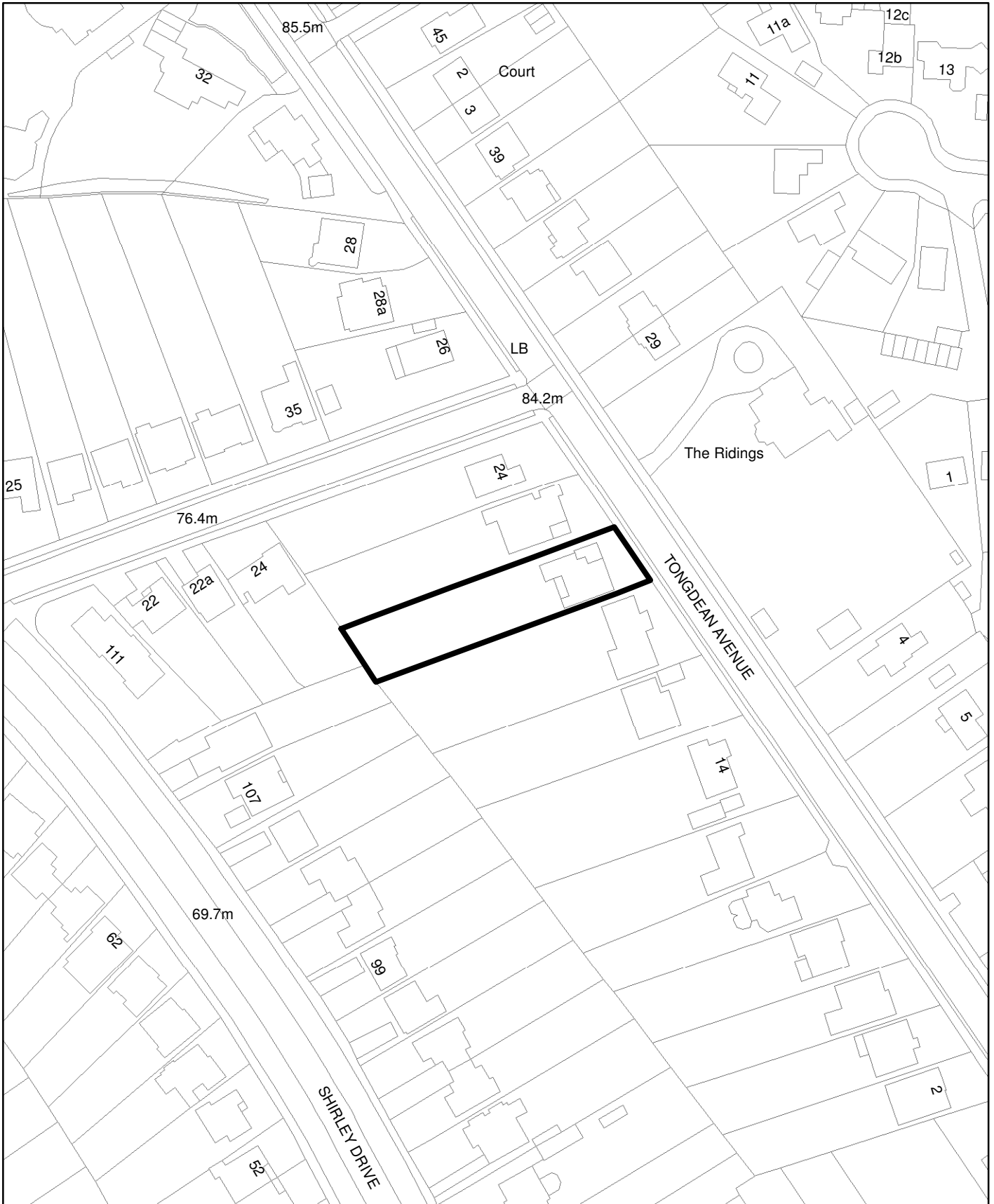


ITEM D

**20 Tongdean Avenue, Hove
BH2015/04563
Full Planning**

30 March 2016

BH2015/04563 20 Tongdean Avenue, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/04563	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 Tongdean Avenue Hove		
<u>Proposal:</u>	Demolition of existing house (C3) and erection of 1no five bedroom house (C3).		
<u>Officer:</u>	Emily Stanbridge Tel 292359	<u>Valid Date:</u>	17/12/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 February 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Mr & Mrs Coleman, 20 Tongdean Avenue Hove BN3 6TL		

