

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/03061	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	25 Hazeldene Meads Brighton		
<u>Proposal:</u>	Proposed roof extension incorporating additional rooflight to front.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	12/10/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 December 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Miss Dinah Rae, 25 Hazeldene Meads, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to no new additional representations from members of the public and to the following Conditions and Informatives:

Conditions:

1. BH01.01 Full Planning.
2. BH03.03 Materials to match Non-Cons Area.
3. The development hereby permitted shall be carried out in accordance with the approved drawing no. 29762/1 submitted 27th September 2010 and approved drawings labelled 'Drawing 1' & 'Drawing 2' submitted 7th October 2010.

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

Informatives:

- 1) This decision to grant planning permission has been taken:-
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - QD1 Design - quality of development and design statements
 - QD2 Design - key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity

Supplementary Planning Guidance

SPGBH1 Roof alterations and extensions; and

ii) for the following reasons:-

The roof extension retains sufficient separation from the adjoining property and would not therefore lead to a harmful terracing effect in this section of Hazeldene Meads. The gable end and front rooflight would not unbalance the existing property and is appropriate in this location. The development would not result in harm to neighbouring amenity through loss of light or outlook.

2 THE SITE

The application relates to a detached bungalow on the western side of Hazeldene Meads, a residential development off Dyke Road Avenue.

3 RELEVANT HISTORY

BH2010/03062: Certificate of Lawfulness for proposed solar panels to South, East and West. Under consideration.

BH2010/02834: Certificate of Lawfulness for proposed application for front porch, side garage and crossover, rear/side dormer and side flue. Approved.

BH2010/01610: Roof extension to south end over existing garage, 2 front dormers and installation of 7 solar panels. Refused for the following reasons:-

- 1. The two dormers, by reason of their size, bulk and positioning on the roof slope, would introduce features which would be alien and incongruous in the context of the immediately surrounding street scene, furthermore the shape and form of the roof extension would imbalance and fundamentally change the appearance of the dwelling, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
- 2. The solar panels, by reason of their proliferation and level of projection above the ridgeline, would appear cluttered and incongruous features of the property, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*

BH2010/00973: Installation of 7 no. solar panels to roof of existing rear dormer. Withdrawn.

BH2010/00242: Hip to gable roof extension to south end including 2 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer. Refused for the following reasons:-

- 1. The extended rear dormer would create an excessively sized and unduly bulky structure to the roof that would dominate the rear of the property and pay little regard to the existing scale and proportions of the building at ground floor level. In addition, the solar panels, by reason of their proliferation and level of projection*

above the ridge line, would appear incongruous features of the property and the wider area. The proposal would therefore detract from the character and appearance of the site and surrounding area and be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and to the provisions of the Council's adopted Supplementary Planning Guidance Note 1 'Roof alterations and extensions'.

- 2. The extended gable to the southern end of the property would result in a harmful reduction in the existing visual gap between the application site and adjoining two-storey property (No.23). This would lead to an uncharacteristic terracing effect in this section of Hazeldene Meads and would materially detract from the spatial quality, character and appearance of the site and surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed in September 2010 with the Inspector noting:-

- "the difference in the shape and form of the two properties, combined with the set back of the extended pitched roof would reduce the appearance of a terracing effect arising from the reduction in the gap between the buildings.....(am) not persuaded that this element of the proposal would result in harm to the character and appearance of the area;*
- the existing [rear] dormer does not comply with the current guidance, notwithstanding that the enlargement already undertaken is permitted development.....of the opinion that any further extension of this dormer window would be harmful to the character and appearance of the host property and the surrounding area;*
- the insertion of three [front] dormer windows would fundamentally change the appearance of this bungalow, making it look much more like a two storey house and introducing features which would be alien and incongruous in the context of the immediately surrounding street scene. Added to this.....the proposed rooflight would be too deep as it would sit immediately below the ridge of the roof and its glazing would be prominent in its position above the front porch;*
- the positioning of 9 such panels across the full width of the dormer would accentuate their visibility above the ridge line and would make the roof appear cluttered.....of the view that the introduction of so many solar panels along the ridge of this bungalow would be harmful."*

The planning application was refused on the basis of 2 front dormers; the appeal was however dismissed on the basis of 3 front dormers. The Planning Inspectorate has since confirmed that the correct plan indicating 2 front dormers was not taken into account as part of the appeal and that it is not possible to amend the decision or reconsider the proposals.

4 THE APPLICATION

Planning permission is sought for a gable roof extension over an existing single-storey side garage to the southern section of the property. A rooflight is proposed to the extended front roofslope.

5 CONSULTATIONS

External

Neighbours: Representations have been received from **7, 9, 15, 18, 20, 22 & 29 Hazeldene Meads**; and **2, 4, 6, 14, 17, 19 & 21 The Beeches** objecting to the proposal for the following reasons:-

- have previously objected to the extended gable as it would further reduce the remaining gap between nos. 23 & 25 Hazeldene Meads, with an increasing blocking out effect that would materially detract from the spatial quality, character and appearance of the site and surrounding area;
- a previous appeal (*ref: BH2010/01610*) was dismissed as the roof extensions would have been harmful to the area;
- consider that the visual impact of the recently constructed rear dormer and the extended gable roof (proposed by this application) should be considered together. To do otherwise would support the enlargement of the property through a series of minor developments when taken as a whole the works detract from the appearance of the property and surrounding area;
- notwithstanding any consideration of the proposed gable roof extension the unduly bulky rear dormer should be reduced in size to conform to current guidance;
- designs of extensions at the application site are not always disclosed before building works commence. This sequence of events has denied residents the opportunity of reviewing the proposed development prior to construction.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance

SPGBH1 Roof alterations and extensions

7 CONSIDERATIONS

The key issues of consideration in the determination of this application are the impact of the proposed extensions on the appearance of the building and surrounding area, and the impact of the proposed development on amenity for occupiers of adjoining properties.

Design

The existing rear dormer represents 'permitted development' and no planning permission was therefore required for its construction. This application does not propose any further extension to the existing rear dormer and on this basis it is not necessary to consider the rear dormer further.

A previous application (ref: BH2010/00242) for an extended side gable was refused as it was considered the resulting roof would appreciably and harmfully reduce the existing gap at first floor level between the site and adjoining property. The resulting separation was considered insufficient to prevent an uncharacteristic terracing effect in this section of Hazeldene Meads which would harm the spatial quality and visual amenities of the wider area.

As part of a subsequent appeal against this decision it was considered that:-

"The proposed hip to gable extension would be above and the same width as the existing garage of No 25. It would further close the gap between the two properties but there would still be a distance of approximately 3.5m between the buildings. Such a separation distance is not dissimilar to others on the estate. Furthermore.....the difference in the shape and form of the two properties, combined with the set back of the extended pitched roof would reduce the appearance of a terracing effect arising from the reduction in the gap between the buildings.....am therefore not persuaded that this element of the proposal would result in harm to the character and appearance of the area."

These findings are a material consideration in the determination of this planning application which proposes a gable roof extension the same as that considered as part of the appeal. On the basis that the extended gable was found to be acceptable by an Appeal Inspector it is considered refusal of the application on design grounds would not be warranted and could not be sustained at appeal.

A previous application for a barn-end roof extension was refused by Planning Committee on 3 November 2010 as it was considered to unbalance the property (ref: BH2010/01610). The roof extension would replicate the existing property and could not therefore be considered to unbalance or fundamentally change the existing appearance of the building.

Front rooflight

A rooflight would be inserted into the extended front roofslope. The rooflight is considered to be modestly sized in relation to lower levels of the building and would not appear highly prominent in long or short views along Hazeldene Meads. It is noted that the proposed rooflight would replicate the proportions and siting of rooflights to the existing front roofslope which were confirmed as permitted development as part of application ref:

BH2010/02834.

Impact on residential amenity

The extended roof would adjoin the side elevation of 23 Hazeldene Meads which does not feature any window openings that would be affected through loss of light. There are no other properties that would be affected through loss of light or outlook.

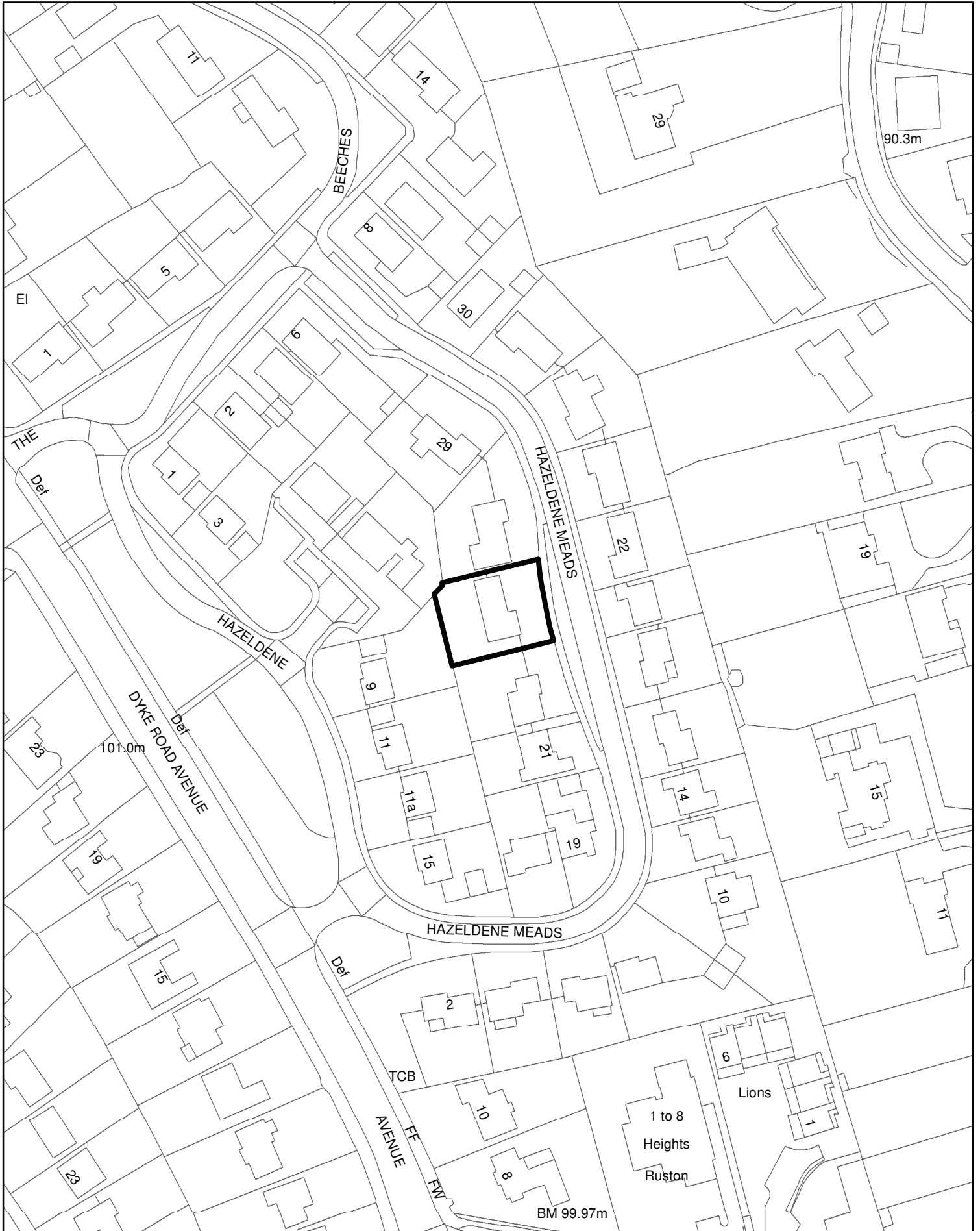
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The roof extension retains sufficient separation from the adjoining property and would not therefore lead to a harmful terracing effect in this section of Hazeldene Meads. The gable end and front rooflight would not unbalance the existing property and is appropriate in this location. The development would not result in harm to neighbouring amenity through loss of light or outlook.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01610 25, Hazeldene Meads



Brighton & Hove
City Council

N

Scale: 1:1,250



<u>No:</u>	BH2010/02489	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	162 Carden Hill, Brighton		
<u>Proposal:</u>	Replacement of existing rear dormer window with new wider dormer window.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	11/08/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 October 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mrs Lena Johansson, 162 Carden Hill, Brighton		

This application was deferred at the last meeting on 3/11/10 for a Planning Committee site visit and the report has been updated to include additional letters of support.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reason:

1. The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the rear roof slope, and would be of detriment to the character and appearance of the existing building and surrounding area. As such, the proposal is contrary to policies QD2 & QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informative:

1. This decision is based on drawing nos. 026-PL-01, 026-PL-02, 026-PL-03 & 026-PL-04 submitted on 9th August 2010.

2 THE SITE

The application relates to a detached property on the east side of Carden Hill. The properties within the immediate area of this site are set considerably higher than the street level. The existing property has full width front and rear dormers.

