

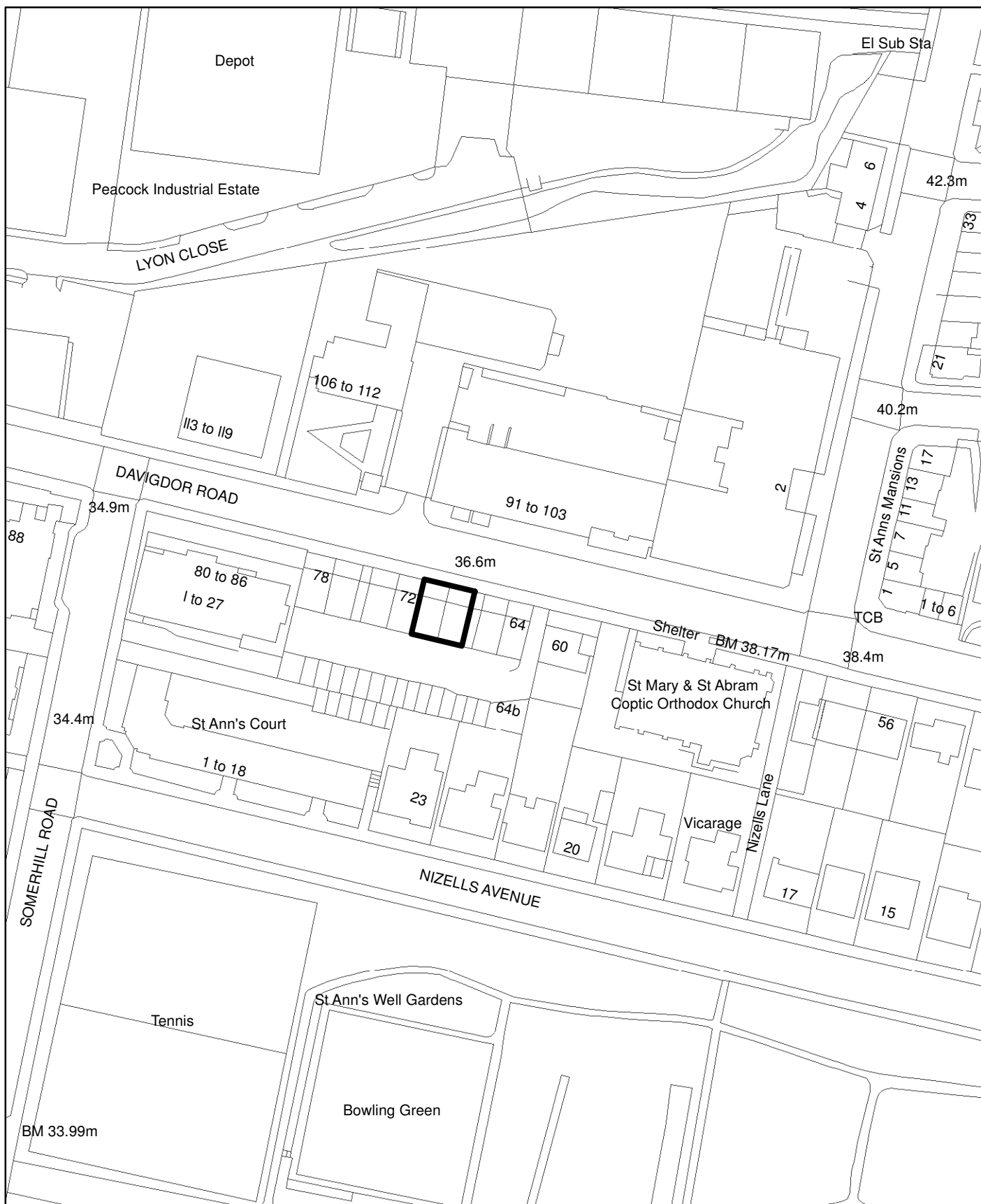
# **ITEM B**

**68 Davigdor Road, Hove**

**BH2015/00439**  
**Full planning**

**3 JUNE 2015**

# BH2015/00439 68 Davigdor Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/00439</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>68 Davigdor Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Conversion of first floor flat and loft to create 3no flats including rear dormers and balcony, side dormer and front rooflights, removal of chimney stacks and additional rear window and doors at first floor level.</b>		
<b><u>Officer:</u></b>	Helen Hobbs Tel 293335	<b><u>Valid Date:</u></b>	10 February 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	07 April 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Chalk Architecture Ltd, 21-22 Old Steine Brighton BN1 1EL		
<b><u>Applicant:</u></b>	Copsemill Properties Ltd, Mr Jon Wright 12A Orange Row Brighton BN1 1UQ		

This application was deferred from Planning Committee on the 13 May 2015, to allow Members to carry out a Site Visit.

## 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 site comprises a two-storey building on the southern side of Davigdor Road. The building features four gabled bay windows, a large hipped roof with front dormers, and chimney stacks to the side and rear roofslopes. The building, encompassing 68-70 (even), has been designed to appear as a terrace row but comprises two ground floor flats and two first floor flats. The application relates to the first floor flat within the eastern section of the building.
- 2.2 The rear of the site is appreciably lower than Davigdor Road street level and comprises a continuous hardstanding with a lower ground floor level accommodating commercial units / garages which are not seemingly connected to the residential units above. The rear boundary of the site is marked by a row of single-storey garages.

## 3 RELEVANT HISTORY

**BH2014/02692** Conversion of first floor flat and loft to create 3no flats including rear dormers and balcony, front and side rooflights, removal of chimney stacks

and additional rear window and doors at first floor level. Refused 14/10/2014 for the following reasons;

1. *The existing first floor unit is unsuitable for conversion into smaller units of accommodation by virtue of an original floor area of less than 115 sq metres and having only three bedrooms as originally built. The resulting development would create accommodation below the standard that the Council would reasonably expect and, by reason of habitable rooms of an inadequate size and a failure to incorporate Lifetime Home standards in the design, unsuitable for family occupation. This harm is considered to outweigh the benefit provided by the additional residential units. The proposal is therefore contrary to policies QD27, HO9 and HO13 of the Brighton & Hove Local Plan.*
