

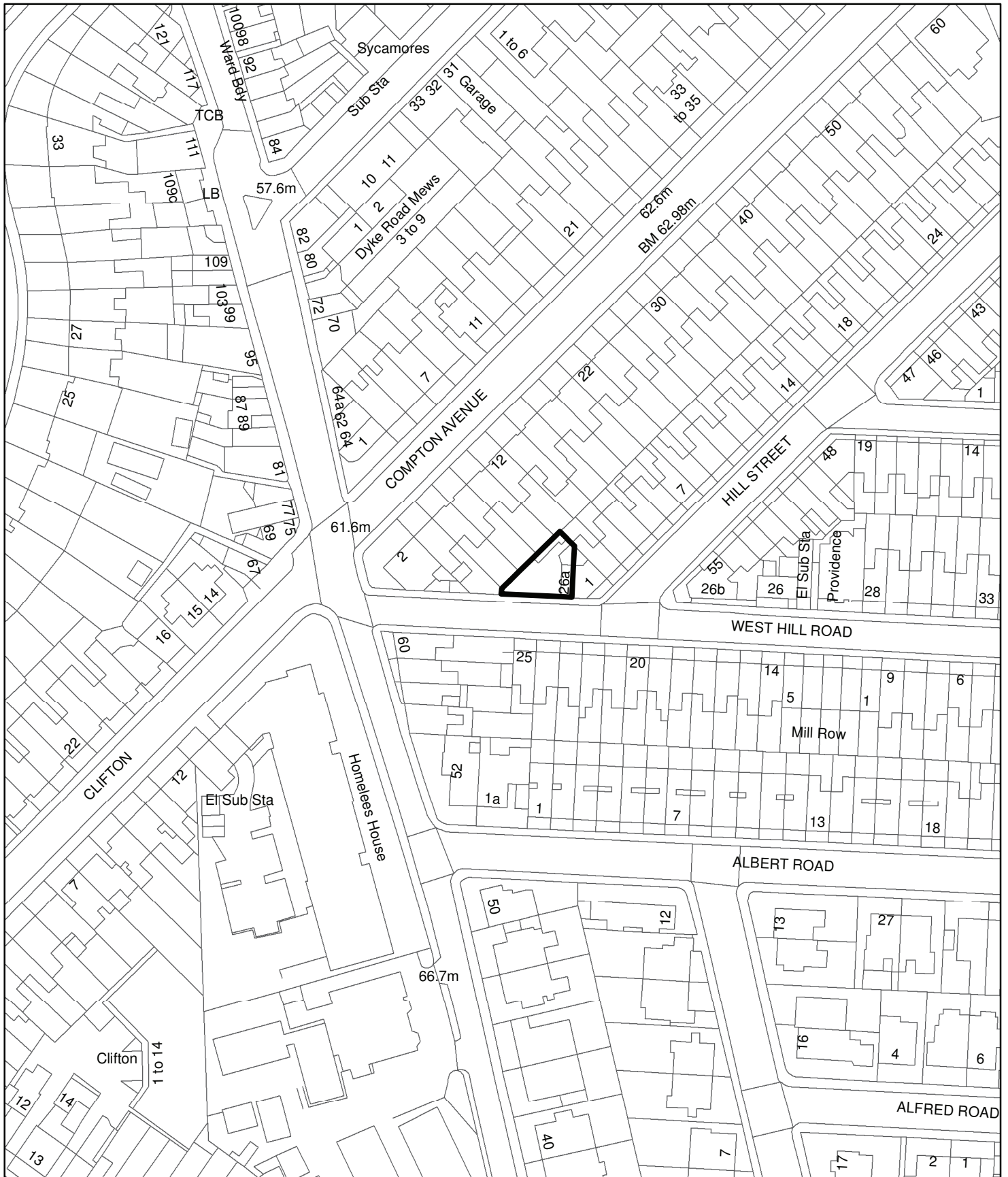
**PLANS LIST
ITEM C**

26A West Hill Road, Brighton

**BH2012/00297
Full planning**

08 AUGUST 2012

BH2012/00297 26a West Hill Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/00297	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	26A West Hill Road, Brighton		
<u>Proposal:</u>	Demolition of existing redundant buildings and erection of 2no two bedroom dwelling houses.		
<u>Officer:</u>	Jonathan Puplett Tel: 292525	<u>Valid Date:</u>	27/02/2012
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	23 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Parker Dann, S10 The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	Thew Family Trust, C/O Parker Dann Ltd		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the northern side of West Hill Road approximately 8m to the west of its junction with West Hill Street. It comprises a small, roughly triangular shaped plot of land containing a number of redundant lock-up garages and workshop buildings.
- 2.2 The immediate surrounding area is wholly residential in character comprising 2-3 storey Victorian terraced houses many of which have been sub-divided into flats.
- 2.3 The site lies within the West Hill Conservation Area.