3 RELEVANT HISTORY

BH2008/00716: Demolition of existing house and erection of new residential unit. Refused 23/08/2008. Dismissed at appeal 10/11/2009.

4 THE APPLICATION

Replacement of existing rear dormer window with new wider dormer window.

5 CONSULTATIONS

External

Neighbours: A total of twelve letters of support have been received from residents of **No. 164 Carden Hill, 160 Carden Hill, 2 Compton Road, 21 Chelwood Close, 13 Chelwood Close, 25 Chelwood Close, 17 Chelwood Close, 11 Chelwood Close, 15 Chelwood Close, 19 Chelwood Close and 27 Chelwood Close.**

A letter of support has been received from **Councillor Brian Pidgeon**. The letter has been attached to this report.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the existing building and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

Design

The adopted SPG on roof alterations and extensions gives clear guidance on design of roof alterations and extensions.

The Supplementary Planning Guidance for dormer windows states that they should be well-positioned and well-contained on the existing roof profile. The dormer should have a roof form and detail appropriate to the character of the property, and they should be smaller than the windows below with minimal cladding around the frames.

The property has existing front and rear dormers, for which there is no recent planning history. It is unclear when they were constructed. However under current policies and the adopted SPG BH1, these extensions would not comply, due to their size, positioning and large areas of cladding.

There are also a number of front and rear dormers in the road within the nearby vicinity of the site, for which there is no recent planning history.

The rear of the application site is highly visible from the adjoining neighbouring properties, and would also be visible in some views from Chelwood Close, which is at a higher level than the properties on Carden Hill.

The proposed rear dormer window would be wider and deeper than the existing dormer. It would project out two metres further from the rear roofslope than the existing dormer, dramatically increasing its bulk. Its volume would increase from approximately 20m³ to approximately 56m³. The dormer would not be contained within the roofslope, with minimal roofslope above and to either side and no roofslope at all visible below the dormer. The large amount of cladding is not appropriate and gives the dormer window a bulky and incongruous appearance. It would also have a poor relationship with the rear ground floor extension. The proposed windows do not relate well with the existing fenestration and look out of character with the existing dwelling.

The dormer represents an extremely poor design that would add significantly to the bulk of the property and result, in conjunction with other extensions and alterations, in a highly cluttered and uncoordinated overall appearance to the building.

Amenity

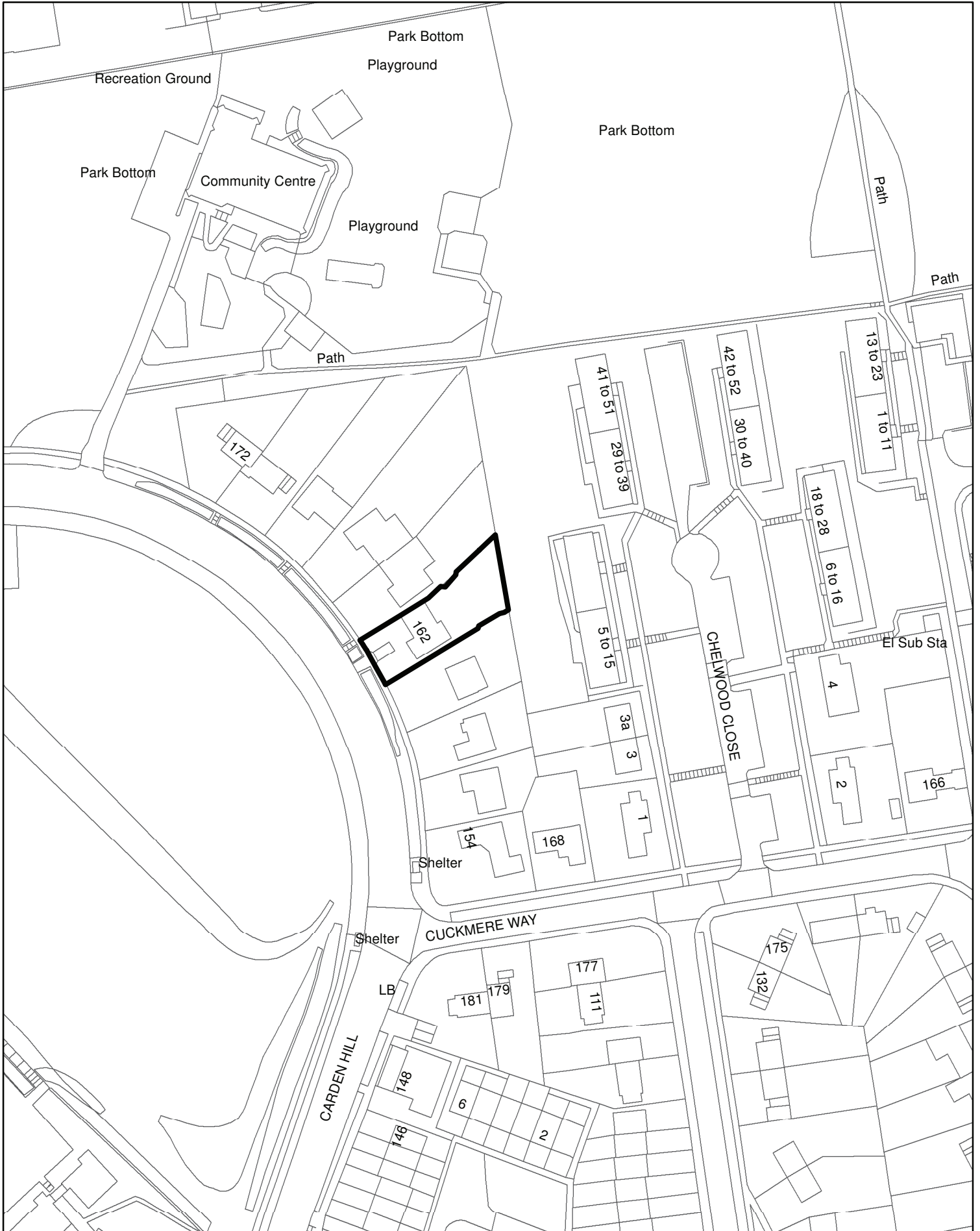
With regard to the amenity, it is not considered that the proposal would have any significant impact. The rear dormer would provide extended and elevated views to the rear but this is not considered to cause a loss of privacy to neighbouring properties.

Overall the proposed alterations are considered to have a negative impact on the character and appearance of property and the wider area which is contrary to policies in the Local Plan and contrary to Supplementary Planning Guidance. Refusal is recommended.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/02489 162, Carden Hill



Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall
Hove

26th October 2010

Dear Mrs Walsh

Planning Application BH2010/02489,
162 Carden Hill
BN1 8GN

Mrs Lena Johansson has made a planning application to build a dormer window to be located at the rear of the premises 162 Carden Hill there will be no change to the character and appearance of the surrounding street scene. The vast majority of houses within the area have either full width dormer or two storey rear extensions.

I understand the planning officer is recommending that the application is not approved. Even though 12 near households are in support of the application.

In view of this I ask that the planning committee do a sight visit.

Yours sincerely



Cllr Brian Pidgeon



<u>No:</u>	BH2010/02745	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28 Marine Drive, Rottingdean		
<u>Proposal:</u>	Erection of a block of 9no flats comprising 5no two bed flats and 4no three bed flats with associated works including car parking area.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	13/09/2010
<u>Con Area:</u>	Adjoining SSSI	<u>Expiry Date:</u>	08 November 2010
<u>Agent:</u>	Chart Plan (2004) Ltd, 65 Stoneleigh Road, Limpsfield Chart, Oxted		
<u>Applicant:</u>	Generator Group LLP, 54 Conduit Street, London		

This application was deferred at the last meeting on 03/11/10 for a Planning Committee site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to a Section 106 Agreement and to the following Conditions and Informatives:

S106

- To secure a financial contribution of £18,000 towards sustainable transport improvements.

Conditions

1. BH01.01 Full Planning Permission.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. The existing west hedge boundary and east hedge boundary (adjoining the rear garden of no.36) treatment shall be retained. The hedges shall not be removed unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of nature conservation and to safeguard the existing outlook to the occupiers of adjoining properties and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
4. The development shall not be commenced until fences for the protection of the hedges to be retained have been erected to a specification and in positions to be agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the hedges which are to be retained on the site and to comply with policies QD16, QD17 and QD27 of the Brighton & Hove Local Plan.
5. The development shall not be commenced until fences for the protection of the SSSI have been erected to a specification and in positions to be

agreed by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. No materials shall be stored or dumped within the SSSI boundary and there should be no access (pedestrian or vehicular) to the site from within the SSSI boundary.

Reason: To prevent damaging impacts on the adjacent nature conservation features and their setting and to comply with policy NC2 of the Brighton & Hove Local Plan.

6. All new hard surfaces 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 site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

7. BH15.01 Surface water drainage.

8. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and crossover to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large to comply with policy TR7 of the Brighton & Hove Local Plan

9. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the cycle parking layout have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to first occupation in strict accordance with the approved details. A minimum of 12 cycle parking spaces shall be provided.

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.

10. BH04.01 Lifetime homes.

11. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

12. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

13. BH02.07 Refuse and recycling storage (facilities).

14. BH15.04A Method of piling

15. Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the number and type of bat boxes, bird boxes and Sparrow Terraces, and details of the green wall. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

16. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the terraces to the rear of the site (north elevation) have been submitted to and approved in writing by the Local Planning Authority, these details are to include screening, extent of usable area, and balustrade. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

17. The development hereby permitted shall be carried out in accordance with the approved drawing nos. AL(00)001 Rev A, 002 Rev A, 100 Rev B, 201 Rev A, 202 Rev A, 203 Rev A, 204 Rev A, 205 Rev A, 206 Rev B, , 208 Rev A, AG(00)001, 002, 003 received 8 September 2010 drawing nos. AL(00)209 Rev B, 210 Rev B, 211 Rev B received 9 September 2010, and drawing nos. AL(00)206 Rev D, 207 Rev D received 21 October 2010.

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

Informatives:

1. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan, set out below, including Supplementary Planning Guidance and Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

SPGBH4	Parking Standards
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

- ii. for the following reasons:

The proposal complies with relevant planning policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision and accessibility and seeks to mitigate its potential impact on the natural environment.
3. The applicant is advised that the installation of a communal aerial or satellite dish would require planning permission and is preferable to the installation of more than one device.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. The applicant is advised that all British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act, 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to: Kill, injure or take a wild bird; Take, damage or destroy the nest of any wild bird while that nest is in use or being built; Disturb any wild bird listed in Schedule 1* while it is nest building, or at a nest containing eggs or young, or disturb the dependant young of such a bird. * For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended). If at any time nesting birds are observed during tree works, operations should cease. The bird nesting season usually covers the period from mid-February to the end of August, however, it is very dependent on the weather and certain species of birds may nest well outside this period.
6. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.
7. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

8. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The site is located on the south side of the A259 coast road adjacent to the cliff edge to the south, a public car park to the east, a row of detached dwellings to the north and Highcliff Court a three storey block of flats to the west. The site has been cleared with the previously existing dormer bungalow having been demolished. Access to the site is via a private drive from the A259 that provides right of way to the block of flats and the rear of the row of dwellings to the north and a single dwelling to the west.

The site is located on the south-eastern edge of the built-up area of Rottingdean. Adjacent to the application site are a number of purpose built flatted developments along the cliff face, these include St Margarets which consist of 43 units over six storeys and Highcliff Court with 38 units over 3-5 storeys, both of which are located to the west of the site.

The land slopes east down to west and north down to south with the site being visible from part of the A259. Rottingdean Conservation Area is located 150 metres to the west. The site is adjacent to a Site of Special Scientific Interest and a Regionally Important Geological Site.

3 RELEVANT HISTORY

BH2009/02228: Demolition of existing dwelling and erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store – Refused at Planning Committee contrary to officers recommendation on 3/02/10 for the following reasons:

- 1) The proposed scheme is considered to be over development by way of the massing, size, height and scale of the building, and the density of the proposed units and, as such, the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan;
- 2) The proposed development, by reason of its height and proximity to Highcliff Court, would cause an unacceptable loss of light and have an adverse impact on the amenities enjoyed by residents of Highcliff Court and, as such, is contrary to policy QD27 of the Brighton & Hove Local Plan;
- 3) The proposed development, by reason of its close proximity to the cliff, would be vulnerable to coastal erosion and would have an adverse impact on the Brighton to Newhaven Cliffs Site of Special Scientific Interest. The proposal is therefore contrary to policies SU7, SU8 and NC2 of the Brighton & Hove Local Plan;
- 4) The proposed development, due to its relatively inaccessible location away from the city centre, contains insufficient car parking for residents

and visitors and, as such is contrary to policy TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance BH4-Parking Standards;

- 5) The un-adopted access road by reason of its width, is considered to be inadequate and likely to cause increased danger to vehicle users and pedestrians and the proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan;
- 6) The proposed development does not blend into the surrounding area by reason of its design and materials and, as such, is contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.