2. *The proposed front rooflights, by reason of their number and siting in relation to features at lower levels of the building, would detract from the appearance of the existing building and the wider street scene. This harm is considered to outweigh the benefit provided by the additional residential units. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.*

**BH2012/02244** Conversion of first floor flat and loft to create 3no flats incorporating rear dormers and balcony, front rooflights and removal of chimney stacks. Refused 18/01/2013, for the following reasons

1. *The existing first floor unit is unsuitable for conversion into smaller units of accommodation by virtue of an original floor area of less than 115 sq metres and having only three bedrooms as originally built. The resulting development would create accommodation below the standard that the Council would reasonably expect and, by reason of habitable rooms of an inadequate size and a failure to incorporate Lifetime Home standards in the design, and unsuitable for family occupation. The proposal is therefore contrary to policies QD27, HO9 and HO13 of the Brighton & Hove Local Plan.*
2. *The proposed front rooflights, by reason of their number and siting in relation to features at lower levels of the building, would detract from the appearance of the existing building and the wider street scene. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.*
3. *The proposed rear dormers would appear poorly sited in relation to features at lower levels of the building, with the extensive balustrading introducing an overtly horizontal emphasis at roof level. The resulting structure would detract from the appearance of the building and the wider surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1, Roof Alterations and Extensions.*

4. *The removal of the chimney stack to the side roofslope would be harmful to the appearance of the existing building and the character of the roofscape in this section of Davigdor Road. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 9, Architectural Features.*

**66 Davigdor Road**

**BH2010/02349:** Conversion of first floor flat and loft to create 3no residential units incorporating rear dormers and rooflights to sides and rear. Approved 27/09/2010.