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 **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

2.1 This application relates to a detached property situated on the south western side of Tongdean Avenue which is residential in character. The existing property features a pitched roof with a two storey front gable extension. In addition the property features a dormer on the roof slope facing No. 18 Tongdean Avenue.

2.2 Tongdean Avenue is characterised by dwelling houses of varying design, form and detailing set within large plots.

3 RELEVANT HISTORY

BH2015/02056 Demolition of existing house (C3) and erection of 1no 5 bedroom house (C3). Refused July 2015 for the following reasons:

1. *The proposed development by virtue of its bulk form and massing, over three storeys rising close to neighbouring boundaries and extending to the rear of the site, would be visually intrusive. The proposal represents an overdevelopment of the site which would visually dominate the neighbouring properties and harm the spacious garden character at the rear of the site. The development would therefore be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.*

2. *The proposed development, by reason of its bulk form and massing, over three storeys rising close to neighbouring boundaries and extending to the rear of the site would be overbearing and un-neighbourly, giving rise to a significant increased sense of enclosure to neighbouring occupiers. Furthermore the development would result in elevated and expansive views in to neighbouring gardens resulting in overlooking and a harmful loss of privacy for occupants of adjoining properties. The development would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan*

BH2004/00778/FP New house to replace existing house Withdrawn July 2004.

BH2004/03397/CL Certificate of Lawfulness for proposed summer house building at rear of garden – Approved December 2014.

BH2004/03308/FP Extensions to first floor and rear ground floor, including new front and side dormers. Refused December 2004.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing house and the erection of a new five bedroom dwelling.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **16, 18 and 22 Tongdean Avenue** objecting the application for the following reasons:

- Overdevelopment of the site
- The proposed dwelling sits further forward than that existing, increasing its prominence in the street scene
- Increased bulk
- The proximity of the proposed dwelling to both neighbouring properties
- Overbearing impact
- The flat roof design adds to the level of bulk
- The property is visually intrusive to the immediate neighbouring properties
- Increased levels of overlooking
- Loss of light
- The development does not overcome the previous reasons for refusal

- 5.2 **Three (3)** letters of representation have been received from **9, 42 and 46 Tongdean Avenue** supporting the application for the following reasons:

- The proposed dwelling enhances the neighbourhood
- The proposed dwelling overcomes the previous reasons for refusal

- 5.3 **Councillor Vanessa Brown:** Supports the application. A copy of her comments is attached.

Internal:

- 5.4 **Sustainable Transport:** No Objection. Given that the proposed dwelling replaces an existing house and there will be a net increase of only two bedrooms, it is not considered that the proposals will result in a significant uplift in trips. A large cycle store is provided at basement level with a lift provided, whilst vehicle access will remain as existing. If the development is considered acceptable, the development shall not be occupied until the cycle parking facilities shown on the plans has been fully implemented and made available for use

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 City Plan Part One (March 2016)
 - Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (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 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP14	Housing Density

Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO13	Accessible housing and lifetime homes

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation
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Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal is to redevelop the site by demolishing the existing house and forming a new detached dwelling in its place. As such the main considerations in the determination of this application relate to the design and appearance of the works and the impact on the character and appearance of the area, the impact of the development on the residential amenity of neighbouring properties, the standard of accommodation and sustainability and transport and highway considerations.