This application is subject to an appeal to be determined by a hearing.

BH2006/01879: Demolition of existing dwelling and erection of a block of six flats and two townhouses (8 units in total) together with associated parking and bin store – approved at Committee 22/11/06.

BH2006/00413: Demolition of house and erection of block of seven 3 bedroom flats and two 3 bedroom houses, 9 units in total and associated parking and bin storage – withdrawn 4/4/06.

BH2004/01263/FP: Erection of a block of flats up to 6 storeys in height comprising 2 no.4 bed flats, 3 no.3 bed flats, 4 no.2 bed flats – 9 units in total. Associated parking (9 spaces) and bin storage – refused 30/9/04.

BH2003/02036/FP: Demolition of existing single dwelling house. Erection of an eight storey block of flats comprising 12 no.2 bedroom flats and 2 no.4 bedroom penthouses – refused 5/9/03. Appeal Decision – Dismissed 6/7/04.

86/1427F: Demolition of existing garage and erection of new garage with pitched roof – granted 7/10/80.

BN86/904F: Single storey extension on south elevation with roof terrace at first floor level – granted 5/8/06.

BN85/995F: Change of use from single dwelling house to rest home – granted 3/9/85.

BN.74.1478 (Nos. 28, 32, 34, 36): 16 Flats and 5 houses with covered parking for 22 cars – granted 12/11/74.

4 THE APPLICATION

The application proposes the erection of a block of nine flats comprising 5 no. 2 bedroom flats and 4 no. three bedroom flats, two of which are duplex units. Ten parking spaces are provided onsite in the form of undercroft parking. The proposed units will have access to either terraces or balconies and an outdoor shared garden area to the south of the proposed building.

Alterations to the proposed application when compared to the previous application include:

- The provision of 10 undercroft parking spaces, an overall increase of 5 spaces;
- A change in the design approach taken;
- An additional 2 bedroom unit; and
- The resurfacing of the existing access road.

The applicant has submitted additional information in response to the consultation responses from both Sustainable Transport and the Coastal Engineer. These are fully considered within the report.

5 CONSULTATIONS

External:

Neighbours: Occupiers of 7, 20 St Margarets Court, 1 (x2), 3, 7, 12, 16, 17, 20, 21, 22, 24, 26, 27, 28, 35 Highcliff Court, 36 Marine Drive object to the application on the following grounds:

- The scale of the development does not compliment the surrounding properties;
- The proposed lighting would cause intrusion into bedrooms;
- Insufficient width of access road and increase in traffic generated;
- Safety concerns over the proposed access for vehicles and pedestrians;
- Erosion of the already unstable cliffs;
- The development is too large in terms of scale and bulk and represents an overdevelopment of the site resulting in overlooking, overshadowing, loss of privacy, and loss of amenity.

32 copies of a standard response letter have been received from the occupiers of **32 Marine Drive, 2 (x2), 3, 5, 8, 9, 10, 11, 14, 15, 25, 28 (x2), 29, 30, 31, 32, 34 (x2), 36, 37, 38, 41 Highcliff Court and 8, 23, 24, 31, 32, 33, 36, 39 St Margarets** objecting on the following grounds:

- Unsuitable access road for use by both vehicles and pedestrians;
- Cliffs are unstable and subject to erosion;
- The scale and bulk of the development do not compliment the surrounding properties and would appear overbearing and dominant;
- Overlooking, loss of privacy and amenity, and overshadowing.

Rottingdean Preservation Society: Objects to the application as it would be an overdevelopment of the site to the detriment of the cliff top and its open views. Pedestrian safety will be compromised by the large increase in traffic using the service road.

The stability of the cliffs may be compromised, and adjoining blocks have already suffered subsidence problems.

The scheme will cause a loss of amenities to existing residents by the way of loss of privacy, loss of light, loss of views and increased traffic movement and noise.

Rottingdean Parish Council: Object on the grounds of the impact of the proposal upon the stability of the cliff. Access to the site is very restricted and any increase in traffic should be avoided, an increase in traffic will result in safety issues for pedestrians. Access for the emergency services will be compromised. The proposal will result in the loss of light and also light intrusion to Highcliff Court. The development will result in an increase in noise and disturbance resulting from increased vehicular movements. The

development is over development of the site to the detriment of the amenities currently enjoyed by neighbouring occupiers.

Natural England: The application site is adjacent to the Brighton to Newhaven Site of Special Scientific Interest (SSSI). This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 28 of the Wildlife and Countryside Act 1981 (as amended).

Natural England does not object to the proposed development, subject to the inclusion of conditions relating to protection and use of the SSSI.

Internal:

Coastal Protection Engineer: Chalk cliffs are subject to erosion; the cliff line gradually recedes inland over a period of years. The speed and rate of recession is largely unpredictable and dependent on many variables including stratigraphy, rain penetration, temperature variation, etc. To adopt a specific recession rate in terms of millimetres per year is not advisable. Our experience of these cliffs has shown that large scale collapses (thousands of tonnes) can occur without warning and are interspersed with long quiescent periods (years or decades). The location of these collapses depends on the variables mentioned above.

Ground Investigation Report:

A comprehensive and thorough report with some good recommendations that should be adopted if the development is to go ahead-

Paragraph 4.2 – the suggestion by the consultant that all loads should be taken to the foot of the cliff is a sound one and should be adopted in order that the cliff face is not subjected to any additional loads that could destabilize it.

Paragraph 4.2.1 – the type of pile suggested (CFA) should also be adopted for the same reasons.

Slope Stability Report:

Paragraph 3.4 – the consultant's calculation of cliff recession should not, in my view, be relied upon. Chalk cliff recession prediction is not, at the moment, an exact science – they could be right in their assessment or they may not be. Paragraph 4.3 – In our experience Natural England are not very willing to see areas of chalk cliff obscured by concrete or netting. The cliff stabilization works we did at the Marina had to go through a public inquiry as a result of Natural England's objections before they could go ahead.

Ownership:

Understand that the owner of a cliff top is also responsible for the cliff face. This point should be established one way or another so that in future years should there be a problem then the freeholder is aware of his responsibilities;

similarly in terms of insurance against third party injury from falling chalk and flint.

Also understand that there is a section of the cliff top in the ownership of someone who can no longer be located.

Planning Policy:

The previous application BH2009/02228 was refused at Planning Committee against officer recommendation in February 2010. The applicant is currently appealing this decision and a hearing is due to be held in the next few weeks. It is understood that this new application seeks to address and overcome the concerns raised by planning committee.

Recent changes to Government Policy

Since the determination of the last application, the Government has abolished regional housing targets and made changes to Planning Policy Statement 3: Housing (PPS3). The changes to PPS3 are; the deletion of the national indicative minimum density of 30 dwellings per hectare and; changes to the definition of previously developed land so that private residential gardens are now classified as Greenfield land. Both of these changes are material considerations in the determination of this application.

Proposed Residential Density

The adopted (saved) Local Plan policies QD3 and HO4 are relevant when assessing the appropriateness of the proposal in terms of the proposed residential density, design considerations and the character of the existing area. QD3 iterates that proposals should incorporate an intensity of development appropriate to the locality/townscape.

The site is located to the south of the A259 adjacent to the cliff edge to the south. It is understood that there is a public car park to the east, detached dwellings to the north and Highcliff Court (a block of flats) to the west. The site is also adjacent to a SSSI and a RIG site although it is understood that Natural England did not object in principle in the previous application.

In terms of surrounding residential densities, the residential dwellings to the north of the site range from approximately 16 to 25 dph. Comparatively there are a two flatted developments to west of the site, St Margaret's (a 6 storey development with 43 units) and Highcliff Court (a 3 storey development with 38 units). Both of these existing developments represent high density development, with densities of over 200dph.

The density of proposed development at 28 Marine Drive, would be approximately 53 dph (based upon a site area 0.17ha including the access road). The density of the proposal excluding the access road would equate to 75ph (based on a site of 0.12ha). In this context it is considered that the proposed density accords with policy HO4 (d).

It is considered that the proposed site has good connectivity to the Rottingdean Local Centre which offers a range of services and facilities. The site is also considered to be close to transport routes and pedestrian routes and cycle network. In this respect it is considered that policies QD3 and HO4 are satisfied.

Policy QD3 states that proposals for backland development will be rigorously examined in respect to the retention of and provision of new open space, trees, grassed areas, nature conservation features and recreational facilities. Whilst the proposal provides private amenity space in the form of private balconies for each flat, it is considered that the area of shared space is constrained by the footprint of the proposed building. In relation to policy HO5 the lack of replacement garden space is disappointing.

Sustainable Transport:

Principal of development served via an unadopted track

This latest scheme of this site is proposing to construct a shared surface access comprising of block paving for the entire length of the access road and delineating a section for pedestrians by using “a strip in a contrasting colour”. The Manual for Streets notes that pedestrians’ sharing a surface with motorist has a “self-limiting factor ... of around 100 vehicles per hour”. Traffic flows above this figure mean that pedestrians treat the general path taken by vehicles as a road to be crossed rather than a space to occupy. Table 2.1 notes traffic count data recorded on Wednesday 5th May 2010, which is defined as a neutral period for traffic surveys, therefore acceptable and should be considered as representing a robust estimate of the volume of traffic using the lane. The data showed that the access was used by 55 vehicles in total between the hours of 7am and 7pm.

The analysis of the potential increase in vehicle movements has been drafted to accord with industry standards and is considered as providing a robust estimate of the expected increase in demand. This data shows that the proposal would generate 27 additional vehicle trips over the same 12 hour period, (4.549x9x66%). Thereby this unadopted track would potentially attract 82 vehicle movements per day.

It is not possible to further consider whether the proposed shared surface scheme is satisfactory in public safety terms as the no additional information has been provided about how – for instance – traffic speeds will be managed along its length.

In the summary and conclusions section of the statement it notes that the access will be an ‘unadopted shared surface road’ and that ‘maintenance of the access in perpetuity will rest with a management company’.

Insufficient information has been provided that sets out the design and safety considerations of the proposed shared space. Additional plans and a Road Safety Audit Stage 1 and 2 should be submitted to evaluate whether the

transport demand will be provided for, and whether public safety will not be worsened or not.

I have no general objection to this proposal in principle but am duty bound to point out that this scale of the existing development served via the unadopted track is in excess of the level that would normally be acceptable. Historically, the maximum number of residential units that should be served off of a private unadopted track is no more than 5 units. This figure has been set at this level by precedents over many years. It is considered that development consisting of more than this number of units should be served via an adopted road to ensure that statutory services such as sewerage, telecom, gas, electric, and emergency vehicles can be maintained to a suitable standard in perpetuity. Manual for Streets does note that *“it is not desirable for this number [number of units served via an unadopted road] to be set too high, as this would deny residents of small infill developments the benefit of being served by an adopted street”*.

The Council’s adopted street design guidance is somewhat out of date now, being last up dated in 1995. The content of the street design section of this document is no longer relevant, but the general principles of what streets should be adopted and when is still pertinent. Page 7 of appendix 6 advises that *“it is the aim of the Highway Authority to ensure that all new estate roads serving more than five dwellings are adopted at the outset”*.

There are numerous examples around the city where development has been allowed that is served via an unadopted track that has degraded to such an extent that they are unsafe, which has lead to calls from local residents and Councillors that the Highway Authority adopt and maintain the road at public expense. It would not be appropriate – given the precedents – for the Highway Authority to offer a positive recommendation to a proposal that would clearly exceed the scale of development that would normally be served via an unadopted track.

Additional Comments if the Local Planning Authority choose to approve the Application

The above view is that of the Highway Authority, as a consultee in the planning process. If the Local Planning Authority does not agree with this position or think requiring the access track to be adopted is unreasonable it is recommended that conditions relating to the resurfacing of the track, cycle parking and vehicular parking are added to any consent if granted;

And;

The applicant enters into a legal agreement with the council to contribute £18,000 towards transport measures. This contribution will go towards upgrading pedestrian crossing and bus stop facilities with Rottingdean village high street.

Parking Provision

Brighton & Hove's development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in September 2000. These standards set out the maximum level of car parking for various use classes. Use class C3 consists of residential accommodation, both flats and houses.