**76 Davigdor Road**

**BH2010/00031:** Conversion of first floor flat into 2 self-contained flats. Conversion of roofspace to form 1 self-contained flat with addition of 2 no. rear dormers and 4 no. rooflights. Approved 18/03/2010.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the conversion of the first floor flat and loft to create 3 self-contained flats. External alterations include the installation of rear dormers and balcony, front roof lights, dormer to the side roof slope, removal of chimney stacks and additional rear window and doors at first floor level.

**5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **Studio 2 Davigdor Mews Davigdor Road, Flat 3 66 Davigdor Road, Unit 7 rear of 64-78 Davigdor Road and 70 Davigdor Road (x 4) objecting** to the application for the following reasons:

- Noise
- Nuisance
- Disturbance
- Increased traffic/lack of parking
- Pollution
- Loss of privacy
- Layout of the flats
- Poor structure of the building

- 5.2 **Councillor Buckley objects** to the application (email attached).

**Internal:**

- 5.3 **Sustainable Transport:** Comment A condition should be attached to any approval requiring further details of cycle parking facilities.

**6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- 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

#### Supplementary Planning Guidance:

- SPG4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

SPD12 Design Guide for Extensions and Alterations

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to disturbance during building works and the structural safety of the units are not material planning considerations. The main considerations material to this application are the principle of conversion, the standard of accommodation to be provided, the impact on neighbouring residential amenity, traffic issues and sustainability issues. Accurate plans have now been submitted therefore a full assessment of the scheme can now be made.

**Principle of Development**

- 8.2 The application seeks the sub-division of a unit of residential accommodation therefore policy HO9 applies. This policy states that planning permission for the conversion of dwellings into smaller units of self-contained accommodation will be permitted in instances where (amongst others) the original floor area is greater than 115sqm or the dwelling has more than 3 bedrooms as originally built, and at least one unit of accommodation is provided which is suitable for family accommodation and has a minimum of two bedrooms.
- 8.3 The building as existing takes the appearance of a semi-detached property yet contains two flats, one on each floor, each with its own separate access from the front. Planning records show no evidence of conversion works having taken place whilst the layout is such that it is considered that the building is still in its original format. The previously refused applications at 68 Davigdor Road failed to satisfactorily demonstrate that the dwelling was built with 3 or more bedrooms, as stated in section 3 above. Within this current application, the applicant has provided evidence in the form of estate agents marketing information, photographs and details of the layout of the current unit and of the adjoining properties to demonstrate that the flat has four bedrooms as originally built. The floor plans have also been properly labelled indicating the use of the rooms, which was not the case in the previous refused application. The Local Planning Authority is therefore satisfied that the first floor flat consists of four bedrooms within an internal floorspace of 112.5sqm, therefore satisfying part a) of policy HO9. In addition, it is noted that applications at No.76 Davigdor Road (BH2010/00031) and No. 66 Davigdor Road (BH2010/02349) were granted planning permission for conversion of the first floor units on the basis that the flats had a floor area of 112sqm and four bedrooms.
- 8.4 On this basis, although the minimum 115sqm floor area is again not met, given the additional information provided with the application, the applicant has demonstrated that the unit does benefit from more than 3 bedrooms as originally built and therefore policy HO9 is not considered to have been conflicted with. Furthermore, one of the proposed flats would contain two bedrooms, thereby complying with sub-section b) of the policy.

