof slope. The rooflights which have been installed are not ideal as they are not regularly spaced across the roof slope. They are however of an appropriate size and are not excessive in number, overall the appearance of the rooflights is not considered to be significantly harmful.
- 8.28 The outbuilding to the rear garden area, which was to be retained, has been demolished and replaced with a new structure. This development does not cause any significant impact as the outbuilding which has been constructed is very similar to that which was previously in situ and is considered to be acceptable.

Neighbouring amenity:

- 8.29 The proposed dwelling is set alongside no. 241 and therefore the bulk of the new building would not have a significant impact upon neighbouring amenity. The proposed rear windows and glazed doors would cause overlooking of neighbouring rear gardens, particularly that of no. 241. This relationship would however be comparable with the relationship

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between other neighbouring dwellings and would not cause significant harm.

- 8.30 A rendered blockwork wall to a depth of 1.8 metres has been built to replace part of the existing high fence, which is an appropriate solution to protect the privacy of users of the garden of no. 241.
- 8.31 It is proposed that the existing outbuilding be utilised as a 'home office'. Such activity is unlikely to cause disturbance to neighbouring residents.
- 8.32 The neighbouring site which shares the eastern and northern boundaries of the site is a cemetery. There are graves located directly alongside the boundaries of the site and visitors to the cemetery will have a clear view of the proposed dwelling; its side elevation fronts directly on to the cemetery site. A window is proposed to the side of the dwelling at roof level to serve a bedroom which would also be served by a rear dormer window. It is considered reasonable and necessary to require by condition that the side window be obscure glazed to protect the privacy of visitors to the cemetery.

Standard of accommodation:

- 8.33 The proposed dwelling consists of:

GF: A hallway, kitchen, W.C. and living room with stairs leading up to the upper floors.

FF: Two bedrooms, a bathroom and an en-suite.

2F: Two bedrooms, and bathroom.

- 8.34 To the front of the property a raised driveway is proposed with a cycle store below and a sloping pathway. To the rear a large garden area is provided. A location for refuse / recycling storage has been identified to the rear of the raised driveway, refuse and recycling could also be stored within the building or in the rear garden area proposed.
- 8.35 It is considered that the proposed dwelling would provide an acceptable standard of accommodation.
- 8.36 Policy HO13 requires that new dwellings meet Lifetime Homes standards.
- 8.37 Concern has also been raised by the Access Officer regarding the gradient of the pedestrian access to the front door. In this case it must be acknowledged that the gradient of the path is defined by the height difference between the pavement and the entrance door. The entrance door cannot be raised in height as the detailing of the dwelling has been designed to replicate that of the adjoining semi-detached property. A longer ramp design which took up more of the front curtilage would be likely to require the omission of the proposed vehicular parking and may appear incongruous in the street scene. Therefore, whilst the submitted drawings do not appear to fully demonstrate compliance with Lifetime

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Homes Standards, a sloping access is proposed and the concerns raised are not considered to warrant the refusal of planning permission in this instance.

Transport:

- 8.38 One vehicular parking space is proposed which is the maximum specified in SPGBH1.
- 8.39 Cycle parking is proposed below the raised driveway; a storage cupboard 3.0m x 1.5m x 1.2m tall. The Sustainable Transport Team have confirmed that this cupboard will provide adequate storage for one cycle which is the minimum defined by SPGBH4.
- 8.40 The development would create an increased burden on sustainable transport infrastructure within the vicinity of the site; the Sustainable Transport Team have therefore advised that a contribution towards such infrastructure is required to ensure compliance with policy TR1 of the Brighton & Hove Local Plan. Under current short term recession measures, improvements to / contributions toward improvements to sustainable transport infrastructure would not however be sought in relation to a development of the scale proposed.
- 8.41 Overall the scheme is considered acceptable in regard to transport issues.

Environmental Sustainability:

- 8.42 The dwelling meets Code For Sustainable Homes rating of Level 3 and a post construction final certificate has been submitted to confirm this. This is considered acceptable in compliance with SU2 and SPD08.
- 8.43 A waste minimisation statement has been submitted which addresses the requirements of SU13 and SPD03.
- 8.44 Overall it is considered that the proposed development successfully addresses the environmental sustainability aspirations set out in national and local policy and the guidance of SPD08.

Landscaping, trees and nature conservation / ecology:

- 8.45 The site adjoins a SNCI and as such impact upon the SNCI must be carefully considered. Policy QD17 requires that new developments incorporate new nature conservation features, with further guidance detailed in SPD11 Nature Conservation & Development. The Ecology Officer has no objection to the proposal.
- 8.46 Areas of hard landscaping are proposed to the front and rear curtilage of the dwelling. These would need to be permeable or run of to permeable areas within the site. This can be secured by condition. A small area of planting is proposed to the front of the site. To the rear garden a large lawn area is proposed with some planting. Details of a full scheme of

landscaping and the implementation of the scheme can be secured by planning condition.

- 8.47 In regard to boundary treatments, the existing flint wall along the eastern boundary of the site is to be retained. Existing fencing is to be retained to the northern and western boundary of the rear garden. A wall is proposed to protect the privacy of no. 241 as detailed above. To the front garden a low wall is proposed between the application site and no. 241, to the front of the site railings are proposed to either side and between the pedestrian and vehicular access. As stated above these alterations are considered acceptable.

9 CONCLUSION

- 9.1 The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

10 EQUALITIES

- 10.1 None identified

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

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:

Plan Type	Reference	Version	Date Received
Ground floor plan	13.05.10.004		25 March 2014
Cross section	13.05.10.008		25 March 2014
Outbuilding plans	13/04/08/10BR		25 March 2014

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First floor plan	13.05.10.005		25 March 2014
Second floor plan	13.05.10.006		25 March 2014
Elevations	13.05.10.009		25 March 2014
Block plan	13.05.10.001		25 March 2014
Landscaping plan	13.05.10.002		25 March 2014
Indicative drainage layout	13.05.10.003		25 March 2014
Site plan	13.05.10.007		25 March 2014