These parking standards require a maximum provision of 1 standard car parking space per dwelling up to 3 beds plus 1 car parking space per 2 dwellings for visitors. This means that the site should provide up to a maximum of 12 car parking spaces. The blue badge/disabled parking provision as set out in SPG4 for this type of development is a minimum of 1 space per 10 dwellings. This would suggest that one-disabled parking spaces should also be provided in addition to the 12 standard spaces noted above.

A nationally recognised source of traffic and transport impact data for various land uses is used by developers and local councils. The residential accommodation part of the database includes average transport impacts of various land uses including a section on residential flats. This section suggests that the parking demand of six sites in similar locations to this proposal would be 0.9 spaces per unit. Using this data the car parking demand of a site with 9 flats could reasonably be expected to provide standard 9 spaces.

National Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves with, unless in exceptional circumstances, which might include significant implications for highway safety. Based on my observation on site and surrounding area it is not considered that there are any significant circumstances that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

Section 5.4 of the Statement notes that the provision of car parking "*does not exceed the maximum levels [of car parking] set out in the CBC Planning Obligations and S106 Agreements SPD*". The Highway Authority are unclear on what this section is making reference to it is assumed that the section should be referring to Brighton & Hove's SPG4 car Parking Standards document.

Unlike car parking cycle parking standards are set as a minimum, for this type of development the cycle parking requirement is calculated on a basis of 1 space per unit plus one space per 3 units for visitors. This would require a minimum level of cycle parking of 12 spaces; the Applicant is proposing 10 spaces. It is recommended that additional cycle parking facilities are provided to comply with TR14, TR19 and SPG4.

Additional comments received 28 October 2010, in response to a letter submitted on behalf of the applicant by Ardent Consulting:

Further to the letter I have received the overall position of the Highway Authority remains the same in that we object to the proposal in principle because of the volume of development served by an unadopted access track. There is no specific requirement that I can place on land owners to offer a road for adoption that is why I have continued my comments to offer positive advice if the LPA chose to approve the Application.

Environmental Health: No comment.

Private Sector Housing: No comment.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable Transport Corridors and bus priority routes
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water runoff and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU8	Unstable land
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally

HE6 Important Geological Sites (RIGS)
Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents

SPGBH4 Parking Standards
SPD03 Construction and Demolition Waste
SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in this case are the impact of the proposal upon the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability, traffic and highways considerations and impact on the natural environment.

Background

The previous planning permission reference BH2006/01879 which was approved by the Planning Applications Sub-Committee, lapsed as the works were not started within the requisite time period in accordance with Section 91 of the Town and Country Planning Act 1990. The subsequent resubmission reference BH2009/02228 was refused by Planning Committee on 3 February 2010, for which an appeal has been submitted to be determined by a hearing.

This application seeks to address the Committee's concerns. It includes a new design approach, and also reports specifically addressing the previous reasons for refusal.

Principle

The proposal seeks permission to build on a site which previously housed a single dwelling. The extent of the proposal would encroach onto the previous dwellings garden area. The recent amendment to Planning Policy Statement 3 on Housing (PPS3) now excludes gardens from the definition of previously developed land. This was effective from the 9th June 2010. One of the revisions redefined gardens as greenfield land.

The change in national policy means that the Local Planning Authority can consider the specific qualities of the garden area which is proposed to be developed. Notwithstanding the change in national policy, the adopted local approach has not changed in that proposals for 'backland' development will always need to be rigorously examined in respect of the impact of the surrounding area and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings. Local plan policies remain applicable; policies QD3 and HO4 can support planning permission for backland development, including development on previously un-developed gardens providing that the proposed building responds well to the character or the area, does not harm neighbouring occupiers, and is acceptable in all other respects.

PPS3 along with Local Plan policies QD3 and HO4 seek the more effective

and efficient use of development sites. However, in seeking the more efficient use of sites, PPS3 and Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. Given the sites history, location and the wider context of the surrounding locality it is considered that the site is suitable for such a redevelopment.

Design

Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings and b) topography and impact on skyline. Policy HE6 seeks to preserve the character and appearance of conservation areas.

The application has resulted in the reworking of the space and overall massing of the proposal resulting in a reduction in the massing of the development to the rear of the site. This has been coupled with a further reworking of the internal spacing to provide an additional 1 unit within the development. The scheme also provides 10 parking spaces within the site as undercroft parking which allays previous concerns of overdevelopment of the site as parking is now provided.

Reasons for refusal 1 and 6 of the previous application related to the design, massing, size, height, materials and density. In relation to these reasons the design principle of the development has changed significantly. The proposed design provides a contemporary design with a strong horizontal emphasis whereas the previous scheme was more of a pastiche of an art deco style building. When compared to the design of the previous application the proposed design is more akin to the simple design of the adjoining Highcliff Court. It is the proposed modern elevational treatment which stands it apart from adjoining buildings.

The proposed finish to the building is white render and darker brick sections. The use of contrasting materials provides greater horizontal emphasis within the building in an attempt to break up the overall mass of the building. Buildings finished in render are visible within the local vicinity including the neighbouring developments at Highcliff Court and St Margarets.

The proposal would be predominantly seen from the existing public car park to the east as a two-storey development. The proposed elevation treatment and use of contrasting materials and fenestration aims to break up the mass

of the elevations when viewed from the east. Due to the topography of the site and the backdrop of St Maragarets and Highcliff Court it is considered that the proposed development would be acceptable in this area.

The overall design of the property is considered to be of a good standard, the proposed development is therefore considered to meet the design requirements in accordance with policies QD1, QD2, QD14 and HO4 of the Brighton & Hove Local Plan.

Amenity for residential occupiers

The proposed internal layout of each of the dwellings is considered to be acceptable. The design and access statement contends that the development will attain Lifetime Homes standards and would meet Part M of the Building Regulations.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. Each dwelling would benefit from private amenity space in the form of screened terraces which is considered to be adequate provision in accordance with policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage and Policy SU2 requires the provision of adequate refuse and recycling areas. An area for adequate cycle storage has been highlighted on the submitted plans alongside refuse and recycling storage facilities. Full details of these have not been submitted however these designated areas would appear to be sufficient, in terms of size therefore a condition is requested to ensure that full details of these areas are provided in accordance with policies TR14 and SU2 of the Brighton & Hove Local Plan.

Impact on amenity of neighbouring occupiers

Reason for refusal 2 of the previous application related to the impact of the development upon the amenity of adjoining neighbours. Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

Daylight

The BRE guidelines state that where the Vertical Sky Component (VSC) to a window is less than 27% and there would be more than a 20% reduction in levels of daylight received, the loss of light would then be noticeable to that room. The guidelines are intended to be used for adjoining properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight. The applicant has submitted a daylight study which includes the windows along the side elevation of Highcliff Court.

The report also considers the Average Daylight Factor (ADF) which assesses the quality and distribution of light within a room serviced by a window, this takes into account the VSC value. The “No Sky” line method of assessment

has also been considered. The report concludes that all of the surveyed windows would fully comply with BRE guidelines for daylight in terms of Vertical Sky Component, “No Sky” line and Average Daylight Factor.

Given the submitted report it is considered that the proposed development would not result in a significant reduction in terms of daylight and sunlight upon the adjacent occupiers of Highcliff Court in accordance with policy QD27.

Loss of outlook/privacy

The proposal is to be sited a minimum of approximately 25m from the nearest house on Marine Drive (no.36).

The impact on amenity of houses numbers 32-36 Marine Drive are considered to arise from proposed windows and terraces on the side and rear elevations of the proposal.

To the rear (north) 13 no. windows are proposed which will serve a mixture of bedrooms, bathrooms and hallways. Of the proposed windows 6 no. are proposed to be high level windows, a further 3 no. windows serve bathrooms and will be obscurely glazed. Two of the remaining windows are to serve a communal hallway where it is not expected that people will congregate. The final 2 no. windows serve bedrooms, and would be partially shrouded by an angled flank wall.

A terrace is proposed at upper-ground floor level, this is in a sensitive location due to the surrounding single family residential properties and amenity space to the north and east. It is considered that in principle the use of a rear terrace is acceptable however, the use of the full extent of the terrace may result in greater perceived overlooking into the existing amenity space it is therefore considered that a condition is necessary to include revised details of the terrace to restrict the extent of its use.

To the east there is the potential for overlooking into the private amenity space of 36 Marine Drive. Issues relating the proposed terrace have been discussed previously. There are 7 no. windows proposed 5 no. of which would directly overlook the adjoining car park to the east, the remaining 2 no. are proposed at high level and will serve a hallway and as a secondary window to a bedroom.

To the west 5 high level letter box windows are proposed along with 4 balconies. The two balconies to the rear of the development serve bedrooms whilst the larger balconies to the centre of the development serve living rooms. The balconies are purposely screened and angled along the western elevation to ensure that no direct overlooking occurs and to direct future occupiers towards the views to the south. The proposed terraces on the south elevation that would allow some oblique overlooking towards Highcliff Court.

In terms of overlooking it is considered that there is the possibility for neighbouring occupiers to perceive an increase in overlooking given the proposal, however due to the measures proposed to protect against actual overlooking and subject to appropriate conditions it is considered that the refusal on these grounds could not be sustained.

With regard to the loss of outlook, it is considered that there would be some loss to neighbouring outlook from windows, however, it is considered that this would not be significant enough to warrant a refusal on these grounds.

Whilst it is regrettable for occupiers of Marine Drive to have their sea views compromised by the development, this is not a material planning consideration. It is considered that there is sufficient distance between the houses in Marine Drive and the proposal to mitigate any potential loss of amenity, such as overshadowing, from the development.

Traffic and Highways

Reasons for refusal 4 and 5 of the previous application related to insufficient parking and highways safety. The applicant has submitted a revised transport assessment as part of this application.

The application proposes undercroft parking within the site to provide 10 no. parking spaces. The Council's Sustainable Transport Team have assessed the application and consider that whilst there should be provision for a disabled parking space, refusal on the grounds of the level of parking provided could not be sustained at appeal. It is therefore considered that the application adheres to policy TR19 of the Local Plan.

The applicant has proposed to resurface and maintain the existing access road to the development, this is to include a shared surface for both pedestrians and vehicles. Sustainable Transport have concerns over the existing access to the site and its inability to provide two-way traffic movements. A previous application in 2003 for 14 flats was refused and dismissed at appeal with the Inspector commenting that the access was considered acceptable. Having regard to the Inspector's comments, the access for the proposal would not change from the appeal proposal and as the number of units has been reduced from the appeal scheme, it is likely to be used by a reduced number of vehicles. It is not considered that a refusal of planning permission on traffic grounds could be sustained at appeal.

Sustainability

The application must be assessed with regard to the Supplementary Planning Document on Sustainable Building Design (SPD08). The recommended standards for Greenfield development are higher than the standards for previously developed land. The standard sought is Level 5 of the Code for Sustainable Homes.

The reason why a higher level is sought for Greenfield development is that

some of the potential negative effects of Greenfield site development involve a reduction loss of amenity space and may involve the destruction of natural habitats. For these reasons the adopted SPD states that should the loss of Greenfield sites take place, then the highest level of resource efficiency must be sought to minimise the impact of development.

The proposal shows several design features that encourage sustainability including passive solar heating through orientation of windows, photovoltaic and solar water heating. The application is accompanied by a sustainability statement in which a Code for Sustainable Homes pre-assessment has been submitted which suggests that the development could achieve level 3 of the Code for Sustainable Homes.

As the site is a Greenfield site it is expected that the development should aim to meet as high a level of sustainability as possible. In line with SPD08 it is considered that Code Level 5 should be the target level and given the contemporary design of the proposal it is considered that this should be secured by condition. In the absence of justification for a lower level of the code and given the requirements of being able to achieve code level 5 flexibility within the wording of the condition is provided to allow the applicant to provide justification for a lower standard if required.

Impact on the natural environment

Reason for refusal 3 of the previous application related to cliff stability and the impact of the proposed development upon the adjacent Brighton to Newhaven Cliffs Site of Special Scientific Interest.

The applicant has submitted a slope stability report, a ground investigation, a flood risk assessment and an extended phase 1 habitat survey. The Coastal Protection Engineer has raised no objections and in general agrees with the overall findings of the report.

Natural England have no objection to the scheme subject to specific conditions restricting access to the SSSI during construction and post completion. This application provides opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. These measures can be secured by a suitably worded condition.

