

ITEM E

**14 Portland Villas, Hove
BH2015/04574
Full Planning**

20 April 2016



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/04574	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	14 Portland Villas Hove		
<u>Proposal:</u>	Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	19/01/2016
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	15 March 2016
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Koru Architects, The Studio 15 Lloyd Close Hove BN3 6HY		
<u>Applicant:</u>	Mr and Mrs Emre, c/o Stone Republic Moonhill Farm Burgess Hill Road Haywards Heath RH17 5AH		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached bungalow on the west side of Portland Villas. The bungalow sits between two storey dwellings. Portland Villas varies in character, however the majority of properties are two storeys in height and incorporate traditional features such as gable features and bay windows.

3 RELEVANT HISTORY

BH2015/00279 Demolition of existing property and erection of new detached house. Refused 29/09/2015 for the following reason:

1. *The development, by reason of its design, scale and detailing, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.*
2. *The development, by reason of its scale and bulk in close proximity to shared boundaries, would appear overbearing and result in a harmful loss of light and outlook, particularly for occupants of 12 Portland Villas. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*

The application is now subject to an appeal which is still under consideration.

4 THE APPLICATION

- 4.1 The application seeks consent for the demolition of the existing bungalow and erection of a new detached dwelling. The dwelling would be two storeys in height, with additional accommodation in the roof space. The dwelling would provide 4no. bedrooms. The proposal also includes the erection of an outbuilding in the rear garden.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from **3, 7 (x3), 9, 11 and 13 Glebe Villas, 16 Portland Villas and 73 Pembroke Crescent** objecting the application for the following reasons:

- Overlooking
- Out of keeping with character of area
- Loss of privacy
- Garden room would be out of character
- Roof materials would be out of character

- 5.2 **One (1)** letter of representation has been received from **12 Portland Villas** supporting the application on the grounds that the dwelling would be built to Passivhaus.

- 5.3 **Councillor Robert Nemeth** supports the application. Copy of representation attached.

Internal:

- 5.4 **Sustainable Transport: Comment.** The Highway Authority would not wish to restrict grant of consent for the above application subject to inclusion of the necessary conditions and informatives.

- 5.5 **Arboriculture: Comment.** Nothing of any arboricultural value will be lost to facilitate the development and therefore the Arboricultural Section has no objection to the proposal. The proposed Highway Crossover appears to be well located but should come no closer than 2.2m from the centre of the adjacent highway tree.

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 and 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
CP19	Housing Mix

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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Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
SU11	Polluted land and buildings
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the new dwelling on the appearance of the street scene, its impact on the amenities of adjacent occupiers, and transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position will be assessed once the Plan is adopted. The City Plan Inspector indicates support for the council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

History of the Site

- 8.3 The site has had a previously refused application for the demolition of the existing bungalow and replacement with a two storey dwelling (BH2015/00279). An appeal has been lodged and a decision is currently awaited. The previous application was refused on two grounds relating to the design and impact on neighbouring amenity (full reasons for refusal set out above). The key differences between the refused scheme and this current application are as follows;

- The dwelling has been relocated 0.5m further to the north.
- The front dormer had been removed, and replaced with a three storey gable feature.
- The fenestration on the front elevation has been reconfigured.
- A front first floor balcony is now proposed, in place of the previously proposed Juliet balconies.
- A front second floor balcony is proposed with the gable,
- The upper floors of the dwelling have been reduced at the rear. The second storey would have a depth of 11.2m (as previously proposed it was 13.9m).
- A three storey rear outrigger with a depth of 3.6 would be added to the north side, replacing the previously proposed rear dormer.
- A ground floor extension with a maximum depth of 7.4m would be included. The footprint of the ground floor addition would wrap around the rear outrigger.
- A first floor balcony would replace the previously proposed Juliet balcony.
- A rear third floor balcony is proposed within the gable.

Design:

- 8.4 The existing bungalow sits between two storey semi-detached dwellings and is set on a wide plot. City Plan policies CP12 and CP14 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. CP14 of the City Plan requires residential development to be of a density that is appropriate to the identified

positive character of the neighbourhood and be determined on a case by case basis.

