

<b><u>No:</u></b>	<b>BH2012/00935</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>41 Wayland Avenue, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with detached garages.</b>		
<b><u>Officer:</u></b>	Christopher Wright	<b><u>Valid Date:</u></b>	27/03/2012
<b><u>Con Area:</u></b>	Adjoining Tongdean CA	<b><u>Expiry Date:</u></b>	22 May 2012
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	Alan Phillips Architects, 31 Montefiore Road, Hove		
<b><u>Applicant:</u></b>	Mrs M Patten, C/O Alan Phillips Architects		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved planning, design, access and heritage statement, Appendix 2: Sustainability Checklist, Appendix 3: Code for Sustainable Homes Pre-Assessment Estimator, Appendix 4: Waste Minimisation Statement, Appendix 6: Biodiversity First Impressions checklist and Appendix 7: Arboricultural Implications Assessment report, and drawing nos. WA.01A, WA.15B, WA.17 and WA.23 received on 27 March 2012; the solar photovoltaic tile details received on 9 May 2012; drawing nos. WA.20 and WA.21 received on 14 May 2012; and drawing nos. WA.10C, WA.11C, WA.12C, WA.14C, WA.16C, WA.17 and amended Lifetime Home standards checklist received on 16 May 2012.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. 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 extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The 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 property.

**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.

5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

6. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

7. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

8. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 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.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development and details of replacement trees.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11. The three trees identified in the submitted Arboricultural Implications Assessment shall be retained at all times. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained 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 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.

12. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

13. No development shall take place until precise construction details of the driveway access to the site from Wayland Avenue, to include precise dimensions of the driveway and details of boundary fences or walls, together with details of porous surfacing materials to be used or provision for run-off water from the hard surface to be directed from the hard surface to a permeable or porous area or surface within the boundary of the development site, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development, in the interests of safeguarding neighbour amenity, to reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies QD1, QD2, QD3 and SU4 of the Brighton & Hove Local Plan.

14. No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved

by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

**Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

15. No development shall take place until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall be retained as such thereafter.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan and SPD08.

16. Notwithstanding the approved plans, the development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

17. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 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.

18. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

19. Prior to occupation of the development, the photovoltaic panels hereby approved shall be implemented in strict accordance with the details submitted on the 9 May 2012 and retained as such thereafter.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan and SPD08.

Informatives:

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

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-

The siting, scale and design of the proposed development is considered acceptable and responds appropriately to the site context. The modern appearance and palette of external finishes is considered acceptable on this backland site and would not have a detrimental impact on visual amenity or the character of the local area. Satisfactory provision has been made for car parking and cycle storage within the site and the development would achieve a high level of sustainability, achieving Level 5 of the Code for Sustainable Homes. In addition, the siting, form and design of the properties would preclude any significant adverse impact on neighbour amenity by way of overshadowing, loss of privacy or an overbearing impact and the net increase of one additional dwelling on the site would not lead to an over intensification of the use of the land.

## **2 THE SITE**

The application relates to the site of a bungalow dwelling with detached garage building in front, situated within a backland plot with access between 39 and 43 Wayland Avenue. The site is situated on a hillside and ground level increases from front to back.

## **3 RELEVANT HISTORY**

**BH2011/01738:** Demolition of existing bungalow and erection of 2 no. 5-bedroom detached dwellinghouses with detached garages. Refused 17 August 2011. Appeal dismissed on 18 January 2012.

**BH2010/03115:** Proposed demolition of existing bungalow and erection of 2 no. 5-bedroom detached dwellinghouses with detached garages. Refused 24 February 2011.

**BH2008/02908:** Demolition of the existing house and the proposed development of 3 no. three bedroom houses. Refused 26 January 2009.

**BH2006/01047:** Outline consent for the development of the site by way of 4 no. new houses to replace the existing bungalow. All matters reserved and the application comprised a site plan with the plot edged in red. Refused 16 June 2006.

The plot and the existing bungalow occupy land that was originally part of the curtilage of 1 Dyke Road Place. The erection of the detached bungalow (and garage) was granted consent in the late 1960s (**refs. 66-1764 and 66-2362**).

