

**PLANS LIST  
ITEM E**

**14 Withdean Road, Brighton**

**BH2012/03100  
Full planning consent**

**09 JANUARY 2013**

# BH2012/03100 14 Withdean Road, Brighton



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/03100</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>14 Withdean Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of new detached 5no bedroom dwelling, swimming pool and pool house adjacent to existing house.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel: 290478	<b><u>Valid Date:</u></b>	11/10/2012
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06/12/2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Alan Phillips Architects, 31 Montefiore Road, Hove		
<b><u>Applicant:</u></b>	Mr & Mrs Pierson, 14 Withdean Road, Brighton		

## 1 RECOMMENDATION

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 comprises the side garden to a large detached house located on the east side of Withdean Road, Brighton. The surrounding street is formed of a mix of large detached houses set in generous plots on land that slopes from west to east. Those on the east side of the street are set below street level with most having basement levels opening onto their rear gardens. The character of the area is defined by a variety of detached houses completed in red brick, render and dark tiles and set in large highly verdant plots. Larger and more individualistic properties lie further to the north, out of view from the site.
- 2.2 No.14 forms a substantial detached house with a basement level opening onto a large side and rear garden. The main body of the plot is 40m in width and 60m in depth, with the main garden extending a further 65m to the north side and sloping down towards a railway line beyond. The side garden is approximately 22m in width and forms an undeveloped plot set between Nos.10 and 14 Withdean Road.

## 3 RELEVANT HISTORY

### No.14 Withdean Road

**BN/78/758:** Outline Application for the erection of a house and garage adjacent to existing house. Approved 16/05/1978.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a five-bedroom detached house within the side garden to No.14 Withdean Road.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours:** **Eleven (11)** letters of representation have been received from **132 Woodland Drive; 10, 15 & 16 Withdean Road; 9 Glen Rise; 27 Osmond Road; 41 Stafford Road; 25 Wilbury Gardens; 336 Dyke Road; 6 Hilltop; and 28 Hove Park Road** in the form of a standard letter, supporting the application.

### Internal:

- 5.2 **Sustainable Transport:** No objection
- 5.3 **Environmental Health:** No Comment
- 5.4 **Arboriculturalist:** No objection subject to conditions. An Arboricultural Impact Assessment and Method statement should be required by condition, identifying those trees to be retained and their protection during works.
- 5.5 **Access:** Comment. The entrance floor level is too far below street level to meet the 1:12 gradient required under Lifetime Homes.
- 5.6 **Sustainability:** No objection.

## 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
HO13	Accessible housing and lifetime homes

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of residential use of the site, the design of the new building and its impact on the character and appearance of the area, its impact on the amenities of adjacent occupiers, and the traffic implications and sustainability of the development.

**Principle of Development:**

- 8.2 The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan. Policy QD3 states that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings. The site proposed for the new dwelling appears to have originally been a development plot on Withdean Road that was never built on, but has subsequently become part of No.14. This is evidenced in the numbering of the street, which omits No.12 between the existing houses at Nos 10 & 14.
- 8.3 Although set on previously undeveloped garden land, it is clear that the plot was at one stage intended for development. The gap it forms in the street scene would allow a new dwelling to fit within the building line and general development pattern to the street. As such no objection is raised to the principle

of developing this particular site with a new residential property, subject to the acceptability of the other material considerations as detailed above.