3 RELEVANT HISTORY

- BH2012/00298 (Conservation Area Consent):** *'Demolition of existing redundant buildings.'* Under consideration.
- BH2010/02725 (Full Planning):** *'Demolition of existing garage and storage buildings. Erection of 2 no. three bedroom dwellings.'* Refused June 2009.
- BH2010/02726 (Conservation Area Consent):** *'Demolition of existing garage and storage buildings.'* Refused 11/11/2010.
- BH2009/00473 (Full Planning):** *'Demolition of existing garage and storage buildings. Erection of 2 no. three bedroom dwellings.'* Refused 08/06/2009.
- BH2008/02915 (Full Planning):** *'Demolition of existing garage and out-buildings. Erection of 2 no. three bedroom dwellings.'* Refused November 2008.

4 THE APPLICATION

- 4.1 In the last three and a half years, three applications for the demolition of the existing buildings on the site and the erection of two three-bedroom dwellings have been refused planning permission.
- 4.2 In November 2011 the applicants sought pre-application advice on a fourth scheme of a similar nature to that previously refused on three occasions. Detailed written advice was provided by the Local Planning Authority in December 2011.
- 4.3 Following this advice the current application was submitted in February 2012 in conjunction with an application (ref. BH2012/00298) seeking Conservation Area Consent for the demolition of the existing buildings on the site.
- 4.4 The application (as at the time of the three previous refusals) seeks planning permission for the demolition of the existing buildings on site and the construction of two three-bedroom dwellings.

5 PUBLICITY & CONSULTATIONS

Comments based on the original submission

External

- 5.1 **Neighbours: Neighbours: Ten (10)** letters of representation have been received from **nos. 6, 8, 8A, 10, 12, 14 Compton Avenue, no. 2 West Hill Road and nos. 23 and 25 West Hill Road** objecting to the application for the following reasons:
 - The applicants claim that the site has not been used for employment for some years, this is not true; the site was in use as a vehicle repair workshop in 2007 and was used as such for 20 years.
 - The applicants have stated that there is no planning permission for an employment use on the site, such use has occurred on the site since the 19th century therefore it is unlikely that such permission is required.
 - The applicants have said that the site has been advertised and that there has been no interest in the site for employment purposes, the site has not however been marketed in a realistic fashion given the condition of the buildings on the site. No attempt has been made to improve the site and make it more commercially viable.
 - The site should be kept in employment use as there is a shortage of such sites in the city. It could be developed as a small office or studio.
 - There are no comparable employment units / sites available in the locality.
 - The previous scheme (for two houses) was considered an overdevelopment of the site; the current proposal is not significantly different to the previous therefore this reason for refusal should still stand. The proposed development is too large for the site.
 - The previous scheme was considered to have an unacceptable impact upon neighbouring amenity. No change has been made to the proposal to address this concern. The proposed development due to its scale and

proximity to neighbouring dwellings and gardens would cause overshadowing, overlooking and loss of privacy.

- The proposed development would have an enclosing impact.
- The proposed development is unneighbourly.
- The previous scheme was considered to provide an unsatisfactory standard of accommodation. No significant change has been made to the proposal to address this concern.
- The proposed buildings would not be in keeping with the architecture in this conservation area location.
- The proposed roof form is 'bizarre'. The proposed roofs do match those of surrounding properties.
- The proposed development does not include front garden areas; all other properties in West Hill Street and West Hill Road (other than the side elevation of no. 1 West Hill Street) are set back from the pavement by at least 2 metres.
- There is no room in front of the proposed dwellings to place recycling boxes; they would therefore be placed on the pavement for collection which would endanger users of the pavement.
- Parking for residents is already a significant problem in the area, a proposal for two new dwellings would worsen this problem.
- The proposed development does not provide any affordable housing.
- The application fails to mention two trees on the boundary of the site which are at present visible from the street; the proposed development would block views of these trees and the rear elevations of properties on Compton Avenue.
- The proposed dwellings do not comply with Lifetime homes Standards and no sound argument has been presented to justify this.
- It is stated that two trees would be planted; such trees would cause overshadowing of neighbouring properties.
- The comings and goings of extra traffic would cause increased noise and disturbance.
- It is questionable whether the submitted plans are accurate and to scale.
- The site would be more suitable for one house.

5.2 **Seven (7) letters of representation have been received from no. 1 Garden Court Sommerhill Avenue (Hove), no. 321 Dyke Road (Hove), no. 61 Wayland Avenue, no. 74A Hollingbury Road, no. 4 Stoneleigh Close, no. 18 Cedars Garden, and Ground Floor, no. 1 West Hill Road supporting the application for the following reasons:**

- The application site is in an ideal location for housing.
- The proposed development would provide new housing.
- The application site has been derelict and an eyesore for many years, it is unlikely that the site would be used again for employment.
- The proposed houses are well designed with rear gardens areas.
- No. 1 West Hill Street suffers damp problems from the existing adjoining buildings on the application site.

