

ITEM C

**Land west of 13 Dudwell Road, Brighton
BH2015 / 03521
Full Planning**

11 May 2016

BH2015/03521 Land west of 13 Dudwell Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03521	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land West of 13 Dudwell Road Brighton		
<u>Proposal:</u>	Erection of 2no three bedroom semi-detached two storey houses (C3).		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	09/11/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 January 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Stephen Bromley Associates, 5 West Street Shoreham-by-Sea BN43 5WF		
<u>Applicant:</u>	Mr J Edwards, C/o Stephen Bromley Associates 5 West Street Shoreham-by-Sea BN43 5WF		

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 site relates to an area of land to the west of 13 Dudwell Road on the junction with Connell Drive. There is currently a pair of flat roofed garages on the site fronting Dudwell Road. The gradient of the land slopes down steeply from east to west and south to north. The street scene consists of pairs of semi-detached gabled ended properties. The ridge heights of these properties step down in line with the fall of the gradient of the land.

3 RELEVANT HISTORY

BH2008/00733 - Outline application for a detached two storey house. Refused on 12 January 2009 for the following reasons;

1. *The proposal fails to meet the travel demands arising from the development contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan.*
2. *The Applicant has failed to demonstrate that the minimisation and re-use of construction industry waste has been sought in an effective manner, contrary to policies SU13 of the Brighton & Hove Local Plan and WLP11 of the East Sussex and Brighton & Hove Waste Local plan and Supplementary Planning Document Construction and Demolition Waste (SPD03).*

3. *The development would, by reason of its size and prominent siting, appear over dominant and unduly obtrusive in the street scene, out of character with and detrimental to the visual amenity of the area contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan*

BH2004/02008 - Single storey side extension and rear conservatory. Approved 20 August 2004.

Adjoining property to north, 17 Holton Hill

BH2007/03410 - Outline application for a pair of semi-detached houses. All matters reserved for further determination. Refused 24 December 2007 for the following reasons;

1. *The applicant has failed to demonstrate that the proposal could achieve a high standard of sustainability contrary to Policy SU2 of the Brighton & Hove Local Plan.*
2. *The proposal would be unlikely to provide satisfactory private outdoor amenity space appropriate to the scale and character of the development contrary to Policy HO5 of the Brighton & Hove Local Plan.*
3. *The proposal would be likely to adversely affect the amenity of adjoining residential occupiers by reason of visual intrusion and loss of privacy contrary to policies QD1, QD3 and QD27 of the Brighton & Hove Local Plan.*
4. *The development would, by reason of its likely height, massing and prominent siting result in an excessive development of the site which would be out of character with and detrimental to the visual amenity of the area contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.*

Dismissed at appeal 24 November 2008 (APP/Q1445/A/08/2078824).

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of 2no three bedroom semi-detached two storey houses (C3).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **11, 12, 16 and 20 Dudwell Road, 17 Holton Hill** and **one unspecified address** objecting the application for the following reasons:

- Increased parking stress,
- Increased highway danger from addition vehicles,
- Vehicular access so close to the junction would be dangerous,
- The existing garages would not be replaced,
- No.17 Holton Hill had a similar application refused,
- Overshadowing and loss of light,
- Another dwelling has recently been approved at Connell Drive and this in conjunction with the proposal will add to parking pressures,

- The owner of one of the garages does not give consent for it to be demolished and not replaced,
- The area would become overpopulated with houses,
- There is a deed of covenant on the street that states vehicles cannot be parked on drive ways,
- The proposal is out of character and would be too close to the road,
- The doors should be on the side and not the front,
- Overlooking and loss of privacy.

Internal:

5.2 Sustainable Transport: No objection.

There are some concerns regarding access, specifically these relate to the length of the proposed crossover and extent towards the junction of Dudwell Road and Connell Drive. Nevertheless, it is not considered that refusal on these grounds would be warranted and that concerns could be addressed by means of details on the proposed landscaping.8.1

5.3 The existing garages and associated hardstanding would be lost and two additional dwellings erected. Whilst there is the potential for overspill parking it is not considered that there would be a severe impact upon the highway network.