**Design and Appearance:**

- 8.4 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.
- 8.5 The site as existing forms a large plot approximately 40m in width, with the large two-storey detached house at No.14 set to the north side. The plot is split in depth such that it is 125m in depth to the north half of the site, and 60m in depth to the south side. The proposed house would sit in the southern half of the plot, in a plot 17.5m in width and 60m in depth. The plot would also include the extended garden to the north side, truncating the remaining garden to 14 Withdean Road from 100m in depth to approximately 25m in depth. The site sits on sloping land such that the rear part of the plot (at a depth of 60m from the street) is approximately 9m lower than street level. Consequently, many of the properties on the east side of Withdean Road have basement levels opening directly onto their rear gardens.
- 8.6 The proposed house would be two storeys in height (with rooms in a gable-fronted roof) and would be set 1.5m from the northern boundary of the site and 2.5m from the southern boundary. It would be recessed 12m from the pavement following the staggered building line to Withdean Road, and would be no taller than No.14 adjacent. The width (13m) and height of the building demonstrates that a new dwelling can be incorporated into the street without breaking the building line or sitting uncomfortably close to the side boundaries. This reinforces the view that the site is indeed a developable plot.
- 8.7 In terms of overall design and detailing, the building would be two storeys in height from the street with a forward-facing gabled roof and an offset projecting garage and porch at ground floor level. The detailing of the frontage would depart from the traditional domestic architecture of the immediate area and would instead be formed of a series of angled roof planes, overhanging sections, and irregularly sized and spaced horizontal windows. This complexity continues to the rear elevation which contains overhanging sections at second floor/roof level, and the 8.5m deep projecting element with a half-glazed pitched roof. The projecting section would include a 4.5 deep half gable above at second floor level opening onto a south/side facing roof terrace. The building would be finished with rendered walls, a pitched slate roof, and hardwood windows. This contrasts with the more muted red brick, whitewash and dark tile that characterises the current street scene. Whilst these materials do not directly reflect the palette of materials in the area, it is not considered that this necessarily represents poor design in an area characterised by its variety of built forms and finishes. The proposed building would not be wholly out of keeping with this eclectic mix therefore the design approach proposed is considered acceptable.

- 8.8 The main concern is with regard the scale of the building to the rear. As stated the building would be of an appropriate scale when viewed from the street, however to the rear an 8.5m deep projection would extend from ground floor level, including a secondary 4.5m half-gable projection at first floor level above. Owing to the fall in land through the site, the ground floor of the projection would effectively sit at first floor level in relation to the adjacent gardens. In turn, the half-gable section would effectively sit a second floor level. Further, the depth of these projections would significantly break the rear building line to Nos 6-16 Withdean Road. In order to reduce the bulk of the rear projection when viewed from neighbouring properties the application proposes to raise the rear garden level by 2m, including 2m high boundary fences on top. The raised garden and fencing would disguise a basement level and partially surround a sunken swimming pool, and give the projection the illusion of being at ground floor level. In design terms, given the scale of the plot and the position of the projecting element 2.5m off the site boundary, it is considered that the raising of the rear garden level is sufficient to ensure that the projection would not be an excessively dominant design feature to the building. The two projecting elements would step down from the main roof level, forming a profile that responds to the general fall in land through the site. This is considered a suitable arrangement.
- 8.9 On balance it is considered that the modern design approach proposed, expressed in the complex form, detailing and stark use of materials, would not be sufficiently harmful to the character of the street to warrant the refusal of permission. As such the development represent an appropriate design standard as required under policies QD1 and QD2 of the Brighton & Hove Local Plan, and general policy guidance contained within the NPPF.

#### Pool House

- 8.10 The application proposes a 6m by 6m 4.8m tall single storey pitched roof pool/guest house within the south east corner of the garden, to serve a large swimming pool to be set rear of the main house. The pool house would take the form of a studio with a kitchen, bathroom and open plan lounge/bedroom. Whilst it would be capable of independent living, it would clearly be used in association with the main house given its isolated position within the rear garden. Subject to a condition restricting its use to occupants and visitors of the house, its scale and use would not be harmful to the site or surrounding area.

#### Trees and Landscaping:

- 8.11 The site as existing contains considerable planting within the side garden to No.14 and three trees that would likely require removal to facilitate the development. To the rear, the existing lawns would be raised in height by 2m with a large swimming pool sunk in to the land. No precise details have been provided of the trees that would be removed, or any that would be planted to compensate. Given the loss of the side garden to No.14, it is considered necessary to require a strong landscaping scheme in order to retain a vegetated frontage to the site and street in general. This would be secured by condition if the scheme were otherwise acceptable.

**Standard of accommodation:**

- 8.12 The proposed dwelling would have five bedrooms with all rooms of a suitable size and outlook, and a large garden to the rear. In this respect the development would provide for a good standard of residential accommodation in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.13 The design and access statement confirms that the lifetime homes standards have been incorporated into the design. Although there is no precise point-by-point analysis in the statement, it is clear from the plans that the majority of the standards can be incorporated with ease and secured by condition. Owing to the sloping nature of the site, access to the front door does not meet the 1:12 gradient required, however the integral garage would provide direct level access into the building. Subject to the recommended conditions, the development would be able to fully meet the requirements of policy HO13.