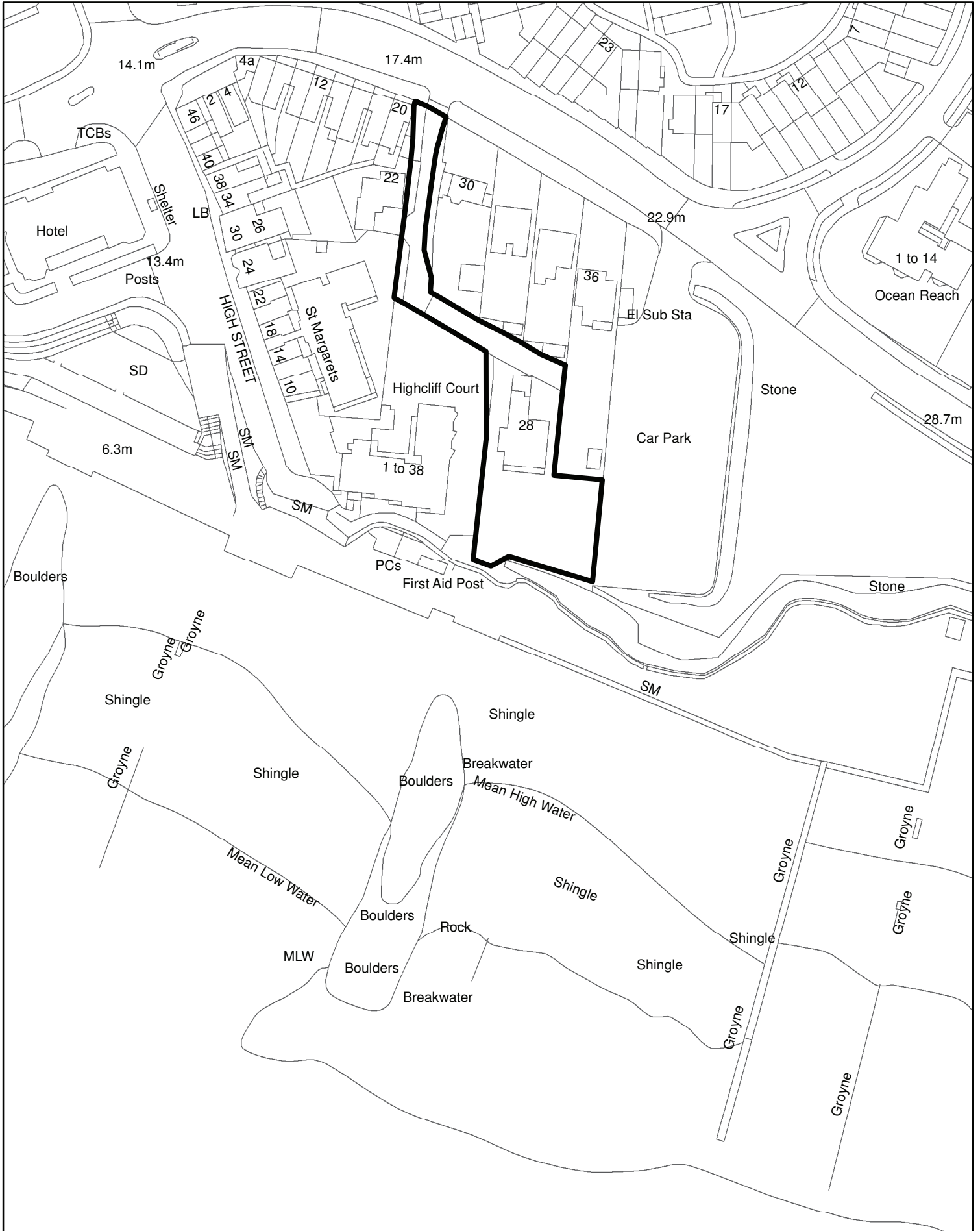
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal meets government and local plan policies and guidance and is considered to be of a scale, height and design in keeping with the natural and developed background. The proposal meets local plan policies and guidance with regard to sustainability measures, parking provision, accessibility and attempts to mitigate potential impact on the natural environment.

9 EQUALITIES IMPLICATIONS

The plans show lifetime homes provision, internal lift provision, parking for disabled users and ramped access to the communal amenity area and viewing terrace.

BH2010/02745 28, Marine Drive



Scale: 1:1,250

No:	BH2010/02371	Ward:	PATCHAM
App Type:	Householder Planning Consent		
Address:	2A Surrenden Close, Brighton		
Proposal:	Erection of first floor front extension incorporating roof alterations, additional dormer and increased roof ridge height.		
Officer:	Louise Kent, tel: 292198	Valid Date:	16/08/2010
Con Area:	N/A	Expiry Date:	11 October 2010
Agent:	Mr Mark Walker, Jarvis Hall, 1 Jarvis Lane, Steyning		
Applicant:	Mr Ben Woodhart, 2A Surrenden Close, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 02-04 & 06-08 received on 29 July 2010 and drawing nos. 01& 05A received on 12 August 2010.

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

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

 - SU13 Minimisation and re-use of construction industry waste
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of Amenity

Supplementary Planning Guidance:

 - SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents:

 - SPD03 Construction and Demolition Waste; and
 - (ii) for the following reasons:-

The proposed front dormer would not cause any significant detrimental impact to the appearance of the building or the surrounding residential

amenity. The proposed development would cause no significant loss of light or privacy to adjacent occupiers.

2 THE SITE

The site is a detached modern house with integral garage and driveway on the eastern end of a cul-de-sac off Surrenden Road. It has black beams and white render on the upper part, in a “tudor-bethan” style. It is not in a conservation area. The ground is level, with similar gabled houses in the cul-de-sac, and two bungalows with extended roofs opposite the site.

3 RELEVANT HISTORY

BH2006/01005: Granted approval for alterations to existing chalet bungalow including hip to gable side roof extensions, insertion of front dormer and front gable extension.

4 THE APPLICATION

Planning permission is sought for the removal of an existing dormer and the construction of two smaller dormers at the front. The roof ridge height will also be raised by 0.9m.

5 CONSULTATIONS

External

Neighbours: Three (3) letters of support have been received from **143 Surrenden Road** (two individual letters) and **189 Surrenden Road**.

Five (5) letters of objection have been received from **22 Charnock, Swanley, Kent** (two individual letters), **12 Linersh Wood, Bramley, Guildford, 145 Surrenden Road, 191 Surrenden Road**

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the effects of the proposal on the appearance of the property, and the effect on neighbouring residential amenity.

Planning Policy:

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.

Design:

The existing front dormer over the garage will be removed and replaced by two smaller matching dormers. The existing dormer is 1.0m wide and 2.1m high, and the two new dormers will be 0.8m wide and the same height, 2.1m. They will have pitched roofs, the same as the existing dormer, and will be set forward by one metre from the existing dormer. The two matching dormers are evenly placed within the roof, and considered to be well placed over the garage in a similar position to the existing dormer.

The roof ridge height will be raised by 0.9m to the same height as the existing front gable. The adjacent house, 2 Surrenden Close, has a similar roof height which is approximately 0.4m higher. As the new dormers will be set forward one metre more than the existing dormer, the roof tiles under the existing dormer will be removed and replaced with black beams and white render to accommodate the roof alteration. This will match the front gable which also has black beams and white render.

Impact on Amenity:

The additional front dormer would not have caused any detrimental impact on the surrounding residential amenity, as it will not cause any more overlooking or loss of privacy than is already in existence. The front dormer is overlooking the street which is a public highway.

The raising of the roof ridge height is not considered to cause any significant detrimental harm to the adjacent residents, as it will be lower than the next house to the north, 2 Surrenden Close. Although the property directly opposite the site is an extended bungalow, with a lower roof height, it is 20 metres away to the west, and therefore it is not likely to cause any loss of light.

The design of the two dormers is considered to be appropriate for the style and design of the existing house, with a pitched roof similar to the front gable, and the same window glazing style. It is not considered that the setting forward of the front elevation under the dormers, and the change from tiles to black beams and white render, will cause any detrimental impact on the surrounding residential amenity.

Conclusion

The proposed dormers and roof alteration would not cause any significant detrimental impact to the appearance of the building or the surrounding residential amenity. The proposed development would cause no significant

loss of light or privacy to adjacent occupiers.

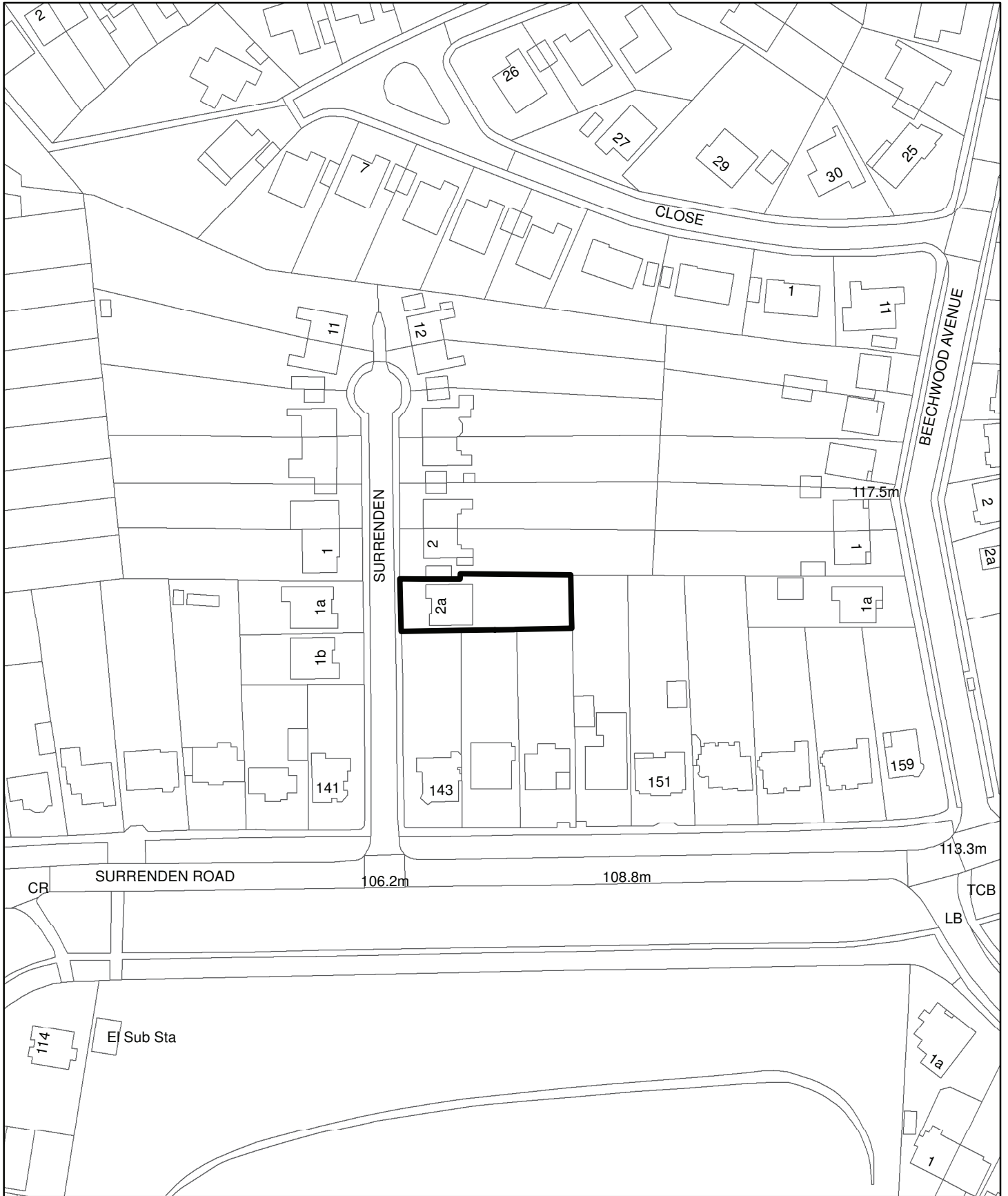
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not cause any significant detrimental impact to the appearance of the building or the surrounding residential amenity. It would not cause any significant loss of light or privacy to adjacent occupiers.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/02371, 2a, Surrenden Close



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/02883	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	32 Hove Park Way, Hove		
<u>Proposal:</u>	Erection of two storey extensions to front and rear and alterations to garage to form habitable room. Erection of new front porch, enlarged parking area and gated entrance. External alterations to windows and doors and insertion of rooflights to North, South and East elevations.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	04/10/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29/11/2010
<u>Agent:</u>	Clifton Design Associates, 55 Dyke Road, Brighton		
<u>Applicant:</u>	Mr & Mrs Steven Kell, 32 Hove Park Way, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the site plan and approved drawing no. SKH4c received on the 9th November 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the host building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the north side elevation of the rear extension or the south side elevation of the front extension hereby permitted without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

- SU2 Efficiency of development in the use of energy, water and materials
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD14 Extension and Alterations
QD27 Protection of Amenity; and

- (ii) for the following reasons:-

The proposed extensions and alterations would result in no significant loss of light or privacy to adjacent occupiers, and would be finished in a contemporary fashion to match the re-finished host building. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to a two storey detached house located on the east side of Hove Park Way, Hove, north of the junction with Stanford Close. The property is of a mock-Tudor design and sits on higher ground to the road. The immediate properties adjacent are detached houses of a similar scale, but differing design.

