

<b><u>No:</u></b>	<b>BH2016/00448</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11 Radinden Drive, Hove, BN3 6LB</b>		
<b><u>Proposal:</u></b>	<b>Erection of replacement detached dwelling house (C3) with associated landscaping.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	04.03.2016
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	29.04.2016
		<b><u>EoT/PPA Date</u></b>	19.12.2016
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	C-Architecture Limited 67 Church Road Hove BN3 2NB		
<b><u>Applicant:</u></b>	Dr Steve Leung 11 Radinden Drive Hove BN3 6LB		

This application was deferred at the last meeting on 14/12/16 for a site visit.

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor Plans and Elevations	202-E001A (SITE AND BLOCK PLAN)	-	22 November 2016
Streetscene elevation proposed	202-E002C (EXISTING)	-	12 December 2016
Floor Plans Proposed	202-SK003J (SITE AND BLOCK PLAN)	-	22 November 2016
Elevations Proposed	202-SK004G	-	12 December 2016

- 2 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.

- 3 The residential unit hereby approved shall not be occupied until it has 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.
- 4 The residential unit hereby approved shall not be occupied until it has 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.
- 5 The dwelling 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.
- 6 If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 7 The windows in the North West elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part One.
- 8 Prior to the first occupation of the development hereby permitted the privacy screens to each side of the rear first floor level terrace shown on the drawings hereby approved shall be installed and thereafter permanently retained as such.  
**Reason:** In order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part One.
- 9 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.

- 10 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.
- 11 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 and Hove Local Plan and CP12 of the City Plan Part One.
- 12 All hard surfaces 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.
- 13 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 14 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples and details of 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:
- a) Samples of all render and tiling
  - b) Details/specifications of windows and doors
  - c) Details/specifications of privacy screens

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.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a detached dwelling, located on the south west side of Radinden Drive at the end of the cul-de-sac. The property is bounded by the detached properties on Radinden Drive to the North, the terraced properties on Fulmar Close to the East, the terraced properties on The Martlet to the South and the detached properties on Orpen Road to the west. The property is two storeys and is constructed in brick work with a tiled roof and upvc fenestration. The property has a full width flat roof rear addition with brick steps leading to the garden area. A driveway leads from Radinden Drive to a detached single storey garage located to the front of the property. To the rear there is a large garden space sloping East to West which is bordered by dense vegetation.
- 2.2 Planning permission is sought for the erection of a replacement detached dwelling house. The application seeks to demolish the existing dwelling and erect a replacement dwelling of a similar footprint, comprising a slate gable roof with front and rear projections, creating an additional floor, with fully glazed rear additions incorporating a rear terrace at first floor level, with white rendered elevations and aluminium windows and doors throughout.
- 2.3 During the course of the application alterations to the detached garage have been omitted from the scheme. There have been alterations to the dwelling, which includes an amended design to the rear elevation, the relocation of the first floor terrace and the omission of the second floor terrace.

**3. RELEVANT HISTORY**

**BH2015/02031**- Alterations to detached garage including side and rear extension and raised height pitched roof to facilitate creation of first floor. Approved 09/09/2015.

**BH2015/00529** - Remodelling of dwelling incorporating two storey front and rear extensions, roof alterations, enlargement of existing garage including additional floor and associated works. Approved 21/05/2015.

**BH2014/02471**- Remodelling of dwelling incorporating two storey front and rear extensions, roof alterations, enlargement of existing garage including additional floor and associated works. Refused on 17/11/2014. The reason for refusal was as follows:-

1. The proposed remodelling, by reason of its roof form and materials, would create an incongruous appearance at odds with the prevailing character of Radinden Drive and the surrounding area. Further, the proposed garage, by reason of its form and height, would represent an unduly dominant addition which would stand out in the street scene as an inappropriate addition. The proposal would fail to emphasise or enhance the positive qualities of the local neighbourhood and is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.
2. The proposed first and second floor terrace areas represent unneighbourly and overbearing additions which would result in overlooking and loss of privacy for occupants of adjoining properties. The proposal would be detrimental to neighbouring amenity and is therefore contrary to policies QD14 and QD27.

#### **4. REPRESENTATIONS**

##### **4.1 External**

##### **4.2 Neighbours:**

**Eleven (11) letters of representation have been received from 3, 4, 10 & 15 (x2) Fulmar Close 3 & 5 Orpen Road 22 28 & 30 The Martlet, 9 Radinden Drive objecting to the proposal for the following reasons:**

- A larger dwelling and garage/office would be out of keeping with the area.
- The property would be too big for its plot size, too tall and out of scale.
- The proposed dwelling would have a harmful impact in terms of overshadowing, loss of light, loss of outlook and loss of privacy.
- The enormous amount of glass will be extremely reflective.
- The use of the gate/door accessed from Fulmar Close which does not have planning permission could lead to disturbance and extra traffic.
- The two storey garage would be out of keeping with surrounding development and would result in overshadowing and loss of light.
- The garage has the appearance of a separate dwelling and could be used as such.
- The office may be used for business purposes.
- The proposal for the gated entrance would be inconvenient and highly intrusive.
- The demolition of the dwelling could result in health issues (regarding asbestos) and the road damaged through the use by trucks.

