

ITEM D

12 Mallory Road, Hove

BH2014/01015
Full planning

08 OCTOBER 2014

BH2014/01015 12 Mallory Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/01015	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 Mallory Road Hove		
<u>Proposal:</u>	Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works.		
<u>Officer:</u>	Paul Earp Tel 292454	<u>Valid Date:</u>	15 April 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 June 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DK Architects, 9 Hove Park Villas, Hove BN3 6HP		
<u>Applicant:</u>	Mr & Mrs Ansell, 12 Mallory Road, Hove BN3 6TB		

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 **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 detached chalet bungalow on the west side of the street, to the south of Onslow Road. The property has a detached garage accessed by a driveway to the southern side of the dwelling, and two outbuildings in the rear garden. The site is relatively flat and in a residential area. The site is not within a conservation area.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing dwelling and erection of a two storey detached dwelling house and an outbuilding. The proposal consists of:

4.2 Dwellinghouse:

Size:

- 5 bedroomed house to measure 11.0m wide x 17.4m deep (maximum) x 9.7m high.
- Footprint / ground floor - approximately 180m², to include integral garage of 27m². First floor – 138m². Second floor 95m². Total gross floorspace approximately 413m².

4.3 Design/Materials:

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- Roof / second floor level: pitched roof with front and rear gables to incorporate vertical panels - to be covered in zinc. Single rooflight in each of side roofslopes. Four solar panels in south (side) roofslope. Recessed balcony 2.5m in length within rear elevation at second floor level
- First floor level: balcony within front and rear elevations, 2.3m in length with glazed balustrade.
- Ground floor: raised deck to rear with steps to garden.
- Integral garage to incorporate cycle storage and recycling facilities.
- Materials: roof – zinc; windows: timber clad aluminium; walls - rendered.

4.4 Outbuilding:

- Located at rear of garden to measure 9.5m wide x 4.0m deep / 38m² footprint, x 4.0m high with pitched roof.
- Layout: ground floor laid out as living room with integral kitchen, and shower. Mezzanine level within roofspace to provide storage space.
- Materials as for main house.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Six (6)** letters of representation have been received from **10, 11, 13, 14, 15 Mallory Road; 17 Onslow Road** objecting to the application for the following reasons:

- Proposed house is out of keeping with properties in the cul-de-sac of Mallory Road.
- The proposed house is to be built on the position of the present chalet bungalow but also extends across the existing drive to cover the total width of the plot. The proximity of the new build will be overbearing on the adjacent dwellings.
- The size and mass of the proposed two storey building with further accommodation in the roof, which replaces a chalet bungalow, is out of keeping with the plot width.
- Increase in height of building, close to side boundaries, will impact on adjacent buildings.
- Proposed roof is higher than properties either side.
- Overlooking and loss of privacy to No.14 from the proposed terrace at the rear of the house.
- Loss of privacy to No.10 which has a windows in the side elevation facing the proposed dwelling.
- Overshadowing. The proposed house is double the height of the existing and will overshadow No.14 to the north, and take light from the 5 windows in the side elevation which are to a dining room and lounge.
- Proposed building at the end of the garden is of substantial size, being 9.5m wide x 4m deep x 4m in height, and comprised a bedroom, sitting room, kitchen, bathroom/w.c. and has storage in the roof. It is effectively a small bungalow which could be used as an independent unit including a holiday let.
- The proposed lodge, being 2m from the boundary, will have a detrimental impact on the garden of 17 Onslow Road. An existing

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building 4m from the boundary is to be demolished; positioning the proposed lodge on the same site would have little impact on no.17.

- The erection of the lodge would require the removal of a Monkey Puzzle Tree.
- Constructing residential buildings in gardens is against council and government policies, and with the construction of three recent back-garden houses in Onslow Road over the past three years the developments has a cumulative impact on the loss of wildlife habitats.
- Concerned at the impact of the demolition and construction of this developments will have on a quiet neighbourhood, in particular noise, vibration, dust, air quality, safety and heavy vehicle movements.
- Crushing and burning of materials should not be allowed to take place on sited due to air pollution.
- Steps should be taken to protect the mature elms that are outside and opposite the site as well as pavements and grass verges. Any unavoidable tree removal should take place outside nesting season.
- The existing property has a driveway and double garage which could accommodate 5 cars. The proposed development could accommodate 2 cars off street, which is a loss of three parking spaces.

5.2 **14 Mallory Road:** Have previously objected to loss of light to the side windows, the proposed raised terrace at rear, and the use of the proposed building at the bottom of the garden. To resolve these issues it is requested that conditions are attached to ensure that an opaque glass screen 1.8m high be erected to the side facing No.14 to prevent overlooking; that the wall facing No.14 be painted white to reflect maximum light gained by the facing windows; that the building at the bottom of the garden cannot be used for residential accommodation overnight.

