

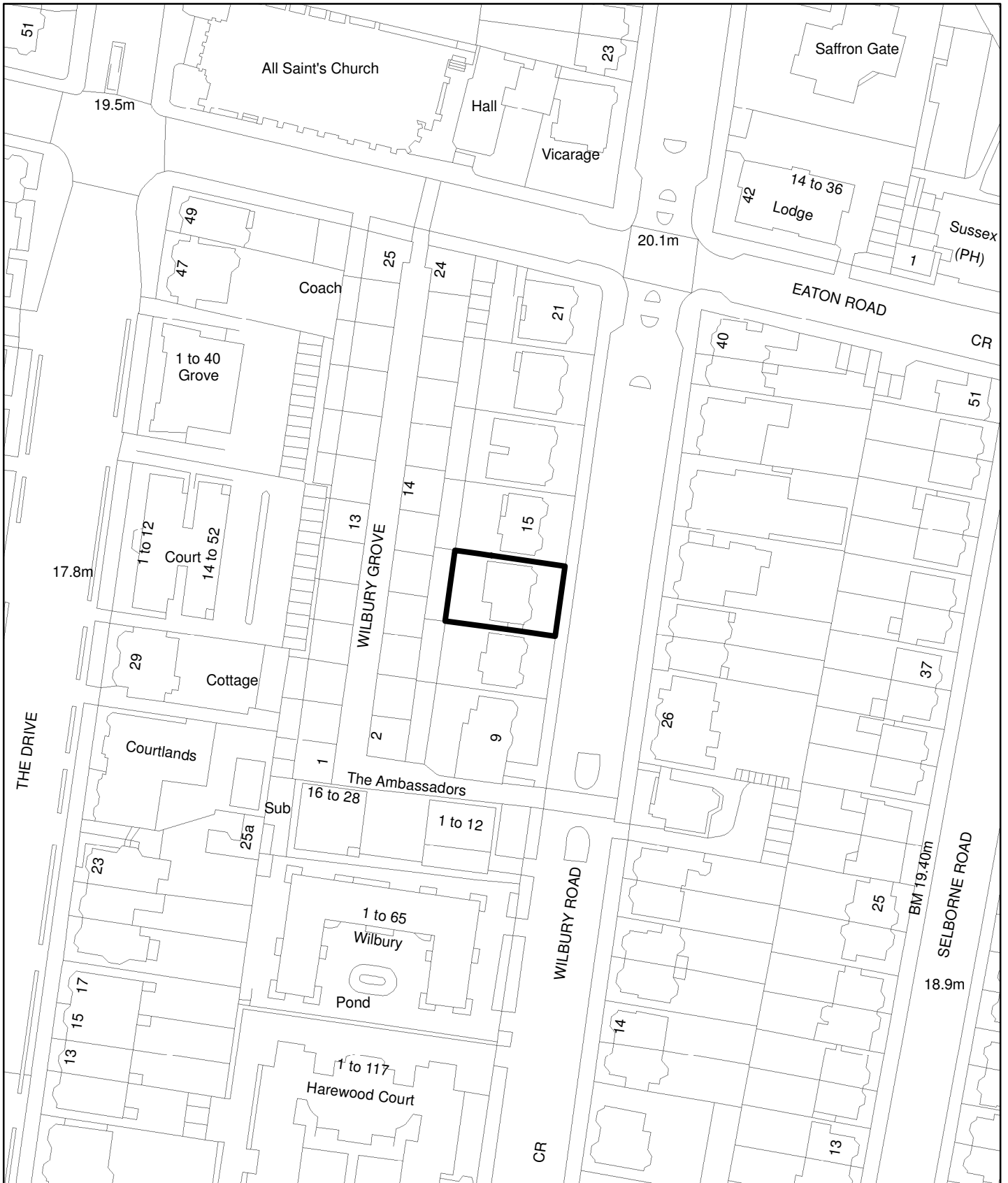
ITEM G

13 Wilbury Road, Hove

BH2013/04367
Full planning

16 JULY 2014

BH2013/04367 13 Wilbury Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 16 JULY 2014