Design Impact

- 8.2 Policy CP12 of the Brighton & Hove City Plan relates to urban design and the quality of new developments. It confirms that all new development is expected to raise the standard of architecture and design in the city in addition to establishing a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.
- 8.3 In regard to visual impact the policies of the NPPF seek to secure a high standard of design, which also prevails throughout the policies of the Brighton & Hove City Plan Part One. The design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas.
- 8.4 The design approach along the Tongdean Avenue street scene is varied. The proposed design approach takes some lead from art-deco, which is not considered common place in this area of Hove. The new dwelling incorporates white render, grey windows and a flat roof, providing a contrast to the existing

neighbouring properties, particularly No. 22 Tongdean Avenue which has dark brick and a prominent sloping roof.

- 8.5 There are a number of examples in the near vicinity of modern form and materials working well and as such, given the strong design of the proposed new dwelling, it is considered that the principle of re-developing in the manner proposed is acceptable.
- 8.6 It is considered that the height of the development when viewed from the road is broadly acceptable. Following the recent refusal of application BH2015/02056, the proposed ridge height of the new dwelling has been reduced so that it sits in line with the ridge height of No. 22 and lower than the existing ridge height of No. 18. The proposed ridge line now measures approximately 0.3m above that of the existing property.
- 8.7 Both immediate neighbouring properties have sloping roofs and as a result the height of the first floor eaves of the new dwelling measure higher than those of the neighbouring properties. However the previous officers report in respect of application BH2015/02056 states: *'Whilst it would be preferable to have more visual relief between the proposed development and no.18 Tongdean Avenue when viewed from the front, it is not considered that the relationship as proposed would cause substantial harm to street scene, on balance this relationship is considered acceptable.'*
- 8.8 Whilst the character of the area is for two storey houses, the top floor of the new dwelling would appear subservient when viewed from the street scene and as such is acceptable.
- 8.9 In order to overcome the previous reasons for refusal the proposed new dwelling has been brought further forward within the plot so that the proposed building line of the front projection towards No.18 measures 2m at its furthest point. The building line proposed towards No.22 measures approximately 1.4m behind the existing building line. Whilst the dwelling has been brought approximately 3m further forward within the plot than the previous scheme, it is considered that the staggered line which exists between 18, 20 and 22 Tongdean Avenue is maintained.
- 8.10 Terraces are proposed to the front elevation, similar to those submitted under the previous scheme. The previous officer report in respect of application BH2015/02056 states: *'Terraces are proposed for the front of the property which are not characteristic of the area, but are not considered to be harmful to the appearance of the new building or the street scene.'*
- 8.11 Overall it is considered that whilst the development makes a prominent statement on the street scene, the overall design approach when viewed from the front elevation is acceptable.
- 8.12 The proposed new dwelling is dug down and takes advantage of the topography on site. As a result the new development would present a three storey detached house on the rear part of the flank elevations and when viewed directly from the

rear. Whilst it is acknowledged that the rear elevation is not visible from public vantage points, it will be visible from parts of neighbouring houses and gardens.