## **4 THE APPLICATION**

Planning permission is sought for the demolition of the existing bungalow and redevelopment of the site with 2 no. four bedroom dwellinghouses with detached garages. The proposal is a revised application following the dismissal at appeal of a previous application for 2 no. five bedroom dwellinghouses on the site (**BH2011/01738**).



## 5 CONSULTATIONS

### External

**Neighbours: Eight (8)** letters of representation have been received from **1A and 1 Dyke Road Place (x5); 39 (x2), 43 and 45 Wayland Avenue;** objecting to the application for the following reasons:

- Multiple applications.
- Same design, bulk and massing as previously refused application.
- Visible from street.
- Unduly dominant and out of character.
- Inadequate plot size.
- Detrimental to roofscape.
- No landscaping scheme.
- Overdevelopment.
- Cramped form of development.
- Outlook and lack of natural light to sunken parts of dwellings.
- May be reliant on tall screen planting along the boundary.
- Proposed garages too close to neighbours' gardens.
- Overshadowing.
- Overbearing.
- Overcrowding.
- Loss of light.
- Loss of privacy.
- Noise and pollution.
- Large increase in smells and disturbance.
- Extra comings and goings.
- Inadequate and steep driveway access.
- Overflow parking in road already burdened by swimming club parking.
- Refuse vehicle access and refuse storage inappropriate.
- Master bedrooms in attic spaces farthest from children's rooms on lower ground level.

**Four (4)** letters of representation have been received from **25 Dyke Road Avenue (x2); 61 Tivoli Crescent; and 2 Woodlands,** in support of the application for the following reasons:

- Enhance local area
- Help ease housing shortage
- Well designed
- Good use of available site
- Attractive architecture
- Eco friendly and sustainable
- Not visually harmful to surrounding neighbourhood.

**Southern Water:** No objection.

It might be possible to divert the foul sewer so long as this would result in no unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

**Internal:**

**Accessibility Consultation: No objection.**

The proposal appears to satisfy policy HO13.

**Sustainability: No objection.**

Sustainability policy as set out in Local Plan policies SU2, SU16 and SPD08 has in general been well addressed but further information/clarification should be requested before approval is given.

There are many positives to the scheme which proposes Code Level 5 dwellings. Treatment of the pitched roof provides an excellent solution where PV technology will be located on the south facing aspect, and a green (Sedum) roof on the north, and skylights along the roof ridge take light into the upper rooms.

The energy strategy proposes PV for electricity generation and biomass for heat generation. Whilst this is an ideal response to domestic energy needs, there are some design details which need further clarification as the design details are incomplete. An estimation of PV capacity and area of tiles should be submitted with clarification over how overshadowing by the flue will be addressed. In relation to biomass (woodchip) the storage area should be specified with information on how a vehicle will access this.

The only negatives in these proposals relate to a very high embedded carbon footprint of construction materials though this is to an extent mitigated by being a very low carbon development predicted to have low carbon emissions during operation (from appliances and non fixed lighting only). Considerate Constructors scheme should also be conditioned as this is expected via SPD08.

[Officer Note: *The amended plans remove the wood pellet burner from the scheme.*]

**Sustainable Transport: No objection.**

The proposed level of car parking is in line with SPGBH4 and deemed acceptable.

The provision of cycle parking in the garage is acceptable however an alternative to the proposed hanging racks is sought and should be secured by condition.

The proposed vehicular access is as existing and deemed acceptable given the proposed level of trip generation forecast from the site.

**6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### 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
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
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of a conservation area

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

### The National Planning Policy Framework (NPPF)



## 8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and layout of the development together with the impact on amenity, transport, sustainability and the standard of accommodation formed.