- 5.3 **County Archaeologist:** The site is located within an Archaeological Notification Area. It is recommended that a condition securing a scheme of archaeological works be attached to any permission granted.
- 5.4 **Conservation Advisory Group (CAG):** Object to the proposed development on the grounds that the scheme is considered to be an overdevelopment of the site and the asymmetrical roof profile proposed is considered to represent poor design. The group would welcome a proposal for one house with a redesigned roof on this site.

Internal

- 5.5 **Heritage:** Original Plans: The existing buildings are of no significance. A proposal for the redevelopment of the site as either one or two residential dwellings of a traditional nature of the site is considered acceptable in principle. The proposed development however includes an odd roof form and the features and detailing proposed do not pay adequate respect to the surrounding street scene.
- 5.6 Amended Plans: The amended plans submitted have addressed some of the concerns regarding the detailing of the proposed dwellings. More fundamental design concerns have not however been addressed.
- 5.7 **Sustainable Transport:** The proposed development is considered acceptable subject to the securing of cycle parking facilities and the reinstatement of the kerb and pavement being secured by planning condition. A financial contribution towards sustainable transport infrastructure is also required to ensure compliance with policy TR1.
- 5.8 **Access:** The proposed development fails to comply with Lifetime Homes Standards and insufficient information has been submitted to justify why such standards could not be met.
- 5.9 **Sustainability:** A minimal level of information has been submitted in regard to sustainability. The submitted checklist does however commit to achieving a Code for Sustainable homes Rating of 'Level 3'. It is recommended that that a condition securing this Level (including a requirement for the submission of a Design Stage Certificate at pre-commencement stage) be attached to any permission granted.
- 5.10 **Arboriculture:** There are trees located alongside the rear boundaries of the site which may require pruning and could be harmed by the proposed construction works. It is recommended that conditions be applied to any approval to secure further details of the construction works and measures to ensure the protection of these trees.
- 5.11 **Environmental Health:** Due to the previous commercial uses which have taken place on the site it is recommended that a condition securing a land quality assessment (and any required measures) be attached to any permission granted.

Comments following the submission of amended plans and the re-consultation of neighbouring residents

External

5.12 **Neighbours: Seven (7)** letters of representation have been received from **'Basement flat' no. 1 West Hill Street, no. 2 West Hill Street, nos. 2, 4, 6A, 8 Compton Avenue and no. 23 West Hill Road** objecting to the application for the following reasons:

- The proposed development is an overdevelopment of the site.
- The proposed development will result in a loss of light for the basement flat of no. 1 West Hill Street and other nearby basement flats.
- The site is for a small workshop and not for residential development.
- The development is not car free and will bring more cars onto the street.
- The site was previously in use for vehicle repairs. The site could be improved or used for another commercial purpose rather than for residential use.
- The proposed gardens are too small to serve three-bedroom houses.
- The proposed development will cause overshadowing, overlooking and loss of privacy for neighbouring occupiers.
- Previous concerns regarding the standard of accommodation which the proposed dwellings would provide have not been addressed.
- There is not sufficient space between the houses and the pavement to allow recycling boxes to put out for collection; such boxes will cause an obstruction for pedestrians if placed on the pavement.
- The proposed development will cause noise and disturbance.

5.13 **One (1)** letter of representation have been received from **'Ground Floor' no. 1 West Hill Street** supporting the application for the following reasons:

- The present site is an eyesore; the proposed development could only benefit the West Hill Street area.
- The existing buildings create damp problems for the ground floor of no. 1 West Hill Street.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- 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).

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

- 6.4 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.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove 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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business units and warehouse units

Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
SPGBH4	Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of the application relate to the principle of the loss of the existing employment use of the site, the proposed residential development of two three-bedroom houses, the visual impact of the proposed development in the context of the surrounding conservation area, the

standard of accommodation provided, access standards, impact on neighbouring amenity, environmental health, sustainability and highways issues.

- 8.2 Previous applications seeking consent for the erection of two dwellings on the site have been refused on a number of grounds. The most recent application ref. BH201002725 was refused for the following reasons:
1. The loss of the employment use of the site was considered contrary to policy EM6.
 2. The proposal was considered to represent an overdevelopment of the site.
 3. It was considered that the proposed development would have caused significant harm to neighbouring amenity.
 4. The proposed dwelling designs were considered to be of a poor standard.
 5. The proposed dwellings were considered to provide an unacceptably poor standard of accommodation.
 6. The proposed dwellings did not comply with Lifetime Homes Standards.
 7. Insufficient information was submitted to demonstrate that the proposed development would comply with the sustainability requirements of policy SU2 and the guidance set out in SPD08.
- 8.3 In comparison to the previous application the most fundamental revisions are that:
- a) Further information and marketing evidence has been submitted in an attempt to demonstrate that the existing employment use of the site is redundant,
 - b) Minor revisions to the external appearance of the dwellings have been made.
 - c) Minor amendments to the interior of the layout of the dwellings have been made.
 - d) Further information regarding sustainability measures has been submitted.
- 8.4 It must therefore be assessed whether the previous reasons for refusal have been successfully addressed as part of an overall assessment of the proposal in light of the current policy context including the National Planning Policy Framework (NPPF) which came into force on the 27th of March 2012.