- 8.5 Planning permission is sought for the construction of a two storey dwelling. The dwelling would be built on the established building line of Portland Villas. It would be of modern design incorporating large areas of glazing on the front and rear. The dwelling would appear as three storeys in height due to the projecting gable features at front and rear. The materials would include a zinc roof, aluminium windows and rendered facades. It is considered that in the context of the street scene, a modern two storey dwelling, if well designed and appropriately scaled, would not be detrimental to the prevailing character of the street scene
- 8.6 There are though significant design concerns relating to the scale, design and detailing of the proposed replacement dwelling. The proposed dwelling would appear as three storeys in height due to the extension of the ridge with an area of flat roof and the three storey front gable feature. The extension of the ridge and the area of flat roof would be highly visible within the streetscene due to the spacing between properties. The surrounding development has traditional gabled roof forms. The additional bulk at roof level would therefore be evident and out of scale with the adjoining scale of development.
- 8.7 The front gable feature is uncharacteristic of the immediate area and fails to respect the character of the surrounding area. Where gable features are evident elsewhere on surrounding properties, they remain modest, subservient features, where only the small pitched roofs protrude above the main eaves of the properties. However of relevance is a recent approval at No 11 Portland Villas, located opposite the application site. The neighbouring consent approved the redevelopment of the existing bungalow replacing it with two semi-detached, two storey properties (approved under BH2015/00124) and the scheme included similar gable features, that are three storeys in height. Significant weight must therefore be given to this previous consent and it is considered that a precedent has been set for three storey front gable features. It should be noted however, that there are differences between the two schemes. These include the use of more characteristic materials, which soften the appearance of the gable features and result in them appearing more in keeping with the surrounding area at no. 11. Furthermore the roofline of the approved dwelling at No. 11 is also more in keeping with neighbouring development.
- 8.8 To the rear, whilst the bulk has been reduced from the previous scheme, the first floor level would still project beyond the prominent rear building line of the adjoining properties, with the exceptions of nos. 16 and 18. Furthermore, it is now proposed to extend the ground floor with an addition that would wrap around the rear outrigger. The ground floor extension would have the appearance of a later addition, rather than incorporated in the overall design of the dwelling. This addition, due to its roof form, excessive footprint and design, would fail to respect the main dwelling and would have a significantly overextended and disjointed appearance. The proposed three storey rear gable, would also have an overextended appearance, due to its height, width and large areas of glazing. The resulting building would create a sense of bulk which is

not repeated elsewhere along Portland Villas and which would appear unduly dominant, out of scale with adjoining development and would form an overdevelopment of the plot.

- 8.9 In terms of the detailing of the dwelling, the proposed materials, particularly the zinc roof, would not reflect existing development in the area and the prevailing character of the area, which the use of materials is part of. Coupled with the design concerns outlined above, would create a contrast with adjoining properties which would harm the visual amenities of the area.
- 8.10 The full height glazing at ground and first floors would fail to reflect the characteristics of the adjoining properties, where fenestration reduces in scale at upper floor levels and where roof extensions are limited to modest projecting gables associated with bay windows. The window design and pattern and the upper floor balconies would give the building a greater perceived height than adjoining development. Again similar detailing was accepted within the approved scheme at No. 11, however features in conjunction with the proposed materials, still result in the scheme appearing out of keeping with surrounding development. It is also proposed to insert balconies at first and second floor level. Where balconies exist within Portland villas, they appear as subservient and more traditional features due to their size, positioning and use of materials and remain at first floor level only. The proposed front balconies within the approved scheme at No.11 are smaller than the proposed balconies within this current scheme and the glazed balustrade would appear less visually intrusive than the proposed metal railings. It is therefore considered that these features exacerbate the inappropriate appearance of the dwelling and the overall appearance of the front elevation would fail to reflect the character and appearance of the surrounding area.
- 8.11 Overall, it is considered that the current scheme has failed to satisfactorily address the previous reasons for refusal and by reason of the design and scale of the dwelling, the proposal would harm the existing character and appearance of the Portland Villas street scene and the surrounding area.
- 8.12 The proposal also includes a detached outbuilding. It would measure 6m by 3.5m, with a roof canopy at the front extending a further 1m. Whilst the outbuilding would have a large footprint, given its siting at the rear of the garden and the size of the plot, it would not be highly visible and therefore this part of the proposal is not considered to cause any significant harm to the character and appearance of the surrounding area.

Impact on Amenity:

- 8.13 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.
- 8.14 The rear of No. 16 Portland would extend further to the rear than the building line of the proposed dwelling. It is therefore considered that there would be

limited impact in terms of loss of light and outlook on this property. The side elevation of no. 16, facing the application site, has a number of openings. Whilst it is acknowledged that the additional height and depth of the proposed dwelling could have a harmful impact on these windows, they appear to be secondary openings and therefore any harm caused would not be significant.