### Background

The current application is a revised proposal following the dismissal of an appeal against the decision to refuse application BH2011/01738 on 18 January 2012. The proposal was for two detached 5-bedroom dwellings, each having 4 bedrooms at lower ground floor level. The two reasons for refusal given by the Local Planning Authority were:-

1. The proposed development would, by reason of the siting, height and bulk of the dwellings and the level of excavation to form a lower ground level, have a 3-storey appearance and be readily visible from the street behind existing properties fronting Wayland Avenue, and as such would appear unduly dominant and out of character with the prevailing townscape and unsympathetic with the natural topography of the site, to the detriment of visual amenity. As such the development would detract from the appearance and positive qualities of the local area and is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
2. The majority of the bedrooms within each proposed dwelling would be at lower ground level, with views into 2m wide trenches between 1.6m and 2.2m below adjacent ground level. Natural light to these rooms would be from these sunken areas and from small openings at ground level via light wells. The outlook from these lower ground floor rooms would be relatively poor and future residents would experience a sense of enclosure and cramped, claustrophobic living conditions which would be detrimental to amenity. This is contrary to the objectives of policy QD27 of the Brighton & Hove Local Plan.

The Inspector appointed to consider the appeal was satisfied with the height, siting and design of the dwellings but the second reason for refusal was upheld and the amount of accommodation proposed at lower ground floor level was considered excessive and its arrangement unsatisfactory. The dwellings as previously proposed would each have four of their five double bedrooms provided at this level, together with associated bathrooms and wet rooms. This arrangement was considered to have a consequential effect on the quality of the habitable accommodation proposed.

The new application is for two houses each with 4-bedrooms. Two of these bedrooms would be a lower ground floor level at the front of the property and the bedrooms at the back of the lower ground floor level, for which the Inspector had particular concern, have been deleted.

### Principle

The existing use of the site is residential and as such the continued use for residential purposes is acceptable. The proposal would provide a net gain of one residential unit, which provides a more efficient and effective use of the site and also helps towards meeting housing need within the city. However, policy QD3 of the Local Plan states that proposals need to incorporate an intensity of

development which is appropriate to the locality and prevailing townscape and that to avoid town cramming, proposals for 'backland' development will be rigorously examined in respect of impact on amenity and the retention of existing, and provision of new, open space, trees and grassed areas. Policy HO4 is supportive of schemes which seek to make full and effective use of the land available but proposals must demonstrate high standards of design and architecture and respect the capacity of the local area to accommodate additional dwellings.

The proposed dwellings would be configured as follows:-

- *Lower ground floor:* 2 en-suite bedrooms with sunken gardens in front and storage/plant room/utility room at the rear.
- *Ground floor:* Living space, wet room, kitchen and bedroom 3/study.
- *Roof space:* Master bedroom with en-suite and dressing area.

The number of dwellings proposed is considered acceptable on this site.

### **Design**

The proposal is for two detached dwellings each having 4 bedrooms and designed as two storey houses with pitched roofs with accommodation in the loft space.

The two dwellings would be 7.7m in height and 3.7m apart. The properties occupy an enlarged footprint over the existing bungalow on the site and each property would comfortably set in from the boundaries of the plot and have a back garden 10m long. The square footprints and pitched roof form of the proposed dwellings are considered appropriate to the site context, and the height of the buildings would not be significantly more than that of the existing bungalow, which is 5.5m high. It is proposed to carry out a degree of excavation to level out the site and reduce the site level, such that the proposed houses would be just 1.2m taller than the existing bungalow. To the rear, by reason of the continued upward rise of the site's natural topography, the development would have the scale and appearance of two bungalows of 6.9m in height. The two houses would each have a detached pitched roof garage in front, together with surface parking and turning. The design and appearance of the buildings is contemporary, with bespoke window design and stepped pitch roofs with green roof planting on one side and solar photovoltaic roof tiles on the southern roof pitches.

Due weight should be given to the appeal decision of January 2012 whereby the Inspector was satisfied with the design, siting and bulk of the two dwellings and their impact on the street scene, and in design terms the current proposal is of the same appearance albeit minor changes have been made to one of the front windows on each house.

In principle the contemporary and innovative approach to the design and appearance of the dwellings is considered acceptable and the buildings would retain some connection with the style of existing properties by having regular shaped footprints and pitched roofs. The plot is set back from Wayland Avenue, behind the more traditional bungalows fronting the street, and as highlighted by

the Design and Conservation team previously, the development would not be visible from any roads within the Tongdean Conservation Area. Wayland Avenue and Dyke Road Place are not within the Conservation Area and although they have not commented on this application, this is the reason the Design and Conservation team raised no objection to the two previous schemes.