Planning Policy:

- 8.5 The existing established use of the site is considered to be a combination of vehicle repair garage (use class B2) and buildings used for storage (use class B8). All of the buildings on site are single storey, and are in a poor state of repair. The change of use of such as site must be considered having regard to Policy EM6 of the Brighton & Hove Local Plan, which states that:
- ‘small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235 sq m or less) will be retained for employment purposes unless:*
- a. specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental;*
 - b. the premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;*

PLANS LIST – 08 AUGUST 2012

- c. continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or*
- d. access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.*
- e. a change of use is the only practicable way of preserving a building of architectural or historic interest.'*

- 8.6 In support of the application evidence has been submitted to confirm that the property has been actively marketed since March 2011, a period of approximately 11 months up to the date the application was submitted (on the 3rd of February 2012). This evidence suggests that there has been little interest in the site in its current state. This is understandable as the buildings on the site are of a poor state of repair and would most likely require demolition and replacement with new structures for the site to meet modern employment standards. Furthermore it appears that there is no mains water, power or drainage connection to the site.
- 8.7 It appears in general that the site, if retained for employment use, would either need to be:
- a) redeveloped by the current owners, or
 - b) let at a significantly discounted rate to allow for a new tenant to fund the redevelopment of the site, or
 - c) sold to new owners at price which reflected the condition of the buildings on site and attracted a purchaser willing to fund the redevelopment of the site.
- 8.8 It appears that the current owners of the site purchased the property in 2007 and since this time have sought to secure permission for a residential use of the site rather than seeking to facilitate the redevelopment of the site for employment use.
- 8.9 It is not clear whether there are any specially built or converted starter business units available elsewhere in the neighbourhood at a comparable rental as no information has been submitted by the applicant in this regard.
- 8.10 Notwithstanding the deficiencies in the submission detailed above there is a case to be made regarding the redundancy of the site for employment use. The existing buildings on the site are not suitable for modern use and the redevelopment of the site for employment use would require substantial investment. The site is an awkward shape and is located in extremely close proximity to neighbouring dwellings and gardens. Were a new business to operate, particularly a noise generating use which requires some outdoor activities such as the vehicle repair business previously in situ, it is likely that significant disturbance to neighbouring occupiers would be caused.
- 8.11 Overall, taking these matters into account in conjunction with the marketing evidence submitted, it is considered that the loss of the employment use would not be contrary to policy EM6.

The Proposed Residential Use:

- 8.12 The site is located in an area dominated by residential development, and is located within the Built-up Area as designated in the Brighton & Hove Local Plan. Residential use of the site is therefore considered to be acceptable in principle, and consistent with general government guidance encouraging the use of brownfield sites.
- 8.13 The principle of the type and scale of development proposed must be considered having regard to the National Planning Policy Framework (NPPF), and policies HO4, QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.
- 8.14 Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and / or the prevailing townscape. Policy HO4 states that residential development will be permitted at higher densities than those in the locality where it can be demonstrated that identified criteria would be met. Policy HE6 relating to development located within conservation areas states that such proposals should preserve or enhance the character or appearance of the area and should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms.
- 8.15 The application site is not of a typical shape which would allow the formation of two traditional plots which would accord with the grain of surrounding development. The site is a triangular shape, therefore the introduction of two dwellings set alongside each other means that the western dwelling is located in close proximity of the boundaries of the site rather than achieving a 'back to back' distance more in keeping with surrounding development. The two dwellings would only be set away from the rear boundary of the site by approximately 1.9 metres at their closest point compared to a more typical distance along West Hill Street where dwellings are set approximately 4.2 metres from the rear boundary.
- 8.16 The application site is of a relatively small footprint, is an awkward shape, and is surrounded by residential properties, the dwelling houses of which are located in close proximity to the site. The site is also located within a conservation area. These constraints mean that any new development must be carefully designed to avoid inappropriate impacts on neighbouring amenity and to appear as an appropriate addition to the street scene. The proposed development of two three-bedroom houses is considered to represent an inappropriate overdevelopment of the site which as detailed below would harm neighbouring amenity, provide a poor standard of accommodation, fail to meet minimum access standards, and requires a contrived non-traditional roof form to the westernmost dwelling.
- 8.17 It should be noted that similar concerns were raised at the time of the three previous applications submitted, and that the previous two applications were

specifically refused as the proposed developments of two three-bedroom dwellings were considered to represent an overdevelopment of the site. The written advice given prior to the submission of the current application also confirmed that such a scheme would be considered an overdevelopment. It appears that no significant attempt has been made to address this fundamental concern.