- 8.13 The levels of the land on site are such that the first floor level is split, with the rear element, incorporating the study and master bedroom, being accessed via 5 steps, resulting in the appearance of an additional storey to the rear elevation.
- 8.14 Whilst it is acknowledged that revisions have been made to the previously refused scheme, in order to reduce the bulk of the proposed new dwelling, it is not considered that these modifications substantially overcome the previous reason for refusal.
- 8.15 The property is now situated further north-east within the plot, towards the street scene. As a result the accommodation at first floor level is now sited approximately 2m further towards the north-east. However the first floor accommodation largely has a similar appearance as the previous application when viewed from the neighbouring properties. Under the previous application the rear first floor accommodation measured 4.7m in depth; this has now been reduced to 4.1m. This reduction in depth of 0.6m is not considered to significantly reduce the visual bulk to the side elevations of the property and still maintains a prominent appearance.
- 8.16 As existing the property features a sloping roof, it is considered that the additional bulk at upper floor level, in combination with the flat roof design results in increased massing relative to the existing property.
- 8.17 The previous officer report in relation to application BH2015/02056 states: *'Whilst there is no objection to a new property with second floor accommodation, it is the fact that this element of the design would occupy much of the width of the property which makes this element so dominating.'*
- 8.18 The width of the accommodation proposed at second floor level when viewed from the rear has not been substantially reduced. It is noted from the plans that the landing and study area shown on the proposed first floor layout have been set back from the rear elevation, creating a stepped back appearance. However when viewed directly from the rear of the property, these elements occupy much of the width of the proposed dwelling, resulting in a dominant appearance which does not appear subservient to the floors below. This dominance is further exacerbated through the large areas of glazing proposed.
- 8.19 As a result the rear elevation of the property is not considered to respect the character of the area therefore this element of the design is not in accordance with policy CP12 of the Brighton & Hove City Plan Part One.

Impact on Amenity

- 8.20 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.

- 8.21 The proposal represents a significant increase in the scale of the development from the existing 2 storey house. As a result it is the two dwellings either side of the application site which would be most affected by the development. A number of residents have made representation on the application, concerned about the scale of the development, loss of light and loss of privacy.
- 8.22 In regard to the bulk, form and massing of the new property, the principal concern is that the property would project to the rear of the site over three storeys.
- 8.23 The proposed new dwelling projects to a similar distance as the existing house towards the boundary with No. 18 Tongdean Avenue. The proposed new dwelling, excluding the Brise Soleil, would extend 8.5m beyond the rear wall of No. 18 Tongdean Avenue. Whilst it is noted that the depth of the extension has been reduced, it is not considered that this overcomes the previous reason for refusal and still represents an un-neighbourly design which results in an overbearing impact and increased sense of enclosure to the occupiers of No. 18 Tongdean Avenue. This relationship would be dominating when viewed from the rear of no.18 Tongdean Avenue and the garden spaces of this property.
- 8.24 The proposed new dwelling does not extend further to the rear than the rear building line of No. 22. The proposed dwelling has been positioned further forward within its plot towards the street scene. As a result the rear elevation of 20 Tongdean Avenue would measure approximately 3.3m forward to the rear elevation of No. 22. It is therefore not considered that the property would result in significant overbearing impact to the occupiers of this property.
- 8.25 The occupiers of this property have raised a concern over the potential for loss of light. The new development would affect light currently received from two small windows in the side elevation of no.22 which serve the living room. However given that the living room is served by windows in the rear of the house and these side windows would be considered secondary, it is not considered that loss of light to this room would be a justifiable reason for withholding consent.
- 8.26 The proposed new dwelling features terraces at ground and first floor level to the rear elevation of the property. The impacts of the terraces have clearly been given thought as screening is proposed for the side elevation of these features. The proposed ground floor terrace is of a similar height to the existing raised terrace to the garden of 20 Tongdean Avenue. Given the position of the terrace below in combination with the existing boundary treatment towards the boundary of No. 22 it is considered that only oblique views would be had of this neighbouring property and its garden.
- 8.27 In addition a small terrace is proposed to the master bedroom to the rear of this property. The depth of the balcony proposed is of a size which would limit the placement of furniture. Whilst screening is proposed to both sides of the terrace as a measure to reduce views into the habitable rooms of neighbouring properties, the terrace proposed allows for extensive views of neighbouring

garden areas which is considered unneighbourly. It is acknowledged that the existing property has a large first floor balcony, located centrally on the house, positioned away from the adjoining boundaries. It is noted that the existing balcony does provide some views of the neighbouring gardens, however the arrangement proposed is considered to worsen the existing situation.

- 8.28 The glazing to the side elevations of the upper floor levels is to be obscure glass which would prevent overlooking and loss of privacy to the neighbouring properties. However there is a significant level of glazing to the rear elevation at first floor level which allows for increased level of perceived overlooking which forms an un-neighbourly design.