3 RELEVANT HISTORY

BH2006/04103: Certificate of lawfulness for proposed single storey rear extension. Approved 25/01/2007.

4 THE APPLICATION

Planning permission is sought for the erection of two storey extensions to the front and rear elevations, the erection of a front porch, the conversion of the integral garage to living accommodation, and the excavation of the sloping front garden to create a walled and gated hardstanding.

Amendments have been received during the course of the application, altering the boundary treatment.

5 CONSULTATIONS

External

Neighbours: One (1) letter of representation has been received from the resident of **No.34 Hove Park Way** objecting to the proposed development on the following grounds:

- The proposed extension is inappropriate and much too large for the plot.
- There are many examples of single storey extensions in the area but there are no two storey examples.
- The alterations to the front of the property would be totally out of character in a road consisting largely of properties typical of Braybon and Cook-built

designs of the 1930's

- The rear extension would be overbearing and would greatly reduce light to their living room, staircase and main bedroom, and result in considerable overshadowing, overlooking and loss of privacy.
- The resident of No.34 has limited mobility and can only access the patio immediately rear of the property, an area that would be spoilt by the overwhelming extension proposed.

Councillor Bennett objects. A copy of the letter is attached.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

SU2 Efficiency of development in the use of energy, water and materials

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extension and Alterations

QD27 Protection of Amenity

7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the impact of the proposed extensions on the appearance of the building and wider street scene, and the amenities of adjacent occupiers.

Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

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.

Design

The property as existing forms a two-storey dwelling with a hipped roof and small two-storey front projection to the north side. It sits on raised ground level and is partially recessed from the building line of the adjacent dwellings. The surrounding properties in the street are of a similar scale but offer no consistency in design.

The application seeks to alter and extend the property to the front and rear. To the front, a two-storey projecting extension is to be constructed to the south side of the front elevation to match the existing which is located to the north side. This extension would sit level with the existing, and would follow the general building line of the properties adjacent. An enlarged porch is to sit in between both projecting elements. The new extension would be completed to match the existing, which is to have its front gable reduced to a hip, and the upper level tile hanging replaced with render. Elsewhere, the main body of the building is to be upgraded with new rendered elevations, aluminium windows, and slate tiles to replace the existing clay roof tiles. These alterations and extensions are considered acceptable in principle having regard the above policies. The existing properties in the street are of various design with little consistency other than their general scale, therefore the extensions to the applicant's building would not be unduly prominent or out of character in this context. Although the use of rendered elevations, aluminium windows and slate tiles is a significant departure from the more muted appearance of the surrounding properties, it is noted that these alterations to the finish of the building can be undertaken without the need for planning permission as 'permitted development'.

To the rear, a 4.8m deep and 4.6m wide two storey extension is to be built off the northern half of the rear elevation. This extension is to have a hipped roof and large glazing panels encompassing the entire rear elevation. It is noted that no other properties in the immediate vicinity of the site have two storey extensions to the rear, however, this in itself does not make the principle of such an extension on a detached dwelling unacceptable. The extension would extend as far as an existing single storey rear extension to No.34 adjacent however the first floor would be visible above. On balance, given the location of this extension discretely to the rear of the property, it is not considered that its scale or depth is so excessive as to warrant the refusal of permission on design grounds. Again, whilst the degree of rear glazing is considered excessive, its harm is limited by virtue of its surroundings. Furthermore small single storey storage extensions are proposed to the south side elevation which are not considered harmful. Similarly, no harm is identified with regard the conversion of the integral garage to additional living accommodation.

To the front, the existing sloping garden is to be reduced and levelled to create a hardstanding. A low 1m high wall and gate is to be erected fronting the highway with progressively taller white rendered walls to the side boundaries. The boundary wall has been amended during the course of the application and the new wall would sit within the existing boundary fence and

wall to the south, and inside the existing vegetation that forms the northern side boundary. Although this element of the design would not compliment the appearance of the street scene owing to the scale and finish of the side walls and the loss of the open grassed garden, it is noted that this element of the design can be undertaken under the property's 'permitted development' rights, as defined by Schedule 2, Part 1 Class A and Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended. For this reason, whilst this element of the proposal is unwelcome, any planning objection to this boundary treatment cannot reasonably be sustained.

Impact on Amenity

The proposed extensions and alterations would impact mainly on the amenities of the immediate neighbours at Nos 30 and 34. To the south, No.30 has a window in the facing side elevation that serves a bathroom and a further window that is secondary to a room. Although the front extension would reduce a degree of outlook and light to these windows, given that they do not serve principle rooms no significant concern is raised. The plans as revised detail a large side facing floor-ceiling window in the rear extension that would face the rear garden to No.30, albeit at a separation to the boundary of 7.4m and across a rear extension beyond. Although normally such an addition would be considered un-neighbourly, in this instance the potential for overlooking would be restricted by the separation to the boundary and the boundary treatment. In particular, it is noted that the patio area immediately rear of No.30 would be entirely disguised from view by their hipped roof rear extension. The remaining garden would potentially be overlooked, but to no greater degree than as existing from the applicant's first floor bay window which sits between the boundary and the proposed extension.

The main impact would be to No.34 to the north. This property has facing side windows which serve a stairwell and form secondary windows to front and rear rooms. No.34 have a large rear extension that opens onto a patio area partially sunken into the higher ground levels to the rear. The proposed extension would sit level with the extension to No.34 therefore it would not be readily apparent from within the ground floor of the property or in the property's rear outlook. Whilst the rear room to No.34 does have a facing side window that would suffer from a loss of light, this is very much secondary to the room and of a small horizontal design therefore any such loss of light is not considered sufficiently harmful as to warrant the refusal of permission. At first floor level, the outlook to a bedroom bay window would be partially impacted, however the extension would not break a 45 degree line from this window therefore the degree of lost light and outlook cannot be reasonably argued to be significant.

Conclusion

It is accepted that the rear extension is large, and that the floor to ceiling rear glazing is excessive and un-neighbourly however, given the nature of the site

and its surrounds, no significant amenity harm is identified. It is accepted that the neighbouring properties would be impacted to an extent, however, on balance, this is not considered to be to such a degree that would support a reasonable reason for refusal. On this basis the proposed development is considered acceptable having regard to policies QD14 and QD27 of the Brighton & Hove Local Plan, and the approval of permission is recommended.

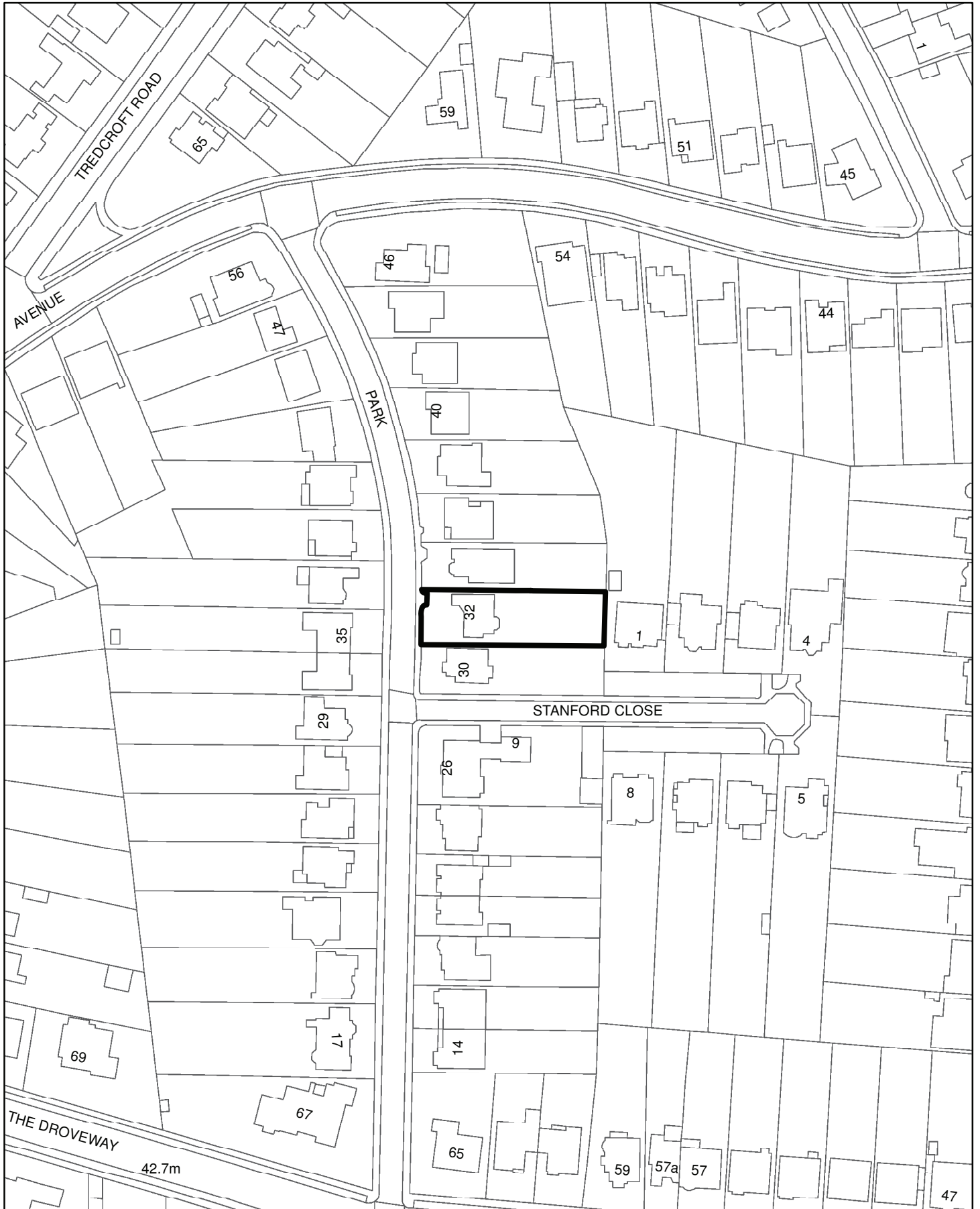
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions and alterations would result in no significant loss of light or privacy to adjacent occupiers, and would be finished in a contemporary fashion to match the re-finished host building. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/02883, 32, Hove Park Way



**Brighton & Hove
City Council**

N



Scale: 1:1,250

Joseph Smith
Administrative Assistant
Development Control - Environment
Second Floor
Hove Town Hall
Norton Road
Hove

Date: 25 October 2010
Our Ref: JB/EB
Your Ref:

Dear Mr. Smith,

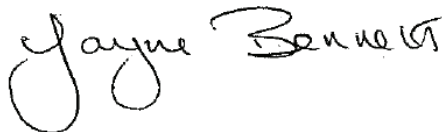
Re: BH2010/02883 - 32 Hove Park Way

As a Hove Park Ward Councillor I am writing to object to the two-storey proposed extension to the above-mentioned property. Many of the surrounding properties have single storey extensions with minimal impact on neighbouring properties.

The property is built less than one metre from the boundary and as a result the new proposed building will have an overbearing and overshadowing effect on number 34. There will be loss of light to the south facing windows, and a visit to the property is essential to see how the extension will also cause severe overshadowing to the patio area. The patio area has level access from the property, and is very well used by the occupants.

I would be grateful if this application could go before the Planning Committee for decision.