Visual Impact:

- 8.18 The site is located within the West Hill Conservation Area, whose character is defined in its character statement. It is a gap site between the return end of an end of terrace corner building on West Hill Street and the backs of the terraces on Compton Avenue. The site forms a break in the continuous frontages on the north side of West Hill Road. West Hill Road, West Hill Street and Compton Avenue are characterised by continuous two storey stucco terraced houses of very similar styles. The significance of the site lies in being in an area with a very strongly coherent character and very attractive street facades. The buildings on the site are of no significance and detract from the character of the area.
- 8.19 The west side of West Hill Street was originally designed as a uniform terrace, apart from Nos. 1 & 2 at the south end. They have low roofs concealed from street level views by parapet walls. The houses in the street are arranged in manner which creates a rhythm along the street of pairs of bays next to each other and pairs of doors next to each other. Whilst Nos. 1 & 2 West Hill Street are of the same form, size and proportions, they have different cornice, window and bay stucco moulding details and have party wall and corner quoin mouldings. No. 1 is slightly wider and turns the corner with West Hill Road and has an additional window bay on that frontage.
- 8.20 In regard to visual impact, a traditional residential development is considered acceptable in this location; the detailed design of such a development must however be of a high standard to be considered appropriate.
- 8.21 To the front façade of the dwellings a traditional approach is proposed and many of the inaccuracies which were identified in the drawings submitted under application BH2010/02725 have been corrected. The amended plans submitted during the course of the application have further improved the detailing of the proposed dwellings.
- 8.22 The Heritage Team have commented upon the amended drawings which have been submitted and consider that that the proposed appearance of the front facades of dwellings fails to address the high design standards required in this traditional conservation area setting for the following reasons:
- Unlike the other terraced buildings in the vicinity the proposed dwellings do not have equal plot widths and the eastern unit is slightly narrower. As a result, the western unit's front door is set right on the party wall with the frieze and cornice above the door over-sail the party line, disrupting the rhythm and symmetry of the pair.

- The handing of the doors and bays does not reflect the established rhythm of the street where doors and bays of adjoining properties are typically paired alongside each other rather than alternating.
 - Typically, where the surrounding terraces step down a street they tend to do so in pairs, with their doors and features on the same level. The proposed development seeks to step the properties down from each other which fails to replicate the pattern of design in the vicinity of the site.
- 8.23 The failure to formulate a detailed design approach which pays respect to the strong character of the surrounding street scene is considered to represent a significant concern.
- 8.24 The side (and rear to some extent) of the proposed dwellings would be visible in the street as the development would form the end of the terrace with open space alongside. Because of the triangular shape of the site, the depth of the western dwelling's main block is reduced and there is pitched roofed rear projection that is set in from the flank. This results in an asymmetrical gable end roof profile, which is rather odd looking. The pitched roof of the rear projection is set at right angles to the main roof, the Heritage Officer has commented that this would appear incongruous and has advised that a roof slope which is a continuation of the main roof slope would be more appropriate. As a result of the asymmetrical roof the western rear dormer sits on the edge of the eaves and looks out of scale with the roof. The fact that the dormer is not set up from the eaves of the roof is specifically contrary to the design guidance set out in SPGBH1. Overall it is considered that the form of the western dwelling is of a contrived nature, is ill conceived and fails to present an acceptable appearance to the public realm in this conservation area setting.
- 8.25 Overall the proposed development fails to represent a high quality addition to the West Hill Conservation Area street scene. The surrounding streets are generally characterised by terraces consisting of pairs of dwellings set on the same level without a step down between them, with front doors positioned side by side and at the same level. The proposed pair of dwellings fail to follow this established pattern of design. The form of the western dwelling is contrived and ill conceived, most prominently expressed in its roof forms and roof dormer. The side of this dwelling would be clearly visible in the street scene to the detriment of the conservation area setting. The Heritage Team have objected to the development on design grounds. The application is considered to warrant refusal due to the inappropriate appearance which would be created.
- 8.26 It should be noted that design concerns formed a reason for refusal at the time of the previous two applications to redevelop the site and that prior to the submission of the current application the applicants were provided with detailed written design guidance which raised many of the above concerns. The amended plans submitted have addressed some of the concerns raised previously regarding the detailing of the proposed dwellings, the more fundamental design concerns detailed above have not however been addressed.