5.4 The applicant has indicated that a secure cycle store for up to two bicycles will be provided for each dwelling. Such provision is considered appropriate for single private dwellings of this nature where cycle storage is not communal. It is recommended that the necessary condition be attached to secure implementation of the cycle parking.

Developer Contributions

5.5 As two additional dwellings are proposed, it is likely that there will be an increase in trip generation. In order to provide for the needs of pedestrians of all abilities accessing the development, it is requested that the applicant provide improvements to the footways in the vicinity of the site via a Grampian condition. Specifically, this is to provide pedestrian crossing improvements (dropped kerbs and tactile paving) on the northern and southern footways of Dudwell Road at the junctions with Connell Drive and Batemans Road (orientated for pedestrians crossing Dudwell Road).

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 (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 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
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density

Brighton & Hove Local Plan (retained policies):

TR7	Safe development
TR14	Cycle access and parking
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 Document:

SPD11	Nature Conservation and Development.
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwellings on the character and appearance of the street, the impacts on the amenities of

adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.

Principle of Development

- 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 is assessed following the adoption of the Plan on the 24th March 2016. 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.

Character and appearance

- 8.3 The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan and currently consists of two garages and land associated with Nos. 11 and 13 Dudwell Road.
- 8.4 It is noted that an outline application for a single dwelling on this site was refused in 2009 on the site for the following design reason;
- 8.5 *The development would, by reason of its size and prominent siting, appear over dominant and unduly obtrusive in the street scene, out of character with and detrimental to the visual amenity of the area contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan*
- 8.6 It is also noted that in 2007 an application for a pair of semi-detached properties was refused to the side of 17 Holton Hill on the grounds that the mass, siting, scale and height would result in excessive development for the site to the detriment to the visual amenity of the surrounding area and also harm to the residential amenity of neighbouring and future occupiers. The Planning Inspector dismissed the appeal on these same grounds.
- 8.7 Whilst the previous decisions at the application site and to the rear at 17 Holton Hill are acknowledged it is also noted that subsequent to these decisions an application for a new dwelling, replacing an existing garage, immediately to the west of the site on land adjoining 64 Connell Drive has been granted planning permission. This scheme would infill the existing spacing between the terrace and the highway in a similar way that the proposed dwellings in the current application would also do. In this context it is not considered that there is an in principle objection to development to the west of 13 Dudwell Road, subject to an appropriate design and scale.
- 8.8 The pair of semi-detached dwellings proposed would be the same height, depth and general design as the existing properties within Dudwell Road The proposed materials would match the adjoining pair, Nos. 11 and 13. Whilst the widths of the proposed dwellings would be narrower by 0.4m to fit more comfortably within the plots, this would not be appreciable in street scene views and as such the design approach is considered to be acceptable and

would not detract significantly from the appearance or character of the site or the wider surrounding area.

- 8.9 The pair of semi-detached properties would have a more appropriate relationship to the existing built form in the street than the single detached dwelling that was previously refused on the site (application BH2008/00733) and would respect the prevailing size and divisions of the residential plots.
- 8.10 The proposal would not result in excessive plot coverage or harm to amenity as was the case in the previously refused scheme at 17 Holton Hill. Any detrimental impact in regards to design and appearance is considered minor and is demonstrably outweighed by the benefit of the two new family dwellings.
- 8.11 Whilst the proposed development would be sited in close proximity to the side of the highway (Connell Drive) the ridge heights would step down appropriately and the proposal would not appear as an overly dominant or visually harmful development.
- 8.12 To conclude, in the context of the existing built form within the vicinity the proposal is considered to be appropriate in scale, form and design and would not detract significantly from the appearance or character of the site or the wider surrounding area.