5.3 **Councillors Vanessa Brown and Jayne Bennett:** Letter of objection received (see letter attached).

Internal:

5.4 **Access officer:** No objection. The proposal meets Lifetime Homes standards

5.5 **Arboriculturist:** No objection subject to conditions to protect existing trees. At the front of the property on the street is a fine mature Elm and in the front garden there is a mature Holly tree which is shown for retention. In the rear garden in the vicinity of the proposed outbuilding is a semi-mature Monkey Puzzle tree that is of fine form, and a mature Cherry. The trees should be protected during the course of the development. Also in the vicinity of the proposed new dwelling are several trees of low arboricultural value, eg, macrocarpa, cotoneaster, twin stemmed pine. Whilst no objections are raised to the loss of these trees, if they are to be retained they should be protected during the course of the development.

5.6 **Sustainable Transport:** No objection subject to conditions to ensure the provision of cycle parking and that the vehicle parking area shown of the plans is used for the parking of vehicles belonging to the occupants and visitors only.

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
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

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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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

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 impact of the proposed dwelling on the character and appearance of the streetscene, the impact on the residential amenities of the occupiers of adjacent properties, transport issues and sustainability matters.

Principle of replacing the existing property:

8.2 The existing property is a chalet bungalow situated on the southern section of the street, south of Onslow Road, which forms a cul-de-sac. The property is on the west side of the street which consists mainly of two storey detached properties of similar bulk and of individual design. The proposal is to demolish the property and replace it with a two storey dwelling.

8.3 Planning policies QD1 and QD2 state that all new development should emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics including height, scale, bulk and design of existing buildings, and materials. Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.4 The footprint of the proposed dwelling is larger than existing but is sited on the same building at the front and north side elevation. The width of the property is enlarged from 9.0m to 11.0m and is sited approximately 1.0m from both side boundaries. The depth of the proposed building is 16.0m in a staggered form which is the same as existing on the north side. The height of the proposed building is to be 9.7m which is 3.7m higher than the existing single storey chalet bungalow.

8.5 The street rises slightly from south to north and the proposed dwelling is approximately 1.0m taller than the property to the south and 0.4m higher than

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that to the north. As existing, the property to the south is approximately 2.6m higher than the existing chalet bungalow and the property to the north is 3.5m higher. It is considered that proposed height, width and bulk of the proposed is not inappropriate in this location and is more in keeping with adjacent properties and the prevailing scale of properties in the street than the existing property.

- 8.6 The proposed building has tradition window design with the main architectural feature being the zinc roof and vertical finish at second floor level, with the jointing detail designed to reflect the timber gables of mock-tudor houses in the area. The building is to be rendered.
- 8.7 It is considered that the building is of a design and materials will add to the architectural variety of buildings in the area and that the scale and design of the proposed building is acceptable in this location.

Impact on Amenity:

- 8.8 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.9 The property retains the same side building line to the north side, adjacent to No. 14. The neighbouring property, which is a two storey dwellinghouse, has 5 secondary windows within the side elevation facing the proposed property, all at ground floor level. Three of the windows have coloured glazing and the main source of light to the lounge is from a large window to the rear, facing the garden, not from the side windows. Due to the rise in the level of the street, No. 14 is approximately 1m higher than No.12 and whilst some sky can be seen from the side windows, it is not considered that the proposed increase in the height of the proposed dwelling over the existing would result in a substantial loss of light to No.14 given the limited amount of light currently gained from the windows. It is proposed that this elevation be painted white to reflect the light to No.14. Additionally, the occupiers of No.14 have raised concerns that overlooking of their property would occur from the proposed rear terrace. The proposed rear elevation is to be built on the same building line as existing close to No.14. Whilst the terrace is raised approximately 0.5m due to differences in ground level, with the provision of an obscure glazed screen to the side elevation no overlooking of the property of No.14 would occur as the view would be to garden, which is already overlooked. This is secured by condition.
- 8.10 The proposed dwelling is of greater width than the existing, being partly built over the existing drive, but retains a 1m gap between the property to the south, No.10. The proposed dwelling has less windows on the south side elevation than existing, with all of the horizontal windows at ground floor located above eye level; the first floor window is to a bathroom and is to be obscure glazed. The main window in the north side elevation of No.10, facing the proposal, are obscure glazed and at ground floor level screened by the existing boundary wall. Whilst the gap between the properties is to be reduced, the reduction in the number of windows on the side elevation and the nature of those proposed,

together with the removal of the drive with associated noise from car doors etc, will result in less impact on No.10 than currently exists.