Neighbouring Amenity:

- 8.27 All three of the previous applications submitted were refused due to the harm to neighbouring amenity which the proposed developments would have caused. In comparison to the application previously submitted, no attempt has been made to address this fundamental reason for refusal. Prior to the submission of this application, the applicants were provided with written advice confirming that any application which did not address this fundamental issue would be likely to be considered unacceptable.
- 8.28 The site is located within a relatively densely developed area and it is acknowledged that dwellings are located in close proximity to each other in some situations in the surrounding area. It is considered that in this context some redevelopment of the site above single storey height would be acceptable. It is however of importance that any development retains adequate spacing between dwellings and does not cause significant harm to neighbouring amenity by way of overlooking, overshadowing, or by creating an enclosing or overbearing impact.
- 8.29 The proposed development seeks to erect two dwellings within the application site. This therefore means that the footprint of the development is largely defined by the desire to form two usable layout dwellings, rather than seeking to achieve a development which would have an acceptable impact upon neighbouring amenity. In an attempt to reduce impact upon neighbouring amenity the western rear corner of the western dwelling has been 'cut in' to reduce the bulk which projects closest to the rear boundary of the site. This design approach has resulted in the contrived appearance of the side, rear and roof forms of the western dwelling.
- 8.30 The previous three applications to develop the site were refused on the grounds that harm to neighbouring amenity would be caused. The most recent application ref. BH2010/02725 was refused for the following reason (among others):
'The proposed houses, by reason of their siting, height, design and massing, would be detrimental to the amenities of adjoining and nearby residential occupiers by having an overbearing and enclosing impact. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.'
- 8.31 In comparison to this previous scheme, no significant revisions have been made which would reduce impact upon neighbouring amenity. The submitted Design and Access Statement details that:
'The scheme has not been revised to address this issue as it is considered that this reason for refusal was not justified.'
- 8.32 The statement goes to detail that the impact upon neighbours would not be dissimilar to the relationships commonly found in the surrounding area, and furthermore a development of a smaller scale may be out of keeping with the conservation area setting.
- 8.33 These arguments are considered to be flawed as the applicants appear to be starting from the premise that two dwellings must be constructed on the site. It

may be the case (as indicated by the previous three refusals of planning permission) that the site cannot reasonably contain two dwellings and that an alternative proposal should be considered.

- 8.34 Given that these new arguments are not considered to carry significant weight, the application will be considered in a similar fashion to the previous development.
- 8.35 As at the time of the previous application it is considered that as the proposed dwellings are located in close proximity to the rear boundaries of the site; this would have had an overly dominant and overbearing impact when viewed from the rear gardens and windows of properties in Compton Avenue. At present the outlook from rear windows and gardens have an open character, looking over the single storey buildings on the site. The proposed development would significantly alter this outlook to the detriment of occupiers of these neighbouring dwellings. It is accepted that the site has some development potential; the proposed development however would have an excessive impact as the bulk of the proposed dwellings is not set sufficiently away from the boundaries of the site.
- 8.36 The bulk of the proposed development would also have some impact on the rear of no. 1 West Hill Road and its garden area and the rear of no. 2 West Hill Road and its garden area. It is however the case that the existing buildings along the eastern boundary of the site already enclose the garden area of no. 1 West Hill Road; these buildings would be removed which would reduce this enclosure. The bulk of the new dwellings would be set alongside the flank wall of no. 1 West Hill Road and therefore would not have an overbearing / enclosing impact. The bulk of the new development would be visible from the rear garden of no. 2 West Hill Road, but would be largely screened by the two storey rear projection of no. 2. The primary aspect of no. 2 towards the rear boundary of this site would not be affected.
- 8.37 In regard to overshadowing it is acknowledged that that some increased overshadowing of neighbouring gardens and dwellings would be caused, it is not however considered that this harm would be of a magnitude which would warrant the refusal of planning permission.
- 8.38 In regard to privacy, it is acknowledged that increased overlooking of neighbouring gardens and dwellings would be caused; it is not however considered that significant harm to neighbouring privacy would be caused.
- 8.39 Overall, it is considered that significant harm to neighbouring amenity would be caused by way of an overbearing and enclosing impact. Some harm would also be caused by increased overshadowing and overlooking. The reason for refusal of the previous application has not been successfully addressed.

Standard of Accommodation:

- 8.40 The previous application was considered to propose an unacceptable poor standard of accommodation and was refused for the following reason:

'The proposed development would provide an unsatisfactory standard of residential accommodation for the future occupiers due to cramped rooms and layout throughout, and roof level accommodation which would be dictated by roof pitches that reduce the amount of usable floor area, again providing cramped accommodation. The scheme is therefore contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.'

- 8.41 No significant changes have been made to the proposed dwelling layouts which address this concern. Minor changes have been made to the layouts to provide greater compliance with Lifetime Homes Standards (the layouts still however fail to meet such minimum standards in numerous ways). The only other change made is a change in the annotation of the third bedroom of each dwelling; these bedrooms have now been annotated as a study / home office. This change in annotation is not considered to be a significant change; it would of course be for any future occupier to determine the use of these rooms. Whatever the use of the roof level rooms, they are proposed as habitable rooms and the quality of accommodation which they would provide is of a poor standard. The rooms would have a small area of usable headroom and would be dictated by sloping roof pitches.
- 8.42 Overall, a significant improvement to the standard of accommodation which the dwellings would need to provide has not been achieved and the previous reason for refusal is again warranted. The apparent challenge of providing two dwellings of an acceptable standard of accommodation is a further indicator that a proposal for two dwellings represents an overdevelopment of the site.
- 8.43 It should be noted that the previous two applications were refused for this reason and the applicants were provided with detailed written advice prior to the submission of the current application. The applicants have chosen not to follow the guidance provided at pre-application stage.

Access:

- 8.44 The proposed development fails to comply with Lifetime Homes Standards on a number of grounds as detailed below:
- It is not clear whether a level / gently sloping access is proposed to the front of the dwellings. The drawing annotation suggests a ramped approach to level entry cills, 5.12 of the Design and Access Statement however states that forming such accesses is not possible.
 - Access from the rear doors appears to be stepped rather than level or gently sloping.
 - Weather protection canopies have not been provided to the front entrance.
 - The required 1500mm x 1500mm clear space in front of each entrance door has not been provided.
 - A potential location for future lift installation has not been identified.
 - The lack of space in the entrance hallway would make it practically impossible for a wheelchair user to enter the house, and practically impossible to move from the living room onto any future stairlift.
 - The stairway provides a clear width between the handrail and opposite wall of approximately 800-850mm; this should be 900mm minimum.

- The proposed ground floor W.C. provides 900mm clearance to one side where a clearance of 1000mm is required.
- It is not confirmed that the ground floor W.C. would have floor drainage to allow for the future installation of a shower.
- The clearance between the kitchen worktop and the wall opposite in the western dwelling is 900mm; a minimum of 1200mm is required.
- The minimum 300mm clear nib is not provided alongside the pull side of the entrance door of the western dwelling.
- Two of the first floor doors in each dwelling do not provide the 900mm clear opening width required.

8.45 The Design and Access Statement details that some elements of the scheme cannot comply with Lifetime Homes standards due to the constraints of the conservation area location; i.e. there is a need to provide an external appearance in keeping with surrounding dwellings. It would appear that the requirement to provide a weather protection canopies may need to be waived as such canopies would be out of keeping with the street scene, it may however be possible to resolve this issue by proposing inset doorways. It is not clear this matter has been fully explored. The Design and Access Statement also states that the following issues cannot be resolved due to the conservation area location:

- The requirement for level / gently sloping access to the entrances of the dwellings
- A hallway which provides adequate circulation space.
- The identification of a potential location for future lift installation.

8.46 It appears that a level / gently sloping access could be provided and still achieve an acceptable appearance (this may now actually be proposed), the Heritage Officer considers that level access would be achievable and has suggested a solution in this regard. The second and third points relate to the internal layouts of the dwellings therefore it is not clear as to why addressing such concerns would necessarily result in an inappropriate external appearance.

8.47 The failure to comply with Lifetime Homes Standards formed a reason for the refusal of planning permission at the time of applications BH2009/00473 and BH2010/02725. The applicants were provided with detailed written advice prior to the submission of the current application which identified specific issues which required further revisions in this regard. Based on the information submitted it appears that a genuine and concerted attempt to provide full compliance with Lifetime Homes has not been made. Whilst some of the issues identified above are of a minor nature, others, such as the fundamental inaccessibility of the dwellings caused by the proposed hallway design are significant and would require a re-design of the internal layouts to resolve.

8.48 Overall, as was the case at the time of applications BH2009/00473 and BH2010/02725, the failure to propose dwelling designs which could deliver compliance with Lifetime Homes Standards warrants the refusal of planning permission. The challenge of providing compliant layouts is a further indicator that a proposal for two dwellings represents an overdevelopment of the site.

Transport:

- 8.49 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy HO7 states that planning permission will be granted for car-free housing (i.e. housing with no designated off-street vehicular parking attached to it) in locations with good access to public transport and local services.
- 8.50 The proposed development does not include any off street vehicular parking provision. Cycle storage is proposed however further details would be required in this regard were approval to be recommended as one of the stores appears particularly difficult to use due to inward opening doors being proposed. Such details could be secured by planning condition. The application site has good access to public transport in the form of Brighton mainline railway station (including bus stops) and bus routes along Dyke Road. Local services are available in the form of the Seven Dials local centre and the regional shopping centre.
- 8.51 The property is located within controlled parking zone (CPZ) Y. There is a 12 month waiting list for resident parking permits within this zone. Policy HO7 states that in such locations with good access to public transport and local services where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. The Council secures development as genuinely car-free over the long term by planning condition, therefore were approval to be recommended this matter could reasonably be resolved by the application of a suitable condition.
- 8.52 The Sustainable Transport Team has advised that the existing vehicular hardstanding would need to be reinstated to footway; this matter could also be resolved by planning condition.
- 8.53 The Sustainable Transport Team has advised that to ensure compliance with policy TR1 a financial contribution towards sustainable transport infrastructure in the vicinity of the site would be required. Under current short term recession measures such contributions are not however being sought in relation to residential developments which would create less than five new units.
- 8.54 Overall, in the context of current policies and practices, it is considered that the proposed development would adequately provide for the demand in travel which it would create, furthermore no highway safety risk would be caused.

Sustainability:

- 8.55 Policy SU2 requires that new developments demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 provides detailed guidance as to how this objective can be met. In regard to a new building residential scheme of two or fewer units SPD08 recommends that a Code For Sustainable Homes rating of Level 3 or higher should be met.

- 8.56 A minimal level of information has been submitted in regard to sustainability. The submitted checklist does however commit to achieving a Code for Sustainable homes Rating of 'Level 3'. It is considered that based on the information submitted this level of sustainability could be secured by way of planning conditions (including a requirement for the submission of a Design Stage Certificate at pre-commencement stage), were approval to be recommended.
- 8.57 No refuse and recycling storage facilities are proposed, refuse is however collected from communal bins on the street and recycling could be stored internally therefore this matter is not considered a significant concern.
- 8.58 Policy SU13 requires that the construction and demolition waste in relation to new development should be minimised. A basic statement has been submitted detailing measures to address this aim. Any further information required and the securing of the implementation of such measures could be secured by planning condition were approval to be recommended.

Environmental Health:

- 8.59 Due to the previous commercial use of the site (including vehicle repairs) there is the potential for contaminated land. The Environmental Health Team has therefore recommended that a condition be applied to permission granted to ensure that such matters are investigated and mitigated as necessary.

Trees, Landscaping and Ecology:

- 8.60 There is an Oak and a Sycamore tree alongside the rear boundary of the site located in neighbouring gardens. The Arboriculturalist has visited the property and considers that these trees may be harmed by the proposed construction works and that the Sycamore may need pruning to facilitate the development. The Arboriculturalist has recommended that further details and suitable protection measures could be secured by planning condition should approval be recommended.
- 8.61 Some planting is proposed in the form of lawn areas and border planting. It is considered that a full scheme of landscaping could be appropriately secured by planning condition were approval to be recommended.
- 8.62 Policy QD17 requires that new developments incorporate new nature conservation features, with further guidance detailed in SPD11 Nature Conservation & Development. It is considered that further measures are required to ensure compliance with this policy and guidance, such measures could be secured by planning condition were approval to be recommended.

9 CONCLUSION

- 9.1 A proposal for two three-bedroom dwellings has been refused planning permission on three previous occasions. On each of these occasions fundamental concerns have been raised, the most recent application (ref. BH2010/02725) being refused for seven reasons. The applicant then submitted

the current scheme seeking pre-application advice; detailed written advice was provided to the applicant.

- 9.2 The advice given has not been fully addressed and the application fails to address all of the concerns which the previous refusals of planning permission raised. It is again considered that refusal of planning permission is warranted.

10 EQUALITIES

- 10.1 The application fails to provide compliance with Lifetime Homes Standards as detailed above.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. Cumulatively, the proposed development of two three bedroom houses with accommodation split over three floors, and the substandard living accommodation particularly at second floor level, represents a scheme which is an overdevelopment of the site. Furthermore the site is of a relatively small size, awkward shape, and is surrounded by residential properties in close proximity which would be adversely impacted. The scheme is therefore contrary to policies HO4, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan.
2. The proposed houses, by reason of their siting, height, design and massing, would be detrimental to the amenities of adjoining and nearby residential occupiers by having an overbearing and enclosing impact. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed western dwelling has an asymmetrical roof form which would form an inappropriate prominent feature in the street scene. The proposed dwellings are intended to replicate the traditional features and detailing of surrounding dwellings. It is considered that the dwellings fail to achieve this aim to a high standard and that the development as a whole would fail to preserve or enhance the character of the West Hill Conservation Area. The scheme is therefore contrary to policies HE6, QD1 and QD2 of the Brighton & Hove Local Plan.
4. The proposed development would provide an unsatisfactory standard of residential accommodation for the future occupiers due to cramped rooms and layout throughout, and roof level accommodation which would be dictated by roof pitches that reduce the amount of usable floor area, again providing cramped accommodation. The scheme is therefore contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
5. The proposed house layouts do not comply with Lifetime Homes Standards and the layouts could not be easily adapted to meet such standards. The proposal is therefore contrary to Policy HO13 of the Brighton & Hove Local Plan and the criteria set out in Planning Advisory Note 03: Accessible housing and Lifetime Homes.

PLANS LIST – 08 AUGUST 2012

11.2 Informative:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Drawing	437/02		27 th February 2012
Marketing evidence and supporting information			3 rd February 2012 13 th February 2012 29 th March 2012
Drawing	437/04C		13 th June 2012
Drawing	05C		13 th June 2012