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|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2013/04367 | <u>Ward:</u> | CENTRAL HOVE |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 13 Wilbury Road Hove | | |
| <u>Proposal:</u> | Demolition of two storey rear extension and shed to South. Reconfiguration of existing flats and erection of four storey rear extension to form 4no two bedroom additional flats (9 in total). | | |
| <u>Officer:</u> | Steven Lewis Tel 290480 | <u>Valid Date:</u> | 23 December 2013 |
| <u>Con Area:</u> | Willett Estate | <u>Expiry Date:</u> | 17 February 2014 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton | | |
| <u>Applicant:</u> | Haydon Investment Management Ltd, Mr D & K Ives, 11 Prince Albert Street , Brighton | | |

1 RECOMMENDATION

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a large detached villa style building on the west side of Wilbury Road in Hove. The premises are presently vacant having last been occupied as 5 self contained flats

3 RELEVANT HISTORY

BH2004/02379/FP - Conversion/alteration of existing two-bed apartment to create two one-bed apartments. – Approved 16/09/2004

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the two storey rear extension and shed to the south of the property and the reconfiguration of existing flats and erection of four storey rear extension to form 4 two bedroom additional flats (9 in total).
- 4.2 Amended plans have been received during the course of the application, which included reconfiguring the front garden; reducing the size of the rear extension; deleting the rear dormers and introducing privacy screens to the ground floor rear access platforms.
- 4.3 Additional supporting documentation has also been received during the course of the application in respect of the application of policy HO9.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** Ten (10) letters of representation have been received from **The Windmill, 2a Wilbury Grove, 8 Wilbury Grove (x2), F3 11 Wilbury Road, F2 15 Wilbury Road, F2A 15 Wilbury Road (x2), GFF 30 Wilbury Road, 37 Wilbury Villas, 1 x unaddressed, Dairy Farm Hunston (Bury St Edmonds)** objecting the application for the following reasons:

- Loss of privacy, outlook, daylight/sunlight and cause disturbance to neighbouring properties
- The proposal is poorly designed and would harm the character and appearance of the Willett Estate conservation area.
- Fails to take account of existing space around buildings and the character of the area or retain an existing gap between the extension and joint boundary
- The extension fails to take into account guidance in SPD12 and principles for two storey extensions, where similar principles apply. The extension is excessively large and in scale and its coverage exceeds half the garden.
- The extension would not pass the 45 degree guidance of the BRE daylight/sunlight guidance.
- The proposed depth and spacing to properties at the rear is as little as 7m and would result in a loss of privacy and overlooking
- The BRE report does not show the loss of light component as no account is made for the light between 11 and 13 Wilbury Road
- The design of the proposed windows fail to positively reflect those of the existing fenestration
- Insufficient refuse, recycling and waste facilities for the site an surround area
- The development would result in a loss of stained glass window which is an important and rare example of a William Willett detail.
- The development would result in further parking demand where presently there is already a waiting list for a permit and a high parking demand.

5.2 **Neighbours:** One (1) letter of representation have been received from **1 Roedean Way (owner of 11 Wilbury Road)** supporting the application for the following reasons:

- The development would have no detrimental effects to 11 Wilbury Road and would be a considerable enhancement to a dilapidated and under performing building within a conservation area.

5.3 **Councillor Andrew Wealls** letter of objection attached

5.4 **Councillor Christopher Hawtree** letter of objection attached

Internal:

Environmental Health: Comment

5.5 The development site is situated approximately 14m east of Wilbury Grove where there were a number of previous industrial uses located, including: motor engineers and even chemical manufacturers.

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- 5.6 Whilst the site itself has not been identified as potentially contaminated land, those near to it have. Therefore, a contaminated land discovery condition is suitable for this proposal.

Heritage: Comment

- 5.7 Comment 22/01/2014 (original submission)

Statement of Significance: This property is in the Willet Estate Conservation Area. It is one of the original detached gault brick Victorian villas which form a group of matching properties (9-21 Wilbury Road) that typify the character of this conservation area. A strong distinctive feature of these buildings is the highly decorative nature of the brickwork embellishments. The group has retained many original architectural features with the only significant detracting alterations (when viewed from Wilbury Road) being at roof level.

- 5.8 The front areas of this group are uncluttered, and this is one of only two to have provision for off road parking. The sweeping entrances, boundary walls and open front gardens provide an important contribution to the character of the conservation area and a high quality setting to the buildings.