The palette of materials would be partially traditional and partially contemporary and put to use to give the properties a modern appearance. Proposed exterior finishes and materials include brick and render walls, a green roof system, solar roof tiles and powder coated aluminium windows and doors. Permeable and porous hard surfacing and paving materials are also proposed. Being a backland site, there is greater scope for innovative architecture and, in view of the recent appeal decision it is considered the development would integrate satisfactorily with its context in visual terms.

Accordingly the proposal is considered to meet the requirements of policies QD1, QD2, QD3 and HO4 of the Local Plan.

Landscaping:

The applicant has submitted an Arboricultural Implications Assessment report in accordance with policy QD16 of the Local Plan, and this identifies 24 trees within the site, 3 of which retention would be desirable; 20 which are of low quality and value; and 1 which is recommended to be removed because it is dead, dying and/or dangerous.

The proposed development would not affect the three trees that it would be desirable to retain, and of the 20 low quality and value examples, seven are proposed to be removed. These seven trees are described in the arboricultural report as having a short lifespan, crowded and having poor form. It is noted that the removal of poor quality trees can be appropriate if replace by better examples as part of post-construction landscaping.

The drawing submitted of the proposed ground floor plan and site plan (WA.11C) shows areas of permeable hard surfacing, large areas of grass lawn and indications of tree planting and landscaping. This is considered to be appropriate to the site context and broadly meets the requirements of policy QD15 of the Local Plan, but the precise details of new planting, including species, heights and planting densities, could be secured by attaching a planning condition if Members are minded to grant approval.

**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 development has been designed without any upper level windows or other openings in the flank or rear elevations. The upper level windows on the front elevations, for the master bedrooms in the roof space, would be in excess of

21m from the neighbouring buildings in Wayland Avenue, and the angle of outlook would be so acute it would more than likely be obstructed by the detached garages in front of each dwelling rather than enable a degree of overlooking that would justify refusal of the application.

The dwellings would be 11m to 12m from the plot boundary with nos. 39 and 43 Wayland Avenue; 4m from the back gardens of 45 Wayland Avenue and 40/40A Dyke Road Avenue; and 7.8m from the boundary of the plot with 1 Dyke Road Place. Neighbours have raised concerns over the amount of development and impact on amenity. However, there is considered to be sufficient space around the proposed dwellings and between adjoining properties such that together with the pitched roof forms and scale and bulk of the development would not give rise to a loss of light or have an overbearing impact that would be detrimental to residential amenity.

The issue of increased vehicular movements within the site and along the driveway, along with attendant noise and smells, has been cited in neighbour representations. However, the net increase of one new house on the site is not considered likely to materially decrease existing conditions to the extent a refusal of planning permission could be justified. The concerns raised in respect of the condition of the current driveway and boundary walls are private matters between the landowners and should have no bearing on the determination of the planning application.

In view of the above, the application is considered to comply with policy QD27 of the Local Plan.

### **Sustainable Transport**

The site is situated outside of a Controlled Parking Zone, and in accordance with policies TR1 and TR19 of the Local Plan, the maximum levels of off-street parking permitted within SPGBH4: Parking Standards would be 1 car parking space per dwelling plus 1 car space per 2 dwellings for visitors. The application proposes a detached single garage for each dwelling, which would be of sufficient size to allow wheelchair access, and also allow for the parking of a car in front. This level of parking is acceptable and the Sustainable Transport Team raises no objection in this regard. The level of on-site parking provision is such that the development should not lead to an unacceptable degree of on-street parking in Wayland Avenue.

A minimum of 1 secure cycle parking space per dwelling is also required and should be accessible and convenient to use in order to comply with policy TR14 of the Local Plan. The applicant proposes 4 cycle parking spaces in each of the two detached garages (8 overall). These would be secure and sheltered and convenient to use as the garages would be situated next to the main entrances to the two dwellings. The Sustainable Transport Team raises an objection to the proposed vertical hanging arrangement for the cycle storage, but this issue could be remedied by planning condition. There is sufficient room within the garages to store up to 4 cycles using an alternative method to the vertical hanging arrangement proposed.

Bin and recycling storage would also be accommodated inside the proposed garages.