**Design and Appearance**

- 8.5 The proposal also includes the installation of two rooflights to the front elevation, a dormer to the side and a rooflight and two dormer windows, with connecting balcony balustrade, to the rear elevation.
- 8.6 The number of rooflights has been reduced to 2 on the front elevation. Given the width of the roofslope and the proposed size and positioning of the rooflights, the alterations are considered acceptable features would not cause significant harm. Rooflights are evident on the neighbouring properties and therefore the proposal would not disrupt the character of the streetscene.
- 8.7 Supplementary Planning Document 12 provides guidance on extensions and alterations. The creation of two dormer windows connected with a balcony on the rear roof slope would not meet the guidance contained in the SPD. However, the proposed external alterations at the rear are similar to those granted in 2010 at 66 Davigdor Road. Whilst the adoption of the SPD post-dates the approval of the works at 66 Davigdor Road, the section relating to roof alterations was the same as within the relevant guidance at the time of that application.
- 8.8 Guidance contained in SPD12 requires dormer windows to align with fenestration below. The proposed dormer window on the side roof slope, whilst it would not align with the fenestration below in terms of size, given the scale and proportions of the dormer window on the front elevation, together with the fact that much of the dormer is screened by the existing chimney at the front, which is to be retained, the proposal is considered acceptable.
- 8.9 There is no objection to the infilling of an open stair well and creation of a new window opening at first floor level as this would match the existing appearance of the building. Similarly there is no objection to the removal of the chimney stacks to the rear roofslope which are of only limited importance.
- 8.10 For these reasons, it is considered that the external alterations would comply with policy QD14 and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**Standard of Accommodation**

- 8.11 The conversion works would result in the creation of three additional flats. The four bedroom flat at first floor level would be converted to a one bedroom flat and a two bedroom flat. The size and layout of both flats is considered appropriate whilst all rooms would have a suitable outlook. The two bedroom flat would have, a separate kitchen and living space thereby providing for a more suitable layout for potential family occupiers. Although the only outdoor space provided would be a small balcony, it is not considered reasonable to refuse consent on the basis that policy HO5 has not been met.
- 8.12 Within the loft space a two bedroom flat is proposed. As the building has a hipped roof each of the proposed rooms would have sloping roofs on at least two sides, thereby compromising the useable floorspace. Although the open plan kitchen and living space could potentially be cramped owing to the pitched roof, it is not considered that it is so poor as to warrant refusal of the application. Both the living room and larger bedroom would have access to a small rear balcony by



virtue of the addition of two dormers to the rear, whilst a further dormer in the side and front rooflights would provide additional natural light. On balance it is considered that all three flats provide a suitable standard of accommodation for future occupiers, thereby complying with policy QD27 of the Brighton and Hove local plan.

- 8.13 Policy HO13 requires new residential units by way conversions to demonstrate that where possible lifetime homes criteria have been incorporated into the design. The access into all three residential units would be via internal steps and in this respect the application could not meet all lifetime homes standards. However, the internal layout of each unit should be capable of complying with many of the standards without major structural alterations. The applicant has failed to demonstrate in the design that the internal layout of the units can, where practical, meet any lifetime homes standards, however given that the works are purely internal and involve a conversion rather than a new build it is considered that lifetimes home standards can be incorporated in the scheme by way of a suitable condition.

#### **Impact on Residential Amenity**

- 8.14 It is noted that representations have been received outlining concerns relating to noise and disturbance from the neighbouring properties. The adequate soundproofing between units would though be secured under the Building Regulations. The structural stability of the building is not considered material to the planning merits of the proposed development and the potential for damage to adjoining properties is a private matter.
- 8.15 The proposed rooflights and dormer windows, due to the separation distances and nature of adjoining development, would not result in intrusive downward overlooking of adjoining properties.

#### **Sustainability**

- 8.16 Policy SU2 of the Brighton and Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design require new development to demonstrate a high level of efficiency in the use of water, energy and materials. The submitted sustainability checklist rates the development at 22% (minimum not met) with minimal justifications detailing specific measures that will be implemented to demonstrate how the development would be efficient in the use of energy, water and materials. For this scale of development, the SPD requires development to meet EcoHomes for refurbishment, this requirement is conditioned.

#### **Transport issues**

- 8.17 There are 4 cycle parking spaces being proposed at the side of the building on ground floor. This would appear to be an acceptable location. The Highway Authority does request that the applicant submits further details of how each cycle parking space would be secured individually (for each dwelling) and sheltered. This provision is conditioned.