- 5.9 *Relevant Design and Conservation Policies and Documents*

NPPF, English Heritage practice Guide for PPS5, HE6, SPD 09, SPD 12

- 5.10 *The Proposal and Potential Impacts:* There is no objection to the removal of the existing outbuildings/extensions, and the principle of a rear extension is acceptable. To a large degree the impact of the extension will not be felt from the public parts of the conservation area, and these comments will be limited to the aspects of the scheme that will be visible from the public realm.

- 5.11 The proposals for the basement entrances involve the creation of a new doorway and the blocking of two windows; no details are provided for this work and will therefore need to be supplied for further consideration. (NB the basement lobby on the north side does not provide access to the flat as drawn).

- 5.12 The gap between properties is sufficient for the proposed extension to be visible from Wilbury Road. The finish is proposed to be painted render and it is considered that the contrast between the render and the brick of the original building will make this extension unduly visible. The difficulties in matching this type of brick are acknowledged and the use of render is not considered unacceptable, however it is considered that the width of the proposed extension should be reduced slightly in order to create a bigger step in the north and south elevations which would reduce the impact of this large expanse of plain render.

- 5.13 The north and south elevations show windows in the extension, however these are not on the plans and this discrepancy needs to be rectified.

- 5.14 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact.

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- 5.15 The proposals for the front garden and boundary are of concern. The 'existing' plan indicates more parking than is possible here, and this is misleading – the frontage is currently quite open and uncluttered, however the proposal would alter this significantly with the addition of bike shelters. No details of the shelters are provided but their addition is considered to be unacceptable in principle due to its impact not only this building but the street scene generally. The design and access statement says that these areas will be allocated to the basement flats, however it is difficult to see how this would work with communal bike storage in place.
- 5.16 Works to restore the original front boundary arrangement would be welcomed, however the proposals do not currently show accurate reinstatement of details. The application should be amended to include the raising of the wall piers and addition of pier caps to match surviving originals on neighbouring properties. The addition of railings should only be included if evidence of railings being original to the property can be supplied, along with details of their design

Comment 08/04/2014 (following receipt of amended plans

- 5.17 No details are provided for the basement entrances and will therefore need to be supplied for further consideration.
- 5.18 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact. Please add a condition to this effect.
- 5.19 The proposals for the front garden and boundary have been amended and are now generally acceptable, however there is a lack of detail and it is therefore necessary to require the submission of the pier cap and coping materials and profiles for further approval.
- 5.20 A four panelled door would normally be more appropriate for a basement position. Large scale joinery sections can be conditioned if necessary.

Sustainable Transport: Comment

- 5.21 Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition to secure cycle parking details.
- 5.22 Cycle parking: The applicant is proposing cycle parking spaces in the side passages of the property however these spaces are deemed unusable as there is inadequate space for a person to walk their cycle to the spaces and it is unclear how these spaces are secure and sheltered.
- 5.23 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 the Highway Authority recommends that the minimum amount of cycle parking is proposed and located in the 'L' shaped spaces at the rear of the side passages.

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- 5.24 Storage units similarly designed to the Trimetals Bike Storage unit (<http://www.trimetals.co.uk/bicycle-storage.php>) are recommended and cycle ramps should also be proposed where steps impede access to the stores .
- 5.25 The Highway Authority requests further details of cycle parking are submitted and condition 1 is recommended to be attached.
- 5.26 Car parking: The site is in controlled Parking Zone N. Currently there is no waiting list for parking permits.
- 5.27 Census data indicates that on average 0.5 vehicles are owned per dwelling within the Central Hove ward. This would indicate that the proposed increase of 4 flats is likely on average to generate 2 vehicles parking on the highway.
- 5.28 There is also one existing car parking space that will remain associated with the site that will be shared by the 4 proposed flats and 5 existing flats. This will further lessen the impact of the flats on the highway.
- 5.29 This amount of likely additional parking is unlikely to have a significant impact on the highway and therefore the Highway Authority does not wish to object on car parking grounds.
- 5.29 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.

Access consultant:

- 5.30 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.