Standard of Accommodation

- 8.13 The proposed dwellings would provide rooms of sufficient size for their function with adequate circulation space. There is considered to be satisfactory levels of natural light and outlook and the overall standard of accommodation provided is considered to be acceptable.
- 8.14 The level of private amenity space is considered acceptable in relation to the scale of the development, relates well to the character of the area and is in accordance with policy HO5.
- 8.15 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 (new-build) dwellings appears to be achievable; therefore, relevant conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Impacts on neighbouring amenity

- 8.16 The neighbouring properties most likely affected by the proposed development would be No. 17 Holton Hill to the rear and the adjoining property to the east, No. 13 Dudwell Road.
- 8.17 The proposed dwellings would overlook No.17 Holton Hill and other neighbouring properties to the rear on Holton Hill and also to the rear gardens of adjoining properties to the west fronting Dudwell Road to a degree.

Notwithstanding the above, the proposal would create a comparable relationship between properties as already exists to the rear of Dudwell Road with mutual overlooking between properties and as such any additional impact would not be so significant to warrant refusal of the application.

- 8.18 The proposed dwellings are set away a sufficient distance from the adjoining properties to the rear and the side (east) to ensure that there would not be any significant overshadowing, loss of light or outlook or a harmful overbearing impact to the occupiers of these properties.
- 8.19 It is not considered that the two additional residential units on this site would result in any significantly increased level of noise and disturbance beyond that which is experienced in the area already and the application is acceptable in this regard.

Sustainability

- 8.20 City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Conditions are applied to ensure the development meets these standards as set out in policy CP8.

Transport

- 8.21 The change of use would not result in a significant increase in on street parking to the detriment to highway safety.
- 8.22 It is considered that any new crossover should not be moved closer to the junction with Connell Drive on the grounds of highway safety. Appropriate boundary and landscaping details are recommended to be secure by condition.
- 8.23 Furthermore any crossover works would also need to be carried out under license with the highway authority.
- 8.24 The proposal would result in an uplift in trip generation. There are concerns over the access for less mobile pedestrians. These could be overcome with pedestrian crossing improvements (dropped kerbs and tactile paving) on the northern and southern footways of Dudwell Road at the junctions with Connell Drive and Batemans Road (orientated for pedestrians crossing Dudwell Road).
- 8.25 In lieu of a financial contribution a Grampian condition for footway improvements in the vicinity is recommended.
- 8.26 Secure cycle provision is secured to the rear and is considered to be acceptable in line with policy.

9 CONCLUSION

- 9.1 The development would make efficient and effective use of the site and would not significantly detract from the appearance or character of the site or the wider surrounding area. The development would provide two new units of

family sized housing with an adequate standard of accommodation and without detriment to neighbouring amenity or highway safety.

10 EQUALITIES

10.1 None identified.

11 CONDITIONS / INFORMATIVES

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site location plan	-	-	9 November 2015
Block plan	-	-	25 April 2016
Plans and elevations as proposed	JE-2	D	15 March 2016

3) 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.

4) Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs and tactile paving) shall have been installed on the northern and southern footways of Dudwell Road at the junctions with Connell Drive and Batemans Road (orientated for pedestrians crossing Dudwell Road).

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with Brighton & Hove City Plan Part One Policies CP7 and CP9 and Brighton & Hove Local Plan Policy TR7.

5) 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.

- 6) The residential units hereby approved shall not be occupied until they have achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 7) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 8) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all hard surfacing materials
 - c) details of all windows and doors
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 of the City Plan Part One and QD14 of the Brighton & Hove Local Plan.
- 9) The hard surfaces to the front of the dwellings hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy CP11 of the City Plan Part One.
- 10) Prior to the first occupation of the development hereby permitted the applicant shall install the new/extended crossover and access and shall reinstate any remaining sections of the existing redundant vehicle crossover fronting Dudwell Road back to a footway by raising the existing kerb.
Reason: In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and TR7 of the Brighton & Hove Local Plan.
- 11) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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.

- 12) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) details of all hard surfacing;
 - b) details of all boundary treatments;
 - c) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP9, CP12 of the City Plan Part One and TR7 and QD15 of the Brighton & Hove Local Plan.

- 13) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 14) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings 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.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

 - (ii) for the following reasons:-
The development would make efficient and effective use of the site and would not significantly detract from the appearance or character of the site or the wider surrounding area. The development would provide two new units of family sized housing with an adequate standard of accommodation and without detriment to neighbouring amenity or highway safety.