#### **5. CONSULTATIONS**

##### **5.1 Arboriculture Department: No objection**

##### **5.2 Transport planning: No objection**

The proposal would result in the existing car parking remaining. The applicant is proposing cycle parking space in the garage which is welcome, a condition will be added to implement this.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP7 Infrastructure and developer contributions  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP11 Flood risk  
CP12 Urban design

#### Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
TR14 Cycle access and parking  
QD5 Design - street frontages  
QD14 Extensions and alterations  
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 Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD14 Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development on site, the impacts of the proposal upon the visual amenities of the parent property, the streetscene and the wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- 8.2 **Principle of Development:**  
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.
- 8.3 The application site currently consists of a single dwelling house and the replacement would be a single dwelling house. The proposal would not result in a net loss of housing in the city and is acceptable in principle.
- 8.4 **Design and character:**  
Radinden Drive and the surrounding area comprises a number of large detached houses of varying design, style and age. The properties in the street comprise a mixture of brick and rendered elevations and differ in terms of detailing. 11 Radinden Drive is set back from the cul-de-sac and has a relatively plain appearance with brick elevations, a plain tiled roof and UPVC fenestration. The existing house is similar in scale to the other properties in the street. The property is situated to the south west of the cul-de-sac with a relatively consistent building line with neighbouring properties. The properties on the north east side are relatively unseen as they are set back from the street and screened by dense vegetation.
- 8.5 The application site has been the subject of previous applications to remodel the existing dwelling, of which a recent application **BH2015/00529** has been approved incorporating a modern design, featuring a third storey, a first floor rear terrace with balcony screen and a full height glazing design element. This application seeks to demolish the existing dwelling and erect a replacement dwelling, comprising a slate gable roof with front and rear projections, creating an additional floor, with fully glazed rear additions incorporating a rear terrace at first floor level, with white rendered elevations and aluminium windows and doors throughout.
- 8.6 The general footprint of the main building would be retained as existing. The ridge of the main roof would increase by approximately 1.8m. The submitted plans indicate that the ridge of the main roof would be a similar height to no. 9 Radinden Drive and slightly lower than no 7 Radinden Drive. The street scene is varied in terms of roof form and height and it is therefore felt that the height of

the property respects the general appearance of the Radinden Drive and the topography.

8.7 The scheme has been amended during the course of the application to include the omission of two of the four rear gable projections and a continuous height level at ground floor level. The result is a simpler building which creates a more coherent and less 'fussy' appearance to the property. The palette of materials is considered to be acceptable. The majority of properties in the street and nearby vicinity feature brickwork or render, or a combination of the two, and therefore white render is considered acceptable. The roof form consisting of a gable roof with front and rear projections fits appropriately amongst the variety of roof form and styles prevalent within the immediate surrounding area, with hipped, gable and barn hip roof forms and alterations to the roof space. Similarly, whilst the finish of the property would be substantially different to the existing property and surrounding properties, there is considered to be a sufficient variation of styles and detailing within the street scene and surrounding area to accommodate the modern approach in this case and maintain visual cohesion. It is also noted that whilst the proposed building would be visible from nearby houses and their gardens, due to its location, set back from the cul-de sac it would not be highly visible in views along Radinden Drive and would not impinge upon the streetscene.

8.8 Standard of Accommodation:

The proposed dwellinghouse would provide a good standard of accommodation with sizeable rooms and natural light and ventilation throughout. The new dwelling would have a gross internal floor space of approximately 465sqm which is in accordance with the governments Technical Housing Standards- Nationally described space standards which states that an 8 person, 5 bedroom, 3 storey property should have a minimum gross internal floor area of 134sqm. The property features five double bedrooms each of which meets the minimum national space standards.

8.9 The existing private rear garden would be retained and there is sufficient space to provide refuse/recycling facilities on the site. Details of which will be sought via condition. As such the private amenity space provided is in accordance with Policy HO5.

8.10 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) dwelling 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.

8.11 **Impact on Amenity:**

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.

- 8.12 The scheme would most affect the property to the North West, no. 9 Radinden Drive. Although the increase of the height of the replacement dwelling would have some impact toward this property, this increase in height of 1.8 m at its highest point is unlikely to cause harmful loss of light, overshadowing or outlook toward this property that would warrant refusal of the application. Whilst there will be some impact toward the two South East facing ground floor windows of this property, these windows are not the sole windows to provide light into these rooms and therefore there would be no significant adverse impact toward these rooms.
- 8.13 The window openings proposed to the front (North East) and rear (South West) elevations would provide similar views as the existing arrangement. The submitted plans indicate that all windows to the (North West) side elevation would be obscure glazed, this will be secured via condition to prevent overlooking toward no. 9 Radinden Drive. The new window openings to the side (South East) elevation would face the long rear garden space of 30 The Martlet, with adequate screening and distance to prevent overlooking and therefore it is not considered necessary to condition the obscure glazing of these windows.
- 8.14 The terrace area at second floor level has been removed from the scheme and the first floor terrace has been relocated to be set in from the North East side of the property. This terrace, measuring 5.5 metres wide and 2 metres in depth, would be set in 2.1 metres from the North East side and 6.7 metres from the south west side with the addition of a m high obscure glazed privacy screen either side. This arrangement is considered sufficient to direct views over the rear garden of the application site, and any sideways views to adjoining gardens, particularly no.9, would not be as intrusive or persistent as to cause a harmful loss of privacy. In terms of noise and disturbance as a result of the proposed terrace, it is considered that the siting and size of the terrace would not result in any significant disturbance or noise to warrant refusal of planning permission. The inclusion of the privacy screens on the plans is considered sufficient to mitigate against any overlooking or loss of privacy and should be retained by condition.
- 8.15 **Sustainability:**  
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.
- 8.16 **Transport:**  
The proposal remains similar to the existing arrangement in terms of vehicle access. There would be sufficient storage for cycle storage within the garage and shed and it is not necessary to require further details through condition. The Sustainable Transport Team has raised no objection to the proposal.

- 9. EQUALITIES**  
9.1 None identified.