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- 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 |
| QD4 | Design – strategic impact |
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |
| HO3 | Dwelling type and size |
| HO4 | Dwelling densities |
| 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 |
| HE6 | Development within or affecting the setting of conservation areas. |

Supplementary Planning Guidance:

| | |
|--------|---|
| SPGBH4 | Parking Standards |
| SPGBH9 | A guide for Residential Developers on the provision of recreational space |

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

| | |
|-------|---|
| SPD03 | Construction & Demolition Waste |
| SPD08 | Sustainable Building Design |
| SPD09 | Architectural Features |
| SPD11 | Nature Conservation & Development |
| 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 The main considerations in the determination of this application relate to the principle of the change of use and the residential amenity of adjacent occupiers, the quality of living accommodation created and housing issues, sustainability, transport and other material considerations.

Principle of change of use:

8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position.

8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

8.4 Policy HO9 of the adopted local plan seeks to retain smaller dwelling houses that are capable of family occupation. The policy sets out a number of criteria that should be met in order to qualify a dwelling for release for sub division. The policy is complimentary to other strategic housing policies in the local plan by maintaining such housing stock and seeking to address demand for small family housing need across the city.

8.5 Policy HO9 sets a size threshold of 115 sq metres in criterion a) and states that the original floor area should be greater than 115 sq metres or the dwelling has more than 3 bedrooms as originally built. None of the units in the existing property have a floor space greater than 115 square metres. The size of the existing units range from approximately 80 square metres through to 104 square metres. The purpose of the policy is to protect smaller units of accommodation and the size threshold of the existing units is below that permitted to be converted by policy HO9. During the course of the application, additional information has been submitted by the applicant in support of the scheme in respect of the application of policy HO9. Reference is made to an appeal decision at 174 Portland Road, where an Inspector allowed the conversion of a two bedroom maisonette into a two bedroom flat and 1 bedroom flat. Even though the size threshold set by part a of policy HO9 was not met, the Inspector concluded that the accommodation was not entirely suitable for family occupation in the first instance and the conversion into two smaller units did not prejudice the application of policy HO9 in the future. In terms of the application site, none of the units would meet the size threshold for conversion. Unlike the appeal

proposal where it was considered to be unsuitable for family occupation and therefore an exception was permitted, in this instance, the units are considered suitable for occupation by a family. The proposal includes an extension to the rear and the re-configuration of the units to create an additional four units (9 in total). Given the additional space created by the extension and the reconfiguration of the layout of the flats as proposed, it is considered that whilst individually none of the units comply with the size threshold set by policy HO9 to allow a conversion, an exception to policy HO9 can be applied given the reconfiguration of the spaces and extension overall that is proposed. All of the proposed units would be capable of family occupation and therefore criterion b) is met by the proposed scheme.

- 8.6 The conversion seeks to create nine, two bedroom units, the lower ground floor and ground floor of which would have access to some of the rear amenity space. Given the layout and space provided, it is considered that the flat would meet the requirements of criterion b). Issues covered by criteria c), d) and e) are covered later in this report. The building is not listed but is within a conservation area, therefore criteria f) does not apply, g) does but it is considered that the proposal would enhance the conservation area.

Character and appearance:

- 8.7 This property is in the Willet Estate Conservation Area. It is one of the original detached gault brick Victorian villas which form a group of matching properties (9-21 Wilbury Road) that typify the character of this conservation area. A strong distinctive feature of these buildings is the highly decorative nature of the brickwork embellishments. The group has retained many original architectural features with the only significant detracting alterations (when viewed from Wilbury Road) being at roof level.
- 8.8 The front areas of this group are uncluttered, and this is one of only two to have provision for off road parking. The sweeping entrances, boundary walls and open front gardens provide an important contribution to the character of the conservation area and a high quality setting to the buildings.
- 8.9 The proposals for the basement entrances involve the creation of a new doorway and the blocking of two windows; further details for this work have been supplied and are considered acceptable.
- 8.10 The gap between properties is sufficient for the proposed extension to be visible from Wilbury Road. The finish is proposed to be painted render and it is considered that the contrast between the render and the brick of the original building will make this extension unduly visible. The difficulties in matching this type of brick are acknowledged and the use of render is not considered unacceptable. The width of the proposed extension has been reduced slightly in order to create a bigger step in the north and south elevations which reduces the impact of this large expanse of plain render.
- 8.11 The dormer extensions as originally submitted at the rear were considered excessive in size and contrary to the guidance contained in SPD12.