Yours sincerely



Councillor Jayne Bennett

<u>No:</u>	BH2010/02794	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	55 Tongdean Avenue, Hove		
<u>Proposal:</u>	Part excavation to form new driveway incorporating part demolition of existing front wall to form new opening and installation of new pillars and gates to match existing. (Part retrospective)		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Valid Date:</u>	01/09/2010
<u>Con Area:</u>	Tongdean	<u>Expiry Date:</u>	27 October 2010
<u>Agent:</u>	The Alexander Partnership, 9 Middleton Avenue, Hove		
<u>Applicant:</u>	Mr Saied Abdulkhani, 55 Tongdean Avenue, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

1. The development hereby permitted shall be carried out in accordance with the approved Alexander Partnership drawings no. 01/1008496, 02/1008496, 03/1008496 & 04/1008496 received on 01/09/2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The external finishes of the boundary walls and gates hereby permitted shall match in material, colour, style, bonding and texture those of the existing boundary wall.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
3. BH05.10 Hardsurfaces.
4. Within one month of the date of this permission unless otherwise agreed in writing, a scheme for the planting of soft landscaping at the site shall be submitted to and approved in writing by the Local Planning Authority. The planting of the replacement landscaping shall be carried out in the current planting season, and any planting 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 within the next planting season with others of similar size and species.
Reason: To ensure appropriate and satisfactory replacement of trees of the amenity value in the interests of maintaining amenity and in compliance with policies QD16 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 06 (Trees and Development Sites).
5. Within one month of the date of this permission unless otherwise agreed in writing, an Arboricultural method statement outlining measures to be undertaken to ensure the protection of trees on the site has been

submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures need to at least meet BS 5837 (2005) Trees on Development Sites and shall include a full construction method statement outlining the building method for the development. The works shall thereafter be carried out in strict accordance with the approved details. Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

Informatives:

1. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
2. The proposed new vehicular crossover should be constructed to accord with Council design standards (Manual for Estate Roads) and constructed under licence from the Highway Operations Manager prior to the commencement of any other development upon the site.
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR7	Safe development
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within of affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development; and

(ii) for the following reasons:-

The development would have an acceptable impact upon the character and appearance of the Conservation Area, would not harm the amenities of adjacent occupiers and is in accordance with local plan policies.

2 THE SITE

The application relates to the boundary wall of a large detached property on the north east side of Tongdean Avenue in Hove. The site is wholly located within the Tongdean conservation area.

3 RELEVANT HISTORY

BH2010/01400: Erection of single storey extension to front and side. – granted 04/10/2010.

3/92/0464 (ca): Alterations to existing property to form new main entrance, extension to kitchen and other internal alterations and demolition of external stores and sheds – granted 27/11/1992.

3/92/0463 (f): Alterations to existing property to form new main entrance, extension to kitchen and other internal alterations and demolition of external stores and sheds – granted 27/11/1992

4 THE APPLICATION

Part retrospective planning permission is sought for the demolition of part of the front boundary wall and excavation of the land to form a new driveway and a new entrance including the installation of new pillars and gates to match that of the existing gates.

5 CONSULTATIONS

External

Neighbours: Eight (8) letters of representation have been received from the occupiers of **26, 34, 36, 48, 53 & 63 Tongdean Avenue 321 Dyke Road, 60 Wayland Avenue** objecting to the application on the following grounds:

- The new driveway does not provide a semi circular access to 55 Tongdean Avenue.
- The new access would provide access to the rear of the site and provide opportunity in the future to build additional housing at the rear of the property.
- The character of the area is of low density, spacious housing. Additional housing at the rear of the premises would discord to the character of the conservation area.
- The demolition has and the construction of a second set of pillars and gates will add to the visual congestion of the boundary harming the conservation area.
- The gates will not allow sufficient visibility resulting in additional risk to road users, pedestrians and cyclists.
- The proposal will result in an additional noise and disturbance.
- There is no evidence of how materials will be disposed of.
- Greater surface runoff from the new driveway will increase flood risk.
- The development has resulted in a loss of foliage.

- The development seeks to remove part of the boundary which is discordant to the conservation area character statement which seeks to retain boundary walls, fences, railings, gates and resists the formation of car hard standings.

Internal

Cllr Jayne Bennett: Objects to the application (comments attached).

Sustainable Transport: No objection, on the basis that the new cross over is constructed in accordance with the Council approved Manual for Estate Roads and under license from the highways Operations Manager.

Arboriculturist: No comments related to the front boundary works.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR7	Safe development
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within of affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

7 CONSIDERATIONS

Matters relating to the sub-division of the plot and creation of additional units is not a material consideration in this application. The creation of additional units would require a separate application. The main considerations in this case are the design of the extension and its impact upon the character and appearance of the parent property and that of the Tongdean Conservation Area; and the impact of the development upon the residential amenity of nearby residential occupiers.

Design and Conservation area impacts

The acceptability of a further opening within the front boundary turns upon the balance between the setting of such a proposal within the context of existing dual openings within the immediate street scene and the identified character and appearance of the Tongdean Conservation Area within the Conservation Area Character Statement.

The Tongdean Conservation Area Character Statement seeks to retain existing boundaries, walls, gardens and trees. From this perspective the formation of a new access would represent a development that does not strictly accord with the present character statement. However, the presence of similar developments within the locality and their impact upon the prevailing character of the area must also be considered.

There are at least four in and out driveway accesses, including cases where high walls and dual piers and gates are employed; within close proximity to the site and all within the Tongdean Conservation Area. It is considered that the number and proximity of these access arrangements to the site outweighs the loss of a small stretch of boundary in this case. It is considered the context in which the new access would be placed would not be unrepresentative of this portion of the Tongdean Conservation Area when considering the prevailing street scene.

At present the boundary wall has been partially demolished and works have ceased pending the outcome of this planning application. The former boundary treatment included a single opening which will be retained and supplemented with a further opening designed to match that of the existing opening; seeking to replicate the details and materials of the wall, piers and gates of the existing. It is considered that the detailing of the new entrance/access is acceptable and that matching materials should be secured by planning condition.

It is accepted that the position of the new access would not present a symmetrical appearance, but in view of the large scale of the property in this case it is not considered that this would warrant withholding planning permission in this case.

Residential amenity

The proposed new access and development works would not have a harmful impact upon the amenity of adjacent residential occupiers.

The new entrance and boundary treatment is sufficiently sited from neighbouring properties so as not to cause any physical impact.

The works will serve the existing dwelling and as such it is not considered that the development will increase the activity presently upon the site or generate additional travel demands. Given the spacious nature of the plot and the siting of the works it is considered that any difference in activity would have a

negligible impact upon neighbour amenity.

Highway Safety

The proposal would form a new vehicular access onto the public highway. The Transport Planning team have no objection to the formation of the new access and do not consider that the new opening would affect the safety of highway users.

The new access would require a new cross over and it is considered that the new cross over should be constructed in accordance with the Council approved manual for Estate Roads and under license from the Highway Operations Manager. These requirements are subject of separate legislation and as such should the application should be informed by an informative note to any consent granted.

Landscaping

Several trees upon the site are covered by a Tree Preservation Order (no.40) 2001. The application will not result in the loss of trees upon the site, but has required the removal of some minor soft landscaping.

Some trees within proximity of the new opening will require the use of a porous tree pit. The Arboricultural team have not expressed objections relating to these works and accordingly it is considered that the development will not have a detrimental impact upon important species upon the site. However, it is considered necessary to secure a method of protection for any trees in the vicinity of the works to ensure that species are not damaged during construction.

Information submitted with the application does not include a full schedule of replanting and it is considered necessary in the interests of a satisfactory final appearance to secure a detailed replanting schedule. This can be sought and implemented by planning conditions.

Waste minimisation and run-off

The application has not been supplemented with a waste minimisation statement. In view of the level of excavation in this case, however, given the nature of the scheme, it is not considered appropriate to secure the submission of a Waste Minimisation Statement by condition.

The application does not detail how the additional hard landscaped areas will be drained. In view of the small scale nature of the works it is considered that the use of a porous or semi-porous surfacing would mitigate the potential additional surface water in this case. This requirement can be secured by a planning condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

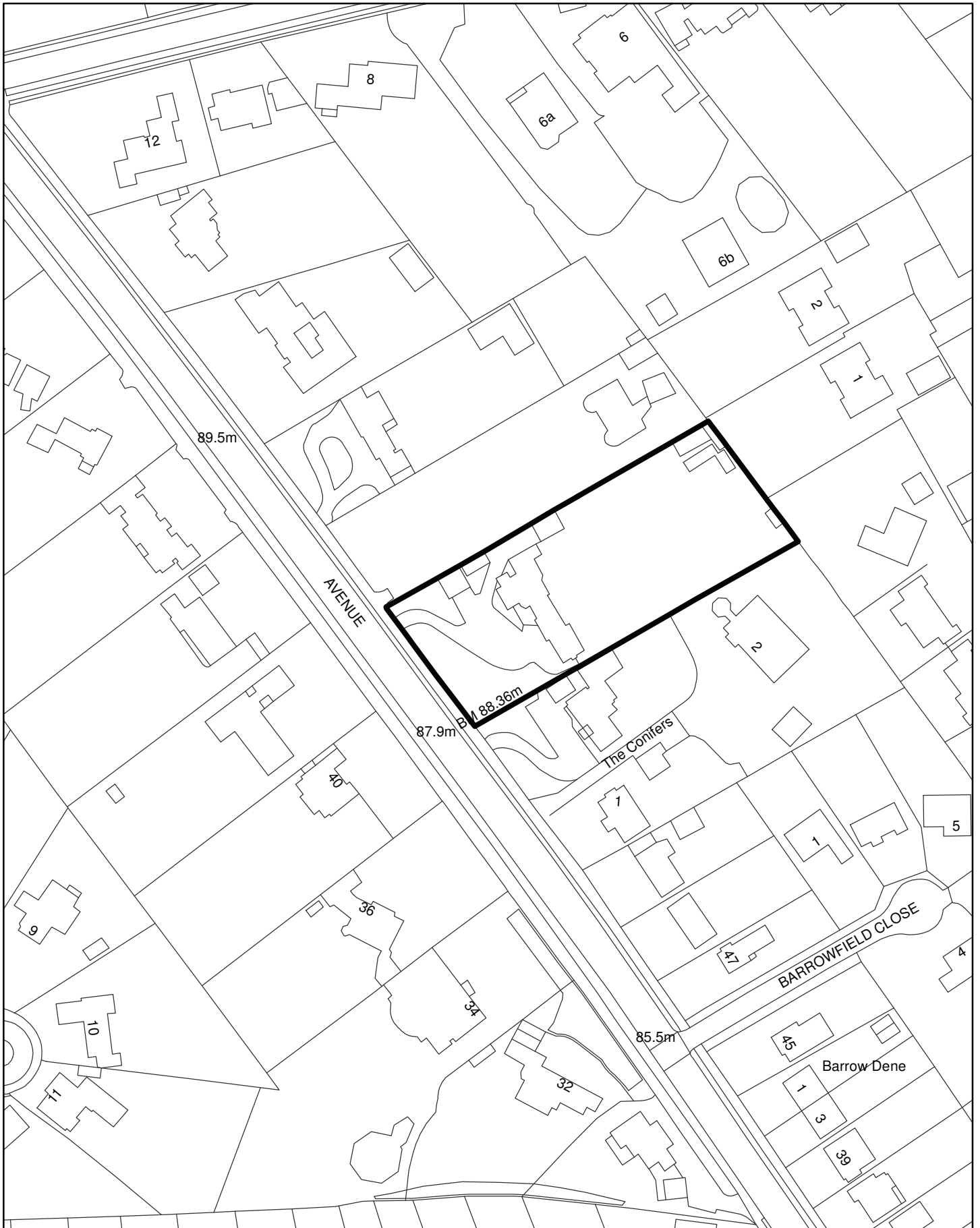
The development would have an acceptable impact upon the character and appearance of the Conservation Area, would not harm the amenities of

adjacent occupiers and is in accordance with local plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/02794 55, Tongdean Avenue



Scale: 1:1,250

3rd October 2010

Dear Mr Lewis,

Re: BH2010/02793 and BH2010/02794

As a Hove Park ward councillor I wish to object to this retrospective application, as it goes against the Council's Tongdean character statement.

Tongdean Avenue is within a conservation area and the demolition of part of the front wall of number 55 and the installation of another set of gates, along with the removal of foliage breaks the really pleasant visual continuity of this section of the road.

I would be grateful for this application to go before the planning committee for decision.

Kind regards,

Jayne Bennett

<u>No:</u>	BH2010/02741	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	86A Boundary Road, Hove		
<u>Proposal:</u>	Erection of additional storey to create 1no two bedroom flat and 1no one bedroom flat.		
<u>Officer:</u>	Charlotte Hughes tel: 292321	<u>Valid Date:</u>	03/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 October 2010
<u>Agent:</u>	Chalk Architecture Ltd, 219b Preston Road, Brighton		
<u>Applicant:</u>	HR Investments, Mr Paul Hazeldine, 39 Church Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

1. Policies QD1, QD2 & QD14 Brighton & Hove Local Plan require new developments to be of a high standard, to make a positive contribution to the surrounding area and to emphasise and enhance the positive characteristics of the local neighbourhood. Policy QD5 also states that all new development should present an interesting and attractive frontage at street level. The additional storey and alterations to the existing shopfront, would result in visually dominant building, which by reasons of its design and bulk, would fail to make a positive contribution to the street scene. The proposal is considered to be contrary to policies QD1, QD2, QD5 and QD14 of the Brighton & Hove Local Plan.
2. Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. It is considered that as a result of the development the residents of the first floor flat within 86 Boundary Road, would experience loss of light, loss of privacy, a heightened sense of enclosure and general noise disturbance. The proposal would therefore have a detrimental impact on existing residential amenity and it would be contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no's A.01, A.02, A.04, A.05, A.06, D.01, D.11 and D.12 received on 26th August 2010.