Sustainable Transport:

- 8.11 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavements, cycle routes and roads. Policies TR14, TR18, and TR19 requires the provision of adequate cycle parking, parking for people with mobility related disability, and car parking, respectively. Policy QD28 seeks planning obligations where necessary to secure the provision of contributions towards the provision of public transport and pedestrian and cycle route infrastructure where necessary.
- 8.12 The existing detached garage is to be demolished and the drive removed. The proposed dwelling has an integral garage and a hardstanding to its front which can accommodate a vehicle. Objections have been raised to the loss of parking provision stating that the existing property has a driveway and double garage which could accommodate 5 cars and that the proposed development with space for 2 cars would lead to a loss of 3 parking spaces. Cycle parking is proposed within the garage. Despite this reduction, the Traffic Engineer considers the proposed level of off-street car parking to be acceptable. Conditions are proposed to ensure that the cycle parking is provided and that the vehicle parking area shown of the plans is used for the parking of vehicles belonging to the occupants and visitors only.

Sustainability:

- 8.13 Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size achieve Level 3 of the Code for Sustainable Homes, and meet Lifetime Homes Standards. The application is accompanied with a Sustainability Checklist which states that the dwelling would achieve Code Level 3, and would incorporate an efficient gas boiler. Four solar panels are proposed on the south facing roofslope which will provide hot water and will provide stack ventilation to the rooflights at the top floor. A mechanical heat recovery system is proposed for normal ventilation which will be located in the roofspace with discharge points behind the high level louvres. A wood burning stove in the main living room will provide hot water reducing the need to use the gas boiler.
- 8.14 Refuse and recycling facilities are to be sited within the integral garage and are secured by condition. Subject to these conditions the proposed development will meet the sustainability criteria set out in policy SU2 and SPD08.
- 8.15 Policy SU13 states that development proposals should have regard to the minimisation and reuse of construction waste. This is reinforced by SPD03 Construction and Demolition Waste which sets out best practice. A Site Waste Management Statement accompanies the application which states materials for demolition will be reused and recycled where possible. Any removed topsoil that is suitable for reuse will be set aside and used elsewhere or returned to site later. Separate bins will be used for separating waste materials. New building

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materials will be sourced from local suppliers where possible, using local bricks and timber from managed Sussex forests.

Trees/ Ecology/Nature Conservation:

- 8.16 Policies QD15, QD16 and QD17 relate to landscape design, trees and hedgerows and protection and integration of nature conservation features respectively. The property has a substantial garden which has several trees, and the application is accompanied by the Biodiversity Checklist which is a 'first impressions' survey of the natural habitat nature of the site. The Checklist indicates that the natural environment (fauna, flora, habitats and geology) will not be affected by the proposal.
- 8.17 Public concern has been voiced that the proposal may damage street trees and a Monkey Puzzle tree in the rear garden. The applicant has confirmed that the tree is to be retained and the Arboriculturist has no objections to the proposal subject to conditions to ensure adequate protection of trees during construction.

Proposed outbuilding:

- 8.18 The proposal includes the construction of an outbuilding to the rear of the garden, which is to replace an existing smaller building. The proposed building has a similar treatment as the main building with a zinc roof and render. The ground floor is laid out as living room/kitchen and shower room, and has two mezzanines labelled as storage space. The applicants state that the building will be completely ancillary to, and dependent on the house, and states that it could be constructed without the need for planning approval and is shown to demonstrate that it is not out of scale or character with the main dwelling.
- 8.19 Permitted development rights allow buildings within the curtilage of a dwellinghouse, with size limitations, providing that they are incidental to the enjoyment of the dwellinghouse only. The proposed building which has a dual pitched roof 4.0m in height, and is sited 2m from the boundary of the site, is the maximum size permitted. Neighbour objections have been received stating that the building would overshadow adjacent gardens and could be used as a separate dwelling to the detriment of the amenities of the occupiers of surrounding properties. Whilst consent is not required for the building as shown it is nevertheless shown on the plans it is considered appropriate that an informative form part of any approval reminding the applicant that should the building be used as a separate dwelling or for the purposes not incidental to the overall use as a dwelling, planning permission would be required.

9 CONCLUSION

- 9.1 The proposed two storey dwelling replaces a lower chalet bungalow in a street of individually styled two storey dwellings. In this location the scale of the proposed dwelling reflects the general scale of development in the area and the design would add to the diversity of building styles in the streetscene. The building, subject to conditions to paint the north side wall to reflect light, and erection of an obscure panel to the side of the rear terrace, would not adversely impact on the amenities of the occupiers of neighbouring properties. The building provides adequate off-street parking and is highly sustainable.