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Amendments have been received during the course of the application, deleting the dormer extensions and replacing with two Conservation style rooflights.

- 8.12 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact. This can be secured by planning conditions.
- 8.13 The proposals for the front garden and boundary were of concern. The existing plan indicated more parking than is possible here. The frontage is currently quite open and uncluttered. However the proposal originally sought to significantly alter this with the addition of bike shelters which have now been removed.
- 8.14 Works to restore the original front boundary arrangement are welcomed, and the proposals have been altered to include the reinstatement of details, including the raising of the wall piers and addition of pier caps to match surviving originals on neighbouring properties.
- 8.15 On the basis of the proposed changes it is considered that the works would enhance the character and appearance of the Willett Estate Conservation Area

Living standards:

- 8.16 The layout and space of the proposed residential units are considered acceptable. All the units are two bedroomed and would offer sufficient floor space for the occupiers.
- 8.17 All the units would provide adequate natural light and ventilation throughout. While the layout of the floors is largely replicated on each floor except where there are marginal gains from staircases on upper floors, the 2-bed units are served by two double bedrooms (one ensuite), a hallway, and a joint kitchen/living room and a family bathroom. Taken as a whole the development would provide reasonable accommodation for future occupants. It is noted that the two ground floor units would have access to private amenity space appropriate to the scale and nature of the development.
- 8.18 The units could not meet Lifetime Homes standards by reason of the existing fabric of the building, in particular the existing stepped threshold and communal staircase. It is not therefore considered necessary or appropriate to require such standards be incorporated in the design, and policy HO13 recognises that conversions are problematic in this regard.
- 8.19 The proposal includes sufficient facilities for the storage of refuse and recycling for all properties. A planning condition should be imposed to ensure that these facilities are implemented in accordance with the approve details.

Impact on amenity:

- 8.20 The rear projecting extension forms a central column addition set in from the side of the building that is well contained within the site and adequately spaced between the dwellings to the north and south.

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- 8.21 At present there is a similar type extension at the adjacent property to the north. The extensions are well sited in such that they would retain an appropriate side and rear building line and would be unlikely to cause a loss of light, outlook or overshadowing to adjacent properties. The side facing portion of the extension would not have new openings and would retain an appropriate side facing aspect.
- 8.22 The area of most concern is with regards to the rear facing aspect. The extension would erode the space between the rear of the building and those in Wilbury Grove.
- 8.23 Wilbury Grove is a mews style historical development located behind and to the west of the site and set over two original storeys. The buildings in Wilbury Grove abut the rear boundary of the site, but due to the excavation and levels between the sites, in most instances only the roof space of Wilbury Grove is overlooked. In some cases there are dormer roof additions and a roof terrace, the terrace of which appears to have been informally arranged and there is no planning history to suggest it is lawful or was approved planning permissions.
- 8.24 The building presently benefits from a rear extension with a roof terrace which would be removed. This terrace currently allows direct views over the roof space and informal recreation areas of those in Wilbury Grove.
- 8.25 It is accepted that some level of further outlook and privacy would be lost, nevertheless by reason of the surrounding density, expectation of privacy in a high density location, the original blank aspect from Wilbury Grove which has been eroded informally by alteration, the proposed development is considered acceptable in this case.
- 8.26 The amended outlook is typical of the area, an intensity of outlook reinforced by the neighbouring extension and those in the wider area. The distance between the properties at the rear would be reduced to approximately from 12m to 7m. This would mean that a greater degree of overlooking and potential for loss of privacy would increase. However, by reason of the existing relationship, removal of the terrace, more strict form of development and the informal nature of the roof terraces the perceived level of impact is consider acceptable in this instance.
- 8.27 It is accepted that the number of units and users of the site may potentially increase. However, by reason of the residential and low key nature of the use and the surrounding residential character, it is considered that the level of potential additional use would not be unreasonable or uncharacteristic of the locality.
- 8.28 Amendments received during the course of the application have introduced a privacy screen to protect the lower ground floor from the ground floor access to the amenity space.

Sustainable Transport:

Car Parking

- 8.29 The site is in controlled Parking Zone N. Currently there is no waiting list for parking permits.