## **9 CONCLUSION**

PLANNING COMMITTEE LIST- 3 JUNE 2015

- 9.1 The proposed development would cause no loss of light or privacy to adjacent occupiers, would not harm the appearance of the building, would not result in the loss of a small unit of self-contained accommodation, and would retain a residential unit suitable for family occupation. The proposal is considered to be in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 The proposal demonstrates that lifetime homes criteria have been considered and incorporated into the design.

**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
Block & site plan existing and proposed	A.01	B	10 <sup>th</sup> February 2015
South elevation as existing	A.03	B	10 <sup>th</sup> February 2015
East elevation as existing	A.04	B	10 <sup>th</sup> February 2015
North elevation as existing	A.05	B	10 <sup>th</sup> February 2015
First floor as existing	A.06	B	10 <sup>th</sup> February 2015
Second floor as existing	A.07	B	10 <sup>th</sup> February 2015
Roof plan as existing	A.08	B	10 <sup>th</sup> February 2015
Section BB as existing	A.09	B	10 <sup>th</sup> February 2015
Section AA as existing	A.10	B	10 <sup>th</sup> February 2015
Photographs	A.11	B	10 <sup>th</sup> February 2015
South elevation as proposed	D.01	C	10 <sup>th</sup> February 2015
East elevation as proposed	D.02	C	10 <sup>th</sup> February 2015
North elevation as proposed	D.03	C	10 <sup>th</sup> February

PLANNING COMMITTEE LIST- 3 JUNE 2015

			2015
First floor as proposed	D.04	B	10 <sup>th</sup> February 2015
Second floor as proposed	D.05	C	10 <sup>th</sup> February 2015
Roof plan as proposed	D.06	C	10 <sup>th</sup> February 2015
Section BB as proposed	D.07	B	10 <sup>th</sup> February 2015
Section AA as proposed	D.08	C	10 <sup>th</sup> February 2015

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 4) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.
- 5) 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 'very good' 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 policy CP8 of the Submission City Plan Part One.
- 6) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 7) The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards as far as is practicable 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.

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.

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 development would cause no loss of light or privacy to adjacent occupiers, would not harm the appearance of the building, would not result in the loss of a small unit of self-contained accommodation, and would retain a residential unit suitable for family occupation. The proposal is considered to be in accordance with development plan policies.
2. 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](http://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](http://www.brighton-hove.gov.uk)).

COUNCILLOR REPRESENTATION

**From:** Ruth Buckley  
**Sent:** 23 February 2015 12:21  
**To:** Helen Hobbs  
**Subject:** FW: BH2014/02692

Helen,

With regard to application **BH2015/00439**

I have copied in my original complaint below and would yet again like to object to this proposal. Exactly how many times does an application have to be turned down before the applicant is told not to apply again?

I would like to object to this application –again - due to the severe impact the works would have on the resident of number 70, directly below. The resident is of a mature age and should not have to be faced with this on-going application to build above her house. The noise from the proposed works would be extremely distressful to her. Also, having three flats from such a small space is ridiculous. I also believe the loss of light would impact on neighbours of Nizells Avenue.

Regards,  
Ruth

*Cllr Ruth Buckley*  
Green Councillor for Goldsmid Ward

Helen,

With regard to application: BH2014/02692 I would like to formally object on the grounds of noise and disturbance.

The application seems to be a duplicate of one put forward last year, to which I also objected.

Please see below the objection I sent through last year of which I still hold the same concerns:

I believe the resident of the flat directly below number 68, no 70 will be extremely impacted by the noise from the proposed three flats, both from the alterations then from use. I would also like to object to the layout of the plans as I believe the density of one flat converted into three in that locale will be too great.

Regards,  
Ruth

*Cllr Ruth Buckley*  
Green Councillor for Goldsmid Ward  
Deputy Leader (External) of B&H Council