### **Sustainability**

The combined plot coverage of the two proposed dwellings exceeds that of the existing bungalow by approximately 20 square metres. The unit to the south (closest to the boundary with the properties along Dyke Road Place), is wholly contained within the existing bungalow's footprint. Whilst the unit to the north extends further towards the boundary than the existing bungalow. The land to which this application relates is considered to constitute both "brownfield land", namely the land upon which the footprint of existing bungalow is located, and "greenfield land", the related garden area to which one of the units would extend onto. As such the application involves development of a partial brownfield and Greenfield site and in accordance with the requirements of SPD08: Sustainable Building Design, one of the units should meet Code Level 3 of the Code for Sustainable Homes and one of the units should meet Code Level 5 of the Code for Sustainable Homes. Given that the two houses are of a similar design and scale, it would be difficult to secure a Code rating of Level 3 on one unit and a Code rating of Level 5 on the second unit. As such a suitable solution would be to secure Code Level 4 on the two houses and suggested condition 9 reflects this.

The design and access statement submitted states the development will achieve Code Level 5 and a Code for Sustainable Homes Pre-Assessment Estimator has been submitted, along with a sustainability checklist awarding the development a score of 88%.

The details submitted are technical and demonstrate efficiency in the use of energy and water and are considered to meet policy requirements.

The development proposes the following sustainable design features:-

- Chalk grassland or biodiverse Sedum green roofs
- 2700 litre underground rainwater harvesting tanks
- Level 5 of the Code for Sustainable Homes
- 30 square metres of solarvoltaics
- Sustainable drainage techniques e.g. permeable hard surfacing
- On-site composting to be provided.

Condition 9 secures the delivery of Level 4 of the Code for Sustainable Homes, however, this is considered a minimum and does not preclude the applicant delivering a scheme that meets Level 5 of the Code for Sustainable Homes.

Policy HO13 of the Local Plan states planning permission will only be granted for new residential dwellings that are built to Lifetime Homes' standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.

The applicant has submitted an amended lifetime homes checklist and the plans submitted have been revised and clearly show that lifetime homes standards



can be met and a planning condition could be used to ensure the development is implemented accordingly.

The dwellings would have 1.2m wide paths up to their entrances, parking close to the front entrances, satisfactory circulation space, clearance and layouts of rooms internally, and a staircase with minimum clear width of 900mm. The applicant has also shown a potential route for a hoist between bedroom and bathroom. This is considered acceptable.

Ecology/Nature Conservation:

The applicant has submitted a biodiversity first impressions checklist in accordance with policies QD17 and QD18 which relate to protection and integration of nature conservation features and species protection respectively. The proposed development is not shown to pose a threat to protected species or important habitats and would not trigger the compensatory enhancements required to meet Supplementary Planning Document SPD11: Nature Conservation and Development.

Waste Management:

The applicant has submitted a Waste Minimisation Statement in accordance with policy SU13 of the Local Plan. This describes how waste materials from the demolition of the existing bungalow would be recycled and re-used. Masonry from walls would be used for hardcore, whereas roof tiles, doors, windows, plumbing and kitchen ware would be recycled off site. The quantity of materials and packaging of the materials for the new dwellings would be strictly controlled and a system of segregation and storage of different categories of construction waste organised on site. Removal of waste to tip would be a last resort.

The Waste Minimisation Statement complies with policy SU13.

## **9 CONCLUSION**

The siting, scale and design of the proposed development is considered acceptable and responds appropriately to the site context. The modern appearance and palette of external finishes is considered acceptable on this backland site and would not have a detrimental impact on visual amenity or the character of the local area. Satisfactory provision has been made for car parking and cycle storage within the site and the development would achieve a high level of sustainability, achieving Level 5 of the Code for Sustainable Homes. In addition, the siting, form and design of the properties would preclude any significant adverse impact on neighbour amenity by way of overshadowing, loss of privacy or an overbearing impact and the net increase of one additional dwelling on the site would not lead to an over intensification of the use of the land.