2 THE SITE

The application relates to 86 Boundary Road which consists of a retail unit (Londis) located on the ground floor with two floors of residential accommodation above. To the rear, a later single storey addition to the property has been added; this part of the site fronts Portland Road and consists of a retail unit selling office furniture.

3 RELEVANT HISTORY

BH2007/04470: Retention of chiller units to rear wall of property. (Retrospective). Refused July 2008.

BH2000/03018/FP: Proposed refurbishment of existing supermarket incorporating adjoining shop unit and 2 no. new shopfronts. Approved January 2001.

BH2000/02105/AD: Internally illuminated fascia signs and window signs. Approved October 2000.

4 THE APPLICATION

Planning permission is sought for:

- The construction of an additional floor above the office furniture retail unit that fronts Portland Road, which would accommodate two additional self contained units; a one one-bed unit and a one two-bed unit.
- Materials: The existing shopfront would be refurbished with new glazing and black ceramic tiles to the existing brickwork. The elevations of the 1st floor units would be clad in black timber stained boarding, with powder coated aluminium doors/windows, a toughened glass balustrade with timber handrail and solar panels to the roof.
- Amenity space: Each unit would have a balcony terrace to the front, facing Portland Road.
- Cycle storage: The internal lobby area is being remodelled to accommodate a bike store.
- Recycling/bin storage: A new entranceway way is being installed on the Portland Road elevation, which will give access to a bin store.
- Sustainability: It is proposed that the development would achieve Code Level 3 in the Code for Sustainable Homes. Photo-voltaic panels are to be installed on the roof.

5 CONSULTATIONS

External:

Neighbours: No letters of representation.

Mike Weatherley MP supports the application on the following grounds:

- The terrace of shops opposite Portslade Station is one of the first things seen by those travelling to the Boundary Road area by train and is keen to see it improved as much as possible.
- Welcomes the extra accommodation in this site and is pleased there is no loss of light or gardens to surrounding properties.

Internal:

Sustainable Transport: No objection. Cycle parking details are to be submitted for approval. The applications would be required to enter into a legal agreement with the council to contribute £1500 towards sustainable transport measures.

Private Sector Housing: No comment.

Councillor Kemble: Supports the application, letter attached.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations of this case are the impact on the appearance of the building and the street scene, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

Design:

Brighton & Hove Local Plan policies QD1, QD2 & QD14 require new developments to be of a high standard, to make a positive contribution to the surrounding area and to emphasise and enhance the positive characteristics of the local neighbourhood. Policy QD5 also states that all new development should present an interesting and attractive frontage at street level.

The ground floor of the building in question, currently presents an unattractive frontage to Portland Road. The building is a latter addition to 86 Boundary Road and it is considered to be large, uninteresting and harmful to the appearance of the street scene. Its replacement is therefore considered to be an urban design opportunity.

The proposed development intends to add an additional storey of accommodation to the existing building which would provide two self contained units; a one bed flat and a two bed flat. The proportions and appearance of the ground floor unit would remain largely unaltered as the location of the shopfront window and the proportions of the building as a whole would remain. However, the shopfront would be refurbished in black ceramic tiles which would be applied to the existing walls and new glazing would be installed into the existing shopfront opening.

The proposed first floor accommodation would have a contemporary appearance compared to the more traditional buildings to the east and west of it, and the height of the proposed development would sit between the height of the three storey buildings to the west and the two storey buildings to the east. The accommodation has been arranged so that the residential units are stepped back from the front elevation to provide balcony terraces at the front, and the units are laid out in a staggered pattern which helps to break up the bulk of the first floor elevation. The elevations would be clad in black timber stained boarding, with powder coated aluminium doors/windows, a toughened glass balustrade with timber handrail and solar panels to the roof.

As mentioned previously the re-development of the site is considered to be acceptable in principle. The existing retail unit does not make a positive contribution to the area and there are clear opportunities for its enhancement. However, while the proposed development attempts to tidy up the ground floor façade of the retail unit, it is considered that it would merely emphasise and consolidate the presence of this building within the street scene. The unit would still retain its large uninteresting shop front, which consists of a large wide pane of glass, which is off centre and which would not relate well to the first floor glazing of the proposed residential units. Furthermore there is a large bland expanse of wall to the east of the shop front, which would present a tall, overbearing and unwelcoming elevation to the street scene.

Policy QD1 does not seek to restrict creative design, provided the architectural detailing is carefully integrated so that the alterations do not appear as 'tacked on' elements. It is considered that in this case, the correct approach would be to consider the site as a whole and look at ways to improve the ground floor frontage as well providing a suitable level of accommodation to the first floor. This application therefore represents a missed opportunity to repair this part of the urban fabric. Currently the development incorporates large areas of glazing and large featureless elevations, which would not make a positive contribution to the appearance of the street scene. It is considered that the ground floor and first floor elements of the building do not successfully tie in with each other and that the development does not successfully integrate with the more traditional building either side of it.

The development is therefore considered to be inappropriate in terms of its design and bulk and would fail to make a positive contribution to the visual

quality of the street scene.

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.

The proposed residential units would back onto the existing flats within 86 Boundary Road and the first floor flat is most likely to be affected by the development. This property has a bedroom window and two bathroom windows facing the application site and the side elevation of unit 1 would be built 3.2m from these windows at a height of 2.9m. It is considered that this would restrict outlook and result in a sense of enclosure for the occupiers of this flat, particularly from the bedroom.

To address privacy issues, planting is proposed directly outside the bedroom/bathroom windows, and the west facing window within the new unit would be high level. Nevertheless, the occupiers of the proposed unit 2 would have to walk past this bedroom window to gain access to their flat, which would result in general noise disturbance. A planted screen is proposed to protect privacy, this is not considered to be an appropriate solution in this case. Additionally a planted screen directly outside the window would restrict the levels of light coming into the bedroom and therefore affect neighbouring amenity.

It is therefore considered that the proposed development would result in a detrimental impact on the amenity of the occupiers of the first floor flat of 86 Boundary Road, by creating a sense of enclosure, restricting outlook, loss of light and general disturbance/loss of privacy from people accessing the proposed flats.

Standard of accommodation

The two bed unit would have an internal floor area of 84m² and the one bed unit an internal floor area of approximately 47m², which is considered to be compact but adequate.

Each unit would have a fully glazed northern elevation giving access to the balcony terrace, with an outlook over Portland Road. It is considered that the future occupiers of the proposed units would experience satisfactory light conditions, have an acceptable outlook and a usable private amenity area.

The application has addressed lifetime homes criteria and this can also be secured by way of a condition in the event planning permission was granted.

Sustainable Transport:

Brighton & Hove Local Plan policy TR1 requires new development to address

the related travel demand, and policy TR7 requires that new development does not compromise highway safety. The Transport Planning team has stated that they have no objection to the application, subject to the applicant entering into an agreement to secure a contribution of £1500 towards sustainable transport infrastructure within the area of the site. However, as the proposal will provide less than 5 residential units and falls below the threshold in the Council's measures to assist the development industry, in the event the application was recommended for approval, no contribution would be sought.

The plans show the provision of a bike storage facility on the ground floor, however children's cycles have been shown and this part of the plans is therefore inaccurate. A larger bike storage facility would be required for the development, which may mean re-organising the internal space within the retail unit. However, it is considered that the provision of an acceptable secure cycle parking facility could be secured by way of a condition, in the event planning permission was granted.

Sustainability:

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.

SPD08 states that proposals for new build residential development on previously developed land should achieve Level 3 of the Code for Sustainable Homes, which the development aims to achieve and this can be secured by way of a condition, in the event planning permission was granted.

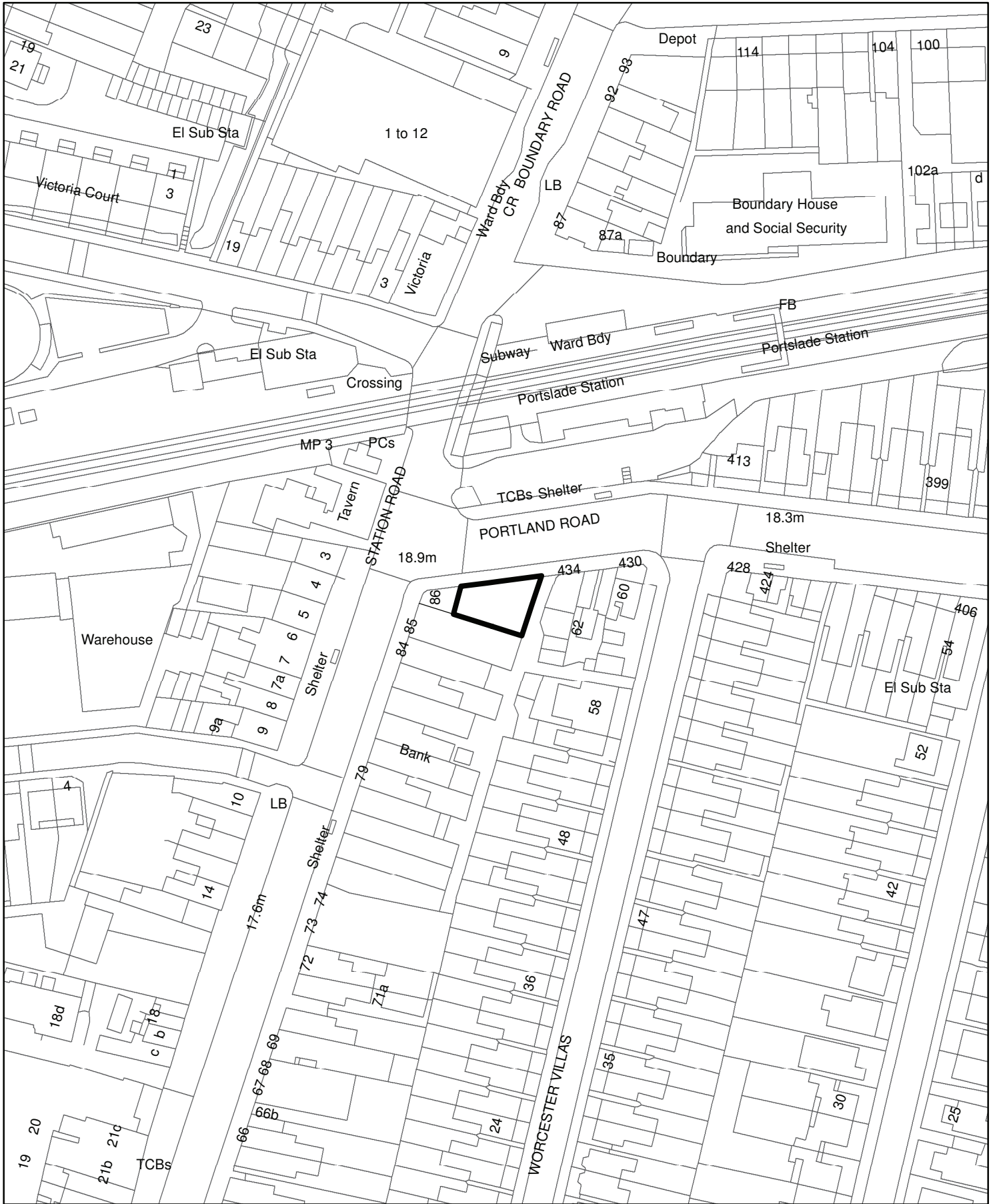
Conclusion

It is acknowledged that the existing building does not make a positive impact on the appearance of the area and while development on the site is considered to be acceptable in principle, the design and bulk of the proposed alterations would result in a visually dominant building within the street scene, which would fail to make a positive contribution to the area. Furthermore it is considered that the development would cause harm to the amenity of neighbouring occupiers located with the first floor flat.

8 EQUALITIES IMPLICATIONS

The building would have to meet Part M of the Building Regulations and be built to Lifetime Homes standards.

BH2010/02741, 86a, Boundary Road, Hove



**Brighton & Hove
City Council**

N



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 24 NOVEMBER 2010

COUNCILLOR REPRESENTATION

From: Ted Kemble
Sent: 26 October 2010 12:29
To: Charlotte Hughes
Cc: Jeanette Walsh
Subject: 86a Boundary rd

Charlotte

Following our telephone conversation this morning, i write in support of the application and would request that this application is referred to the planning committee for decision

Regards

Cllr Ted Kemble

Cllr Ted Kemble