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- 8.30 Census data indicates that on average 0.5 vehicles are owned per dwelling within the Central Hove ward, indicating that the proposed increase of 4 flats is likely on average to generate 2 vehicles parking on the highway.
- 8.31 There is also one existing car parking space that will remain associated with the site that will be shared by the 4 proposed flats and 5 existing flats. This will further lessen the impact of the flats on the highway.
- 8.32 Such an amount of likely additional parking demand is considered unlikely to have a significant impact on the highway and therefore the Highway Authority does not wish to object on car parking grounds.

Cycle Parking

- 8.33 The applicant is proposing cycle parking spaces in the side passages of the property, However, the location of these spaces are deemed unusable as there is inadequate space for a person to walk their cycle to the spaces and it is unclear how these spaces are secure and sheltered. Furthermore, the siting of cycle spaces in this position would detract from the character and appearance of the conservation area and erode the improvements secured by the development.
- 8.34 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 the Highway Authority recommends that the minimum amount of cycle parking is proposed and located in the 'L' shaped spaces at the rear of the side passages.
- 8.35 The Highway Authority requests further details of cycle parking are submitted and condition 1 is recommended to be attached. On this occasion it is considered that secure, covered and accessible cycle parking would not be feasible without harming the character and appearance of the conservation area

Trip generation/ Financial contributions comment

- 8.36 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.

Environmental Sustainability

- 8.37 Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. This requires the submission of a Sustainability Checklist and the achievement of EcoHomes for refurbishment. It is recommended that the application should be required to meet BREEAM for refurbishment through condition.

9 CONCLUSION

- 9.1 The development would meet the strategic housing aims of the Local Plan and would continue to provide residential units capable of family occupation. Whilst the existing units do not meet the criterion set out in policy HO9, given the reconfiguration of the units, together with the additional space provided by the

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extension for the units as proposed, it is considered an exception to policy HO9 can be made. In addition, the development would provide an adequate standard of accommodation and would not harm the visual amenities of the area, the amenity of nearby residential occupiers, or highway safety.

10 EQUALITIES

10.1 The conversion would be required to meet Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

| Plan Type | Reference | Version | Date Received |
|---------------------------------------|-----------|---------|---------------|
| Site and Block Plan | 1384-P-01 | P1 | 23/12/2013 |
| Lower Ground Floor Plan as Existing | 1384-P-02 | P1 | 23/12/2013 |
| Ground Floor Plan as Existing | 1384-P-03 | P1 | 23/12/2013 |
| First Floor Plan as Existing | 1384-P-04 | P1 | 23/12/2013 |
| Second Floor Plan as Existing | 1384-P-05 | P1 | 23/12/2013 |
| Third Floor Plan as Existing | 1384-P-06 | P1 | 23/12/2013 |
| Roof Plan as Existing | 1384-P-07 | P1 | 23/12/2013 |
| North & East Elevations as Existing | 1384-P-08 | P1 | 23/12/2013 |
| South and West Elevations as Existing | 1384-P-09 | P1 | 23/12/2013 |
| Section AA as existing | 1384-P-10 | P1 | 23/12/2013 |
| Block Plan as proposed | 1384-P-11 | P1 | 23/12/2013 |
| Lower Ground Floor Plan as Proposed | 1384-P-12 | P2 | 28/02/2014 |
| Ground Floor Plan as Proposed | 1384-P-13 | P3 | 28/02/2014 |
| First Floor Plan as Proposed | 1384-P-14 | P2 | 28/02/2014 |
| Second Floor Plan as Proposed | 1384-P-15 | P2 | 28/02/2014 |
| Third Floor Plan as Existing | 1384-P-16 | P2 | 28/02/2014 |
| Roof Plan as Proposed | 1384-P-17 | P2 | 28/02/2014 |
| North & East Elevations as Proposed | 1384-P-18 | P4 | 28/02/2014 |
| South and West Elevations as Proposed | 1384-P-19 | P3 | 28/02/2014 |
| Section AA as existing | 1384-P-20 | P1 | 23/12/2013 |

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- 3) No residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 4) None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 5) No development shall take place until full details of the proposed basement door and joinery profile including 1:20 scale sample elevations and 1:1 scale profiles of the door and joinery profile have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 6) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 7) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 8) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 9) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to

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and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. **Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
3. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website (www.breeam.org/page.jsp?id=228). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The development would meet the strategic housing aims of the Local Plan and would continue to provide residential units capable of family occupation. The development would provide an adequate standard of accommodation and would not harm the character and appearance of the Conservation Area, the visual amenities of the area, the amenity of nearby residential occupiers, or highway safety.