10 EQUALITIES

- 10.1 Policy HO13 relates to Lifetime Homes. The property has good circulation space with a level threshold and a ground floor shower room with w.c of adequate size and layout to meet current standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 3) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 4) The development hereby permitted shall be undertaken in accordance with the Waste Management Statement received on 31 March 2014. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 5) The side elevations are to be painted white and maintained as such to the satisfaction of the Local Planning Authority at all times thereafter. **Reason:** To provide maximum light reflection to adjacent properties and to comply to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) The development hereby permitted shall not be occupied until the sustainability measures including the gas efficient boiler and solar panels detailed within the Sustainability Checklist received on the 31 March 2014 have been fully implemented, and such measures shall thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2

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of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 7) 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.
- 8) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 9) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.

Plan Type	Reference	Version	Date Received
Location Plan			31 March 2014
Block Plan			31 March 2014
Existing Site Plan	S1		31 March 2014
Existing Ground Floor Plan - 1	S2		31 March 2014
Existing Ground Floor Plan - 2	S3		31 March 2014
Existing Contextual Elevation	S4		31 March 2014
Existing Elevations – front/rear	S5		31 March 2014
Existing Side Elevations	S6		31 March 2014
Existing Floor Plans	S7		31 March 2014
Proposed Site Plan	P1	A	6 August 2014
Proposed Floor Plan - 1	P2	A	6 August 2014
Proposed Floor Plan - 2	P3	A	6 August 2014
Proposed First Floor Plan	P4		31 March 2014
Proposed Second Floor Plan	P5		31 March 2014
Proposed Roof Plan	P6		31 March 2014
Proposed East Elevation	P7	A	6 August 2014
Proposed Front and Rear Elevations	P8	A	6 August 2014
Proposed North and South Elevations	P9	A	6 August 2014
Proposed Sections	P10		31 March 2014
Proposed Garden Studio	P11	A	6 August 2014
Site Waste Management Statement			31 March 2014

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Local Planning Directive			31 March 2014
Response Statement			
Biodiversity Checklist			31 March 2014
Design Statement			31 March 2014
Sustainability Checklist			31 March 2014

Pre-Commencement Conditions:

- 10) No development shall take place until details of an obscure glazed screen 1.8m in height to be erected to the side (north elevation) of the rear terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such at all times. **Reason:** To prevent the overlooking of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 11) 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 QD1 of the Brighton & Hove Local Plan.
- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 13) No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 14) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

- 15) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 16) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

Pre-Occupation Conditions:

- 17) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 18) 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.
- 19) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the

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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.

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. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is reminded of the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1, Class E. This Class permits the provision of buildings within the curtilage of a dwellinghouse, to specified criteria, for a purpose incidental to the enjoyment of the dwellinghouse. The outbuilding as shown on the drawings hereby approved is for a building to the maximum size permitted by the Order. Should the building be constructed in excess of that permitted by the Order then planning permission will be required. **It is important that the building is not used for a purpose other than incidental to the enjoyment of the dwellinghouse, and not as a separate dwelling, or as overnight accommodation.** A breach of the Order may lead to Enforcement Action being by the Local Authority.
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 proposed dwelling is of a height and scale which reflects general development in the vicinity, and the proposed design would add to the diversity of building styles in the streetscene. The building provides adequate off-street parking, is highly sustainable, and will not adversely affect the amenities of the occupiers of adjacent properties.

From: Vanessa Brown
Sent: 13 May 2014 17:20
To: Mark Thomas
Subject: BH2014/01015

Dear Mr Thomas

Re: BH2014/01015 12 Mallory Road

As the Ward Councillors we are objecting to the above application to turn a bungalow into a house. We have concerns about the bulk and height of the new building and the design is out of character with the other houses in the road.

The height of the North wall of the proposed house, only 1.2m from the boundary of number 14 Mallory Road , will cause a loss of light and sunshine to their living area. They have five tall narrow windows on their South side giving light and sunshine to their lounge and dining room and they will now be overshadowed.

The proposed terrace at house floor level , due to the slope of the land, will cause severe overlooking to both numbers 10 and 14 Mallory Road. The terrace could be constructed at garden level with steps down from the house which would prevent this loss of privacy.

The detached lodge at the bottom of the garden is a further cause for concern. This comprises a living area, bedroom, kitchen and bathroom . It is effectively another dwelling on this piece of land.

We would request that this application goes before the planning committee if the recommendation should be to grant.

Yours sincerely

Vanessa Brown

Jayne Bennett