Standard of Accommodation and Sustainability

- 8.29 The proposal would provide generous accommodation throughout, compliant with lifetime homes standards and policy HO13. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwelling is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.30 Windows are proposed to each habitable room which enable sufficient levels of Natural light and ventilation. Therefore the proposal accords with Policy QD27 in this regard.
- 8.31 Policy CP8 seeks to ensure that development proposals are efficient in the use of energy and water. If the application were otherwise acceptable an appropriate condition would be attached to secure this.

Sustainable Transport team

- 8.32 The proposal includes off-street car parking and cycle parking. A large cycle store is provided at basement level with lift provided whilst vehicle access will remain as existing.
- 8.33 The Sustainable Transport Team have not raised an objection to the proposal. Given that the proposed dwelling replaces an existing house and there will be a net increase of only two bedrooms, it is not considered that the proposals will result in a significant uplift in trips.

9 CONCLUSION

- 9.1 Whilst there is potential to redevelop site, the proposal as it currently stands represents an overdevelopment of the site which would overly dominate the neighbouring properties when viewed from the rear. The bulk, form and massing of the development so close to neighbouring properties would be

oppressive and overbearing particularly to the occupiers of no.18 Tongdean Avenue. The formation of balconies on the rear of the site is considered unneighbourly and would provide extensive and elevated views in to neighbouring gardens.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed development by virtue of its bulk, form and massing, over three storeys rising close to neighbouring boundaries and extending to the rear of the site, would be visually intrusive. The proposal represents an overdevelopment of the site which would visually dominate the neighbouring properties and harm the spacious garden character at the rear of the site. The development would therefore be contrary to policy CP12 of the Brighton & Hove City Plan Part One.
2. The proposed development, by reason of its bulk, form and massing, over three storeys rising close to neighbouring boundaries and extending to the rear of the site would be overbearing and un-neighbourly, giving rise to a significant increased sense of enclosure to neighbouring occupiers. Furthermore the development would result in elevated and expansive views in to neighbouring gardens resulting in overlooking and a harmful loss of privacy for occupants of adjoining properties. The development would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Existing ground floor plan	668/1		17.12.2015
First floor plans and elevations as existing	668/2		17.12.2015
Location Plan	1478-P-101-P2		17.12.2015
Existing site layout	1478-P-102-P2		17.12.2015
Block plan as proposed	1478-P-105-P4		17.12.2015
Site plan as proposed	1478-P-106-P4		17.12.2015
Lower ground floor plan proposed	1478-P-107-P4		17.12.2015

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Ground floor plan proposed	1478-P-108-P4		17.12.2015
First floor plans proposed	1478-P-109-P4		17.12.2015
Roof plan as proposed	1478-P-111-P3		17.12.2015
Front and side elevations	1478-P-112-P4		17.12.2015
Rear and side elevations	1478-P-113-P4		17.12.2015
Site sections	1478-P-114-P4		17.12.2015
Street elevation as proposed	1478-P-115-P2		17.12.2015
Outlook diagrams from No. 18 Tongdean Avenue	1478-P-119-P2		17.12.2015

From: Vanessa Brown
Sent: 28 January 2016 5:15 PM
To: Jeanette Walsh
Subject: BH2015/04563

Classification: NOT ENCRYPTED

Please forward this to the relevant planning officer.

Dear Sir/Madam

Ref BH2015/04563. 20 Tongdean Avenue

As a Councillor for Hove Park Ward I am writing to support the above application.

I opposed the previous application [BH2015/02056] but I believe the reasons then given for refusal have been rectified in this new application.

The building is now less bulky and domineering. The top floor has been reduced and set back further. The balconies and window on the side facing number 18 Tongdean Avenue have been removed.

If this application should be recommended for refusal I would like it to go before the planning committee for their decision.

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown

