

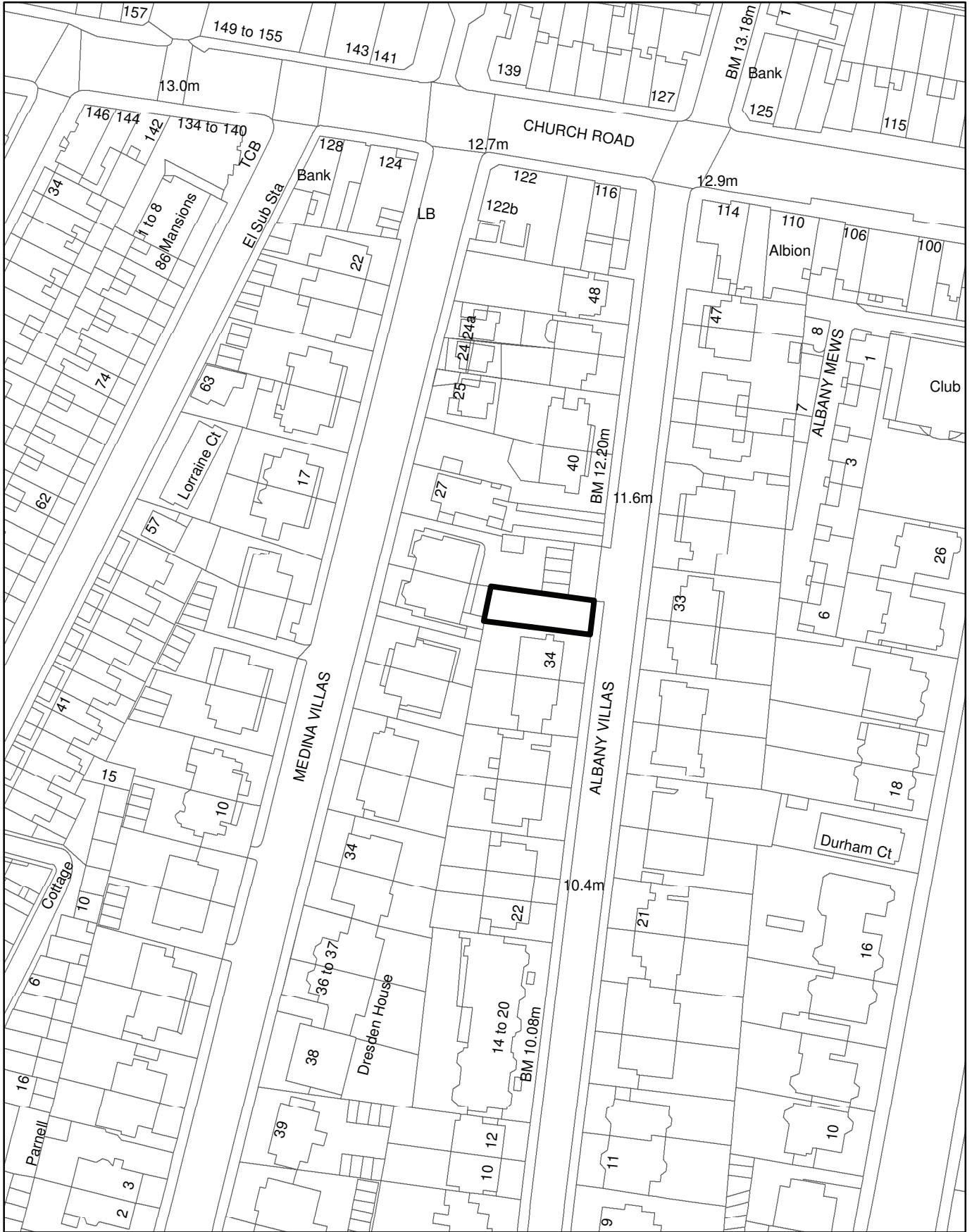
**PLANS LIST
ITEM K**

Land to the rear of 29 Medina Villas, Hove

**BH2012/02562
Full planning consent**

21 NOVEMBER 2012

BH2012/02562 Land to the rear of 29 Medina Villas. Hove



**Brighton & Hove
City Council**



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<u>No:</u>	BH2012/02562	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the Rear of 29 Medina Villas Hove		
<u>Proposal:</u>	Erection of a detached 4 bed house fronting Albany Villas.		
<u>Officer:</u>	Clare Gibbons tel: 292454	<u>Valid Date:</u>	28/08/2012
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	23/10/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Liam Russell Architects Ltd, 3 Broad Reach Mews, Ropetackle, Shoreham-by-Sea		
<u>Applicant:</u>	Gramm, C/O Agent		

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 reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the west side of Albany Villas just to the south of its junction with Church Road. It falls within the Cliftonville Conservation Area (which is subject to an Article 4 Direction) and comprises land that was formerly the rear garden of no. 29 Medina Villas. The site is overgrown with self sown trees and a red brick and flint wall along the Albany Villas frontage. To the north there is a block of four low level garages (the subject of a recent application – see Relevant History) and to the south are a pair of semi-detached Victorian villas with basement and three storeys above.
- 2.2 Albany Villas is characterised by large semi detached Victoria Villas with one triple villa. Nos. 14 to 20 have been linked together with modern extensions.

3 RELEVANT HISTORY

Application site

BH2009/01359: Erection of a 5 storey dwelling house with integral garages at lower ground floor with ramped access. Appeal dismissed on the basis that the proposed development would have an unacceptable effect on the living conditions of neighbouring residents and it would fail to preserve or enhance the character or appearance of the conservation area.

BH2002/00171/FP: Proposed three storey town house with rooms in roof and integral garage at lower first floor level. Withdrawn.

Garages to the rear of 28 Medina Villas fronting Albany Villas

BH2012/02124: Demolition of garage block and erection of 1no. three bedroom dwelling. Refused on grounds that the proposed development represents a cramped overdevelopment of the site and would be harmful to the character and appearance of the Cliftonville Conservation Area.

4 THE APPLICATION

- 4.1 Planning permission is sought for a four storey detached single family dwellinghouse. The proposed building would comprise a lower ground floor with three storeys above. The design is contemporary with an irregular shape and tiered levels at the rear.
- 4.2 The lower ground floor would contain an open plan living area with kitchen and WC. On the ground and first floors there would be two bedrooms with ensuite shower rooms. On the top floor there would be one bedroom with an ensuite shower room and outside terrace.
- 4.3 The building would be white render with grey frame slot windows and a rooflight above the internal spiral staircase. A sedum roof forms part of the proposal.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** Five responses (from **29b Medina Villas, Flats 2 and 3, 33 Albany Villas, Flat 3, 34 Albany Villas** and **28 Medina Villas**) have been received expressing concern and objection on the following grounds: loss of light, visual nuisance, out-of-keeping with the conservation area, loss of privacy, replacement trees should be planted and noise and disruption to the area.
 - 5.2 Six responses of support have been received (from **97 Newick Road, 39 Lincoln Road, 22 Goldstone Way, 14 Rugby Road, F11, 45 Holland Road and 56 Argyle Road**) outlining that the proposed development would improve the area, bring a disused site back into use, that the design is innovative and eco friendly design and would bring in investment.
 - 5.3 **Mike Weatherley MP:** Supports the proposal subject to high quality materials being used.
 - 5.4 **Conservation Advisory Group:** Raises objection on the basis that the proposal would not fit into the location, was unsympathetic to the nearby buildings and would have a detrimental impact on the conservation area.
- Internal:**
- 5.5 **Heritage Team:** Raise objection and consider that the proposal would neither preserve nor enhance the character of the conservation area but would detract from it and is contrary to adopted planning policies.

5.6 **Highway Authority:** No objection and recommend conditions

5.7 **Access:** Have made comments that would improve accessibility.

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 comprises:

- 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) March 2012

Brighton & Hove Local Plan 2005:

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
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

HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the design of the building and its impact on the character and appearance of this part of the Cliftonville Conservation Area, the effect on the amenity of adjoining residents and future occupiers, access and parking, sustainability and lifetime homes.

Background:

- 8.2 On 12th October 2009 planning permission was refused for the erection of a 4 storey detached property with 4 bedrooms on the following grounds:
- (1) Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause loss of amenity to the proposed residents, whilst policy H05 requires the provision of private useable amenity space in new residential development. The proposed development, by virtue of its failure to provide suitable private amenity space for the benefit of future residents, represents a cramped overdevelopment of the site that fails to provide a suitable form of residential accommodation, contrary to the above policies.
 - (2) Policies QD1, QD2, QD15, and HE6 of the Brighton & Hove Local Plan state that proposals for buildings within a conservation area should preserve or enhance the character or appearance of the area and should show consistently high standard of design and detailing reflecting the scale and character or appearance of the area, incorporating suitable landscaping. The proposed building, by reason of its convoluted form and excessive footprint that fails to allow for sufficient landscaping of the site, fails to represent a suitably high design standard. The proposal would therefore be harmful to the character and appearance of the Cliftonville Conservation Area, contrary to the above policies.
- 8.3 On 22nd February 2011 an appeal against that decision was dismissed on the grounds that the proposed development would have an unacceptable affect on the living conditions of neighbouring residents and it would fail to preserve or enhance the character or appearance of the conservation area. This

application seeks to address those issues. The main differences between the previous scheme and current proposal are that:

- (i) the proposed house would be one storey (4.5m) lower with three storeys above ground level and living accommodation now proposed in the lower ground floor instead of four storeys above ground floor level,
- (ii) the rear building line at lower ground and ground floor level would project further into the garden and
- (iii) a contemporary design is currently proposed rather than a building of a more traditional appearance.

Design and appearance:

- 8.4 The site falls within the Cliftonville conservation area, which is subject to an Article 4 Direction. Policy HE6 (Development within or affecting the setting of conservation areas) states that proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy QD1 (Design- quality of development and design statements) requires that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual amenity of the environment. Policy QD2 (Design- key principles for neighbourhoods) requires all new developments to be designed to emphasise and enhance the positive qualities of the local neighbourhood.
- 8.5 The previous proposal for the site had a more traditional appearance reflecting features found within the Cliftonville Conservation Area. The Inspector in the appeal decision was not satisfied with the front boundary treatment and considered that the relationship between the building and 29 Medina Villas would appear cramped when seen from Albany Villas over the adjacent garage block. One of the grounds for dismissing the appeal proposal was that it would fail to preserve or enhance the character or appearance of the conservation area. (NB: One of the submitted drawings and paragraph 1.1 of the Design & Access Statement indicates that approval was given for a development on the application site, which is incorrect).
- 8.6 The current proposal would be a storey lower when viewed from street level and would have a contemporary appearance. It is considered that the proposed building's narrow form, curved corners and stepped back façade would appear discordant with the rectilinear and formal architecture of the street and this part of the Cliftonville Conservation Area. The proposed narrow tall slot windows and wide expanses of blank rendered walls would not reflect the ratio of solid to void and window proportions of the surrounding villas. Also the floor to ceiling heights would not relate to those of surrounding buildings. On this basis, the Heritage Officer considers that the proposed building would be a completely alien feature that would be out of character with the neighbouring buildings. The Conservation Advisory Group also recommends that the application is refused due to its detrimental impact on the conservation area. Two responses from neighbouring residential occupiers have expressed concern about the visual impact.

8.7 To address previous concerns about the treatment of the frontage, the current proposal includes an area of soft landscaping 2.5m by 3.5m upon which a tree is indicated (No objection was raised to the proposed felling of the tree in the previous application and the applicant's have subsequently felled it). Although not shown on the submitted drawings, paragraph 4.5 of the submitted Design and Access Statement indicates that the front wall could be removed to provide more car parking. The removal of the front wall would require formal approval and would be resisted as it is an important feature of this part of the Cliftonville Conservation Area. In any event, the current proposal shows most of the front garden would comprise hard landscaping and the proposed building would extend further into the rear garden than the previous proposal. The prominence of hard landscaping and extensive footprint of the proposed building would be out-of-keeping with its surroundings.

8.8 Overall, the proposal would appear incongruous in the street scene and have a detrimental impact on the character and appearance of this part of the Cliftonville Conservation Area, contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

Impact on the amenity of neighbouring residential occupiers and the future occupiers of the site:

8.9 The application site did form part of the rear garden of no. 29 Medina Villas. No. 29 Medina Villas has a rear projection and windows serving habitable rooms to the flats within the building. There are windows in the flank elevation of no. 34 Albany Villas. Policy QD27 states that planning permission 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. Letters have been received from two neighbouring occupiers expressing concern at loss of light and privacy.

8.10 In the appeal decision last year the Inspector stated that '*The proposed building would be set around 13.5m away from the main rear elevation of no. 29 Medina Villas and would be considerably closer to its low level rear projection. Given this limited separation and the height and mass of the proposed building I consider that the occupiers of no 29 would see it as a dominant and imposing feature.*' To address this concern, the proposal has been reduced by one storey above ground level and accommodation is now proposed in the lower ground floor. Also the proposal is curved away at second floor level. However, the current proposal extends 2.7m further to the rear at ground floor level and would be in very close proximity to the rear projection of no. 29 Medina Villas. (The submitted floor plans indicate that there would be a 1.9m high close boarded fence but the sectional drawings indicate that it would be 1m high. This discrepancy is not considered to prejudice the determination of this application).

8.11 In respect of the previous proposal, the Inspector considered that despite the proposed partial obscure glazing '*even perceived overlooking at this range is likely to make residents feel that their privacy has been severely compromised*'.