20th March 2014

Dear Sir or Madam

Re: 13 Wilbury Road, Hove, BN3 3JJ
Application Reference BH2013/04367

Please accept my objection to the above revised Planning Application. My objection is based on;

1. The scale of the proposed rear extension is substantial and is overbearing both to the rear of neighbouring 11 and 15 Wilbury Road and to the properties to the rear of 13 Wilbury Road in Wilbury Grove. The revised plans are for a modestly narrower extension to the mail building but the modification hardly reduces the scale of this extension, or the distance from properties to the rear. It remains overbearing and contrary to Local Plan Policy QD1; 3.6 'The appropriateness of the scale and height of the development should follow from the layout of the scheme and its relationship to adjoining buildings and the surrounding area.'
2. The revised proposal extends the footprint of 13 Wilbury Villas a further 1.7 metres approximately to the rear boundary wall (50% of the depth of the existing garden) with properties in Wilbury Grove. It adds two storeys to the existing to the rear extension, making a total of four storeys and significantly increases the width, albeit by a modestly smaller amount than the initial proposal. This will;
 - a. Block out most of the light throughout most of the day to the rear garden of 15 Wilbury Road (to the north of this building), thereby resulting in a substantial loss of amenity to the occupiers of 15 Wilbury Road.

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COUNCILLOR REPRESENTATION

It will also reduce in the loss of some light to 11 Wilbury Road. Please note that the Daylight Assessment supplied makes no reference to these properties.

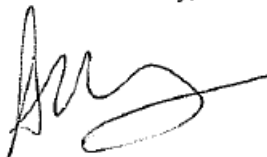
- b. Result in a modest reduction in light received to properties in Wilbury Grove to the rear resulting in a loss of amenity to these properties.

It is therefore contrary to Local Plan Policy QD27 regarding loss of amenity.

- 3. There are windows overlooking the gardens of properties on Wilbury Grove from Bedroom 1 at floors 3 and 4 resulting in overlooking and a loss of privacy.
- 4. The proposed extension at floor 1 Bedroom 1 has double doors to a balcony, which will result in noise disturbance and a loss of amenity to neighbours at 11 and 15 Wilbury Grove (and residents above), and in Wilbury Grove to the rear.
- 5. SPD 12 states; 'In most cases a minimum separation of 7m should be retained to the rear boundary of the property, and 14m to the nearest facing residential window to avoid amenity issues. The proposed distance between the rear of the development and the rear of the property immediately behind in Wilbury Grove is only 10 metres. The distance to the rear boundary wall is only 5 metres.

Thank you for your consideration of the above concerns supporting my objection.

Yours faithfully,



Councillor Andrew Wealls

Dear Jeanette,

Application BH2013/04367

I wish to object to this Application for a substantial rear extension.

The current extension – from several decades ago – is, shall we say, a curious construction on brick stilts. For the unfortunate existence of this hulk to form a reason for any further building at the rear of 13 Wilbury Villas would be illogical.

The view from the rear gardens of the stretch of houses is remarkable. Unlike so many houses, these had considerable attention given to the brickwork and detailing of their rears, making excellent use of a brick which is such a feature of Hove.

There is a pleasing uniformity to the array of these buildings seen from the rear as much as from the front (albeit spoiled by the regrettable extension).

The proposed extension would destroy this symmetry, and make for a weirdly two-faced building with an effect upon neighbouring buildings that runs counter to SPD12.

I should also like to draw attentions to the concerns of QD14 and QD27 – and I am concerned that the applicant's light study does not take full account of Wilbury Grove to the rear.

Once again, this is an instance of an Application which seeks to pile Ossa on Pelion. As such, if the Recommendation is to approve it, I should like it brought before the Planning Committee, to which I shall come along speak as a Ward Councillor.

All the best,



Christopher Hawtree