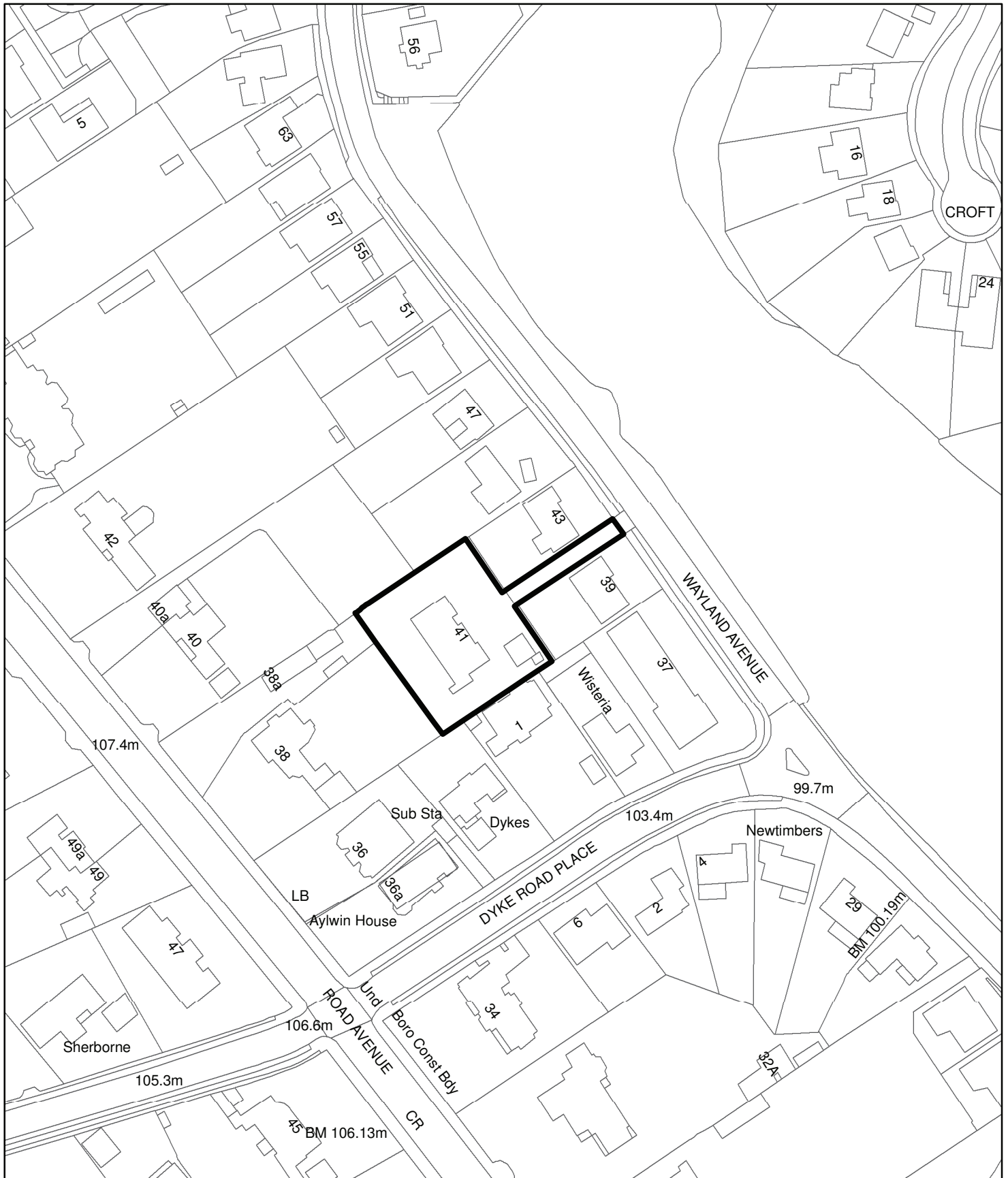
In particular, the application has satisfactorily addressed the concerns raised by the Planning Inspector in relation to the appeal against application BH2011/01738 because the revised scheme has removed the two rear bedrooms at lower ground floor level and amended the internal layout to provide a third bedroom or study at ground floor level.

Accordingly approval is recommended, subject to conditions.

**10 EQUALITIES IMPLICATIONS**

The development should be designed and built to meet accessible housing and Lifetime Home standards.

# BH2012/00935 41 Wayland Avenue, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**