To address this issue, the revised proposal does not include any windows above ground floor level. This would give the rear of the building a fortress like appearance when viewed from the rear of properties in Medina Villas. It also means that the proposed bedrooms would therefore principally be lit by floor to ceiling slot windows, many of which would be in the flank elevations. It is considered that given the proximity of 34 Albany Villas and that one elevation would be north facing, the level of light that would be experienced in these rooms would be less than expected for this location. There are windows in the side elevation of no. 34 Albany Villas and had the proposal been acceptable, to mitigate the impact obscure glazing would have been sought.

- 8.12 The proposal does involve the provision of a terrace that would overlook neighbouring properties and thereby result in a loss of privacy to the residents therein contrary to policy QD27. Also the terrace would be an incongruous feature as there are no other high level terraces in the locality.
- 8.13 Policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The proposal would result in the loss of garden space for the occupiers of no. 29 Medina Villas. The proposed house would have a rear garden but its size and position at lower ground floor level, it would constitute inadequate amenity space for a four bedroom house. A high level terrace is proposed but as mentioned above, this would raise amenity issues for neighbouring residential occupiers.

Lifetime Homes:

- 8.14 Policy HO13 states that planning permission will only be granted for new residential dwellings that are designed to lifetimes homes standard. The Access Officer has not raised objection to the proposal but does make detailed comments that would have been sought to be addressed if the proposal had been acceptable.

Sustainability:

- 8.15 Policy SU2 expects proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 (Sustainable building design) recommends that new residential development achieve a minimum rating of Level 5 of the Code for Sustainable Homes. The Pre-Assessment Report submitted in support of this application predicts the development would achieve Level 5 of the Code for Sustainable Homes. This is welcomed and had the proposal been acceptable a condition would have been imposed requiring Level 5 as a minimum.

Transport:

- 8.16 SPG04 states that the maximum car parking standard for a house within a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. One off-street parking space would be provided. This would require amendments to a Traffic Regulation Order (TRO) and an existing pay & display machine re-located, the costs associated for these changes would have been payable by

the applicant. SPG04 also requires 1 bicycle space for every dwelling and 1 space for every 3 dwellings. Two cycle spaces are proposed adjacent to the house, however, they do not appear to be covered. Nevertheless, there is scope within the site to provide such a facility and further details would have been requested by condition.

Other Considerations:

- 8.17 One neighbouring occupier has raised concern about the noise and disturbance caused during building works but this is not a material planning consideration.

9 CONCLUSION

- 9.1 The contemporary appearance and form of the proposed house would appear incongruous in the street scene and fail to either preserve or enhance this part of the Cliftonville Conservation Area. There is also considered to be excessive hardstanding that would be out-of-place. The proposal is contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
- 9.2 The proposed development would be positioned close to windows serving habitable rooms in the rear of Medina Villas and given that there would be no windows in the proposed rear elevation, it would have a fortress like appearance that would appear particularly overbearing. The neighbouring occupiers would also experience a loss of privacy of a result of the proposed terrace at second floor level. Therefore, the proposal would have an adverse impact on the amenity of neighbouring residential occupiers contrary to policy QD27.
- 9.3 The proposed windows serving the accommodation would result in below satisfactory light levels that would be unexpected for this location and would be detrimental to the future occupants and contrary to policy QD27. Inadequate garden space is proposed for this four bedroom house, contrary to policy HO5.

10 EQUALITIES

- 10.1 The proposal could meet lifetime homes standards by condition.

11 REASONS FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development, by reason of its form, excessive footprint, appearance and design would result in an alien feature in the street scene and fail to either preserve or enhance this part of the Cliftonville Conservation Area, contrary to policies QD1, QD2, QD15 and HE6 of the Brighton & Hove Local Plan 2005.
2. The proposed development by reason of its scale, appearance and position would result in an overbearing effect and appear as a dominant feature. The proposed second floor terrace would result in a loss of privacy. Overall, there would be a significant loss of amenity to

neighbouring residential occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

3. The proposed development would fail to provide suitable amenity space for the benefit of future residents of the proposed development, contrary to policy H05 of the Brighton & Hove Local Plan 2005.
4. The proposed floor to ceiling slot bedroom windows would result in below satisfactory light levels and would fail to provide a suitable form of residential accommodation for future residents of the proposed development, contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Existing	0157-PA-001		14 th August 2012
Proposed lower ground, ground and first floor plans	0157-PA-100		14 th August 2012
Proposed second floor plan and roof plan	0157-PA-110		14 th August 2012
Proposed north and south facing elevations	0157-PA-200		14 th August 2012
Proposed elevations	0157-PA-210		14 th August 2012
Proposed street facing elevation and section	0157-PA-300		14 th August 2012
Artist impression	0157-PA-600		1 st October 2012
Artist impression	0157-PA-601		1 st October 2012