- 8.15 The rear of No. 12 has a more traditional appearance with a deep two storey outrigger projecting from the main part of the building. The rear of the proposed dwelling has been reduced and the building has been repositioned 0.5m to the north, further away from No. 12. Given that the bulk above the eaves level has been reduced and the footprint reduced, any impact on this neighbouring property would no longer be significant enough to warrant refusal. Any bulk from the ground floor extension would be screened by the boundary wall and the existing lean to extension at no. 12 that is adjacent to the boundary.
- 8.16 There is inevitably a degree of mutual overlooking from window openings at upper floor levels in this suburban area. However the proposed balconies at first and second floors cause significant concern in terms of loss of privacy and overlooking. The previous scheme included one inset balcony, which would have had screening to the sides from the roofslope. No objections on amenity grounds were raised in the previous application. The proposed balconies, in the current scheme are considered to cause significant harm due to their positioning, raised positioning and close proximity to neighbouring properties, resulting in a significant loss of privacy and overlooking to adjoining properties.
- 8.17 The proposed outbuilding, would have a height of 3m. It would be visible from neighbouring properties, however would be sited adjacent to the boundary shared with no. 16. This boundary would screen the majority of the outbuilding as would the rear boundary fence. There is sufficient distance separating the outbuilding and no. 12, where the boundary wall is significantly lower. No significant impact would occur from this part of the proposal.

Standard of Accommodation:

- 8.18 Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposed garden for the dwelling is considered acceptable and would meet the requirements for a family dwellinghouse.
- 8.19 The layout and location of all habitable rooms are considered acceptable and would provide a good standard of accommodation, with good levels of natural light, outlook and ventilation.

Sustainable Transport:

- 8.20 The proposed dwelling would replace an existing residential dwelling and therefore the proposals would not significantly increase trip generation above existing levels. The applicant is providing a cycle store to the front of the property which is deemed acceptable; its implementation would be secured by condition if the application were acceptable in principle.
- 8.21 The applicant appears to be proposing a new vehicular access and 1 car parking space (as per the application form). While the Highway Authority has

no objections in principle to the provision of on-site car parking or a new vehicle crossover further details would be required if the application were to be approved. These details could be secured by condition if the proposal were acceptable in all other respects.

Sustainability

- 8.22 Policy CP8 of the City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This could be secured by condition if the proposal were acceptable in all other respects.

Arboriculture

- 8.23 Nothing of any arboricultural value will be lost to facilitate the development and therefore the Arboricultural Section has no objection to the proposal. The proposed Highway Crossover appears to be well located but should come no closer than 2.2m from the centre of the adjacent highway tree.

9 CONCLUSION

- 9.1 The benefits of the additional housing proposed is outweighed by the resulting harm. The design, scale, detailing and roof materials, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. Furthermore the development would result in a loss of privacy and overlooking, to the detriment of the amenity of adjoining properties.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The development, by reason of its design, scale, detailing and roof materials, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Portland Villas street scene and the wider surrounding area. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policy CP12 of the Brighton and Hove City Plan Part One.
2. The proposed rear balconies, due their size, elevated position and close proximity to neighbouring properties would result unacceptable loss of privacy and overlooking, as well as causing a potential noise disturbance. The proposal would therefore be to the detriment of the amenity of neighbouring properties and would be contrary to policy QD27 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

PLANNING COMMITTEE LIST – 20 APRIL 2016

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
Site location plan and block plan	1115B01	C	18 th December 2015
Existing floor plan	1115B 02	B	18 th December 2015
Existing east and south elevations	115B03	B	18 th December 2015
Existing west and north elevations	1115B04	B	18 th December 2015
Proposed ground floor plan	1115B10	D	18 th December 2015
Proposed first floor plan	1115B11	D	18 th December 2015
Proposed second floor plan	1115B12	E	18 th December 2015
Proposed section A-A	1115B13	D	18 th December 2015
Proposed east and west elevations	1115B14	C	12 th January 2016
Proposed south and north elevations	1115B15	C	12 th January 2016
Proposed roof plan	1115B16	C	12 th January 2016
Proposed home office	1115B17	A	15 th January 2016

PLANNING COMMITTEE LIST
20 April 2016
COUNCILLOR REPRESENTATION

From: Robert Nemeth
Sent: 27 January 2016 11:53 PM
To: Planning Applications
Subject: BH2015/04574

Dear Sirs

I strongly support this application and would like it to go to Committee in the event that the Case Officer (not yet assigned presumably) is minded to refuse.

I can confirm that the applicants have discussed the case with neighbours and have taken on previous concerns that were raised. Each of the previous issues that was brought up – the balcony, the height at the rear/side, the front elevation, etc – has been addressed. I urge the Officer to point out to the applicants in advance any problems that might arise.

Please confirm that this has been received safely.

With best wishes

**Cllr Robert Nemeth - Wish Ward
Brighton & Hove City Council**