**Impact on Amenity:**

- 8.14 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 A levels survey has been submitted of the site along with section drawings along each side boundary that help to understand how the raised garden level and rear projection would relate to the rear windows and lower garden levels to Nos 10 & 14.
- 8.16 To the north, the rear projections to the building would extend 11m from the rear elevation to No.14, breaking the 45 degree line from the nearest window by approximately 5m. The half-gable section above would break the same 45 degree line by approximately 1m. When viewed from the rear ground floor windows to No.14, the proposed building would extend considerably into the rear garden both at ground and first floor level. From garden level, the ridge levels to the ground and first floor elements to the rear projection would sit approximately 8.1m and 11.8m above garden level to No.14. The eaves levels would sit 6.5m and 9m above garden level respectively. In addition, the raised garden level to the proposed house would result in a boundary retaining wall and fence 4m above the garden level to No.14. Given the position of the proposed building to the south of No.14, it is considered that the scale of the proposed boundaries, raised garden level, and rear projections would be significantly oppressive to the outlook and general amenities of the occupiers of No.14 Withdean Road.
- 8.17 To the south, it is not considered that the scale of the proposed building would impact on the amenities of No.10. However, the existing boundary fencing is to be raised into a retaining wall and fence 4m above their garden level. Although the retaining wall and fence would replace existing 4m high hedging, the permanence of the solid structures would be oppressive to the general amenities of this property. Further amenity harm would be afforded by a south facing balcony set within the first floor of the rear projection. Although at a



separation of approximately 12m, the height of the balcony above the rear terrace and garden level to No.10 would result in a significant degree of overlooking. This, combined with the oppressive scale of the raised garden level, would significantly harm the amenities of No.10 Withdean Road.

- 8.18 For the above reasons the proposed development would result in significant harm to the amenities of both Nos.10 & 14 Withdean Road, by virtue of the raised garden level and boundaries, the depth of the rear projection, and the presence of a first floor south facing balcony, contrary to policy QD27 of the Brighton & Hove Local Plan.

**Sustainable Transport:**

- 8.19 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.20 The application proposes an integral garage for one vehicle and four bicycles, with a hardstanding to the front for further vehicles. This is sufficient for a development of this scale and the Sustainable Transport officer has raised no objection accordingly. The hardstanding is sufficient to allow vehicles to turn and exit the site in a forward gear safely onto Withdean Road via a new crossover. It is not therefore considered that the proposal would result in increased highway safety concerns, in general accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.

**Sustainability:**

- 8.21 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new residential development on greenfield land that has not previously been developed should include a completed sustainability checklist, should achieve Level 5 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards.
- 8.22 The application states that the dwelling will meet Code for Sustainable Homes level 5, and has provided a supplementary sustainability statement to compliment the Checklist. The statement confirms that measures to achieve Level 5 have been considered from the outset in the design. These measures include integrated solar electric roof slates, high levels of insulation including triple glazing, rainwater and greywater harvesting, a mechanical heat recovery system, a ground source heat pump, and a 100% improvement in the dwelling emission rate over Part L of the Building Regulations 2006. These measures provide a high degree of comfort that the proposed dwelling will meet the appropriate sustainability standards. Appropriate refuse and recycling facilities are detailed within the integral garage.

**9 CONCLUSION**

- 9.1 The principle of developing the site with a single dwelling is considered acceptable, whilst the modern design approach proposed is not considered

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excessively harmful to the prevailing character of this section of Withdean Road. However, the raised rear garden level and its associated boundaries, along with the scale and depth of the rear projection and the presence of a first floor south facing balcony, would be oppressive to the amenities of both Nos.10 & 14 Withdean Road and result in significant loss of privacy to No.10 Withdean Road. Consequently the proposal represents a harmful development contrary to development plan policies.

### 10 EQUALITIES

10.1 The new dwelling would be constructed to lifetime homes standards.

### 11 REASON FOR REFUSAL / INFORMATIVES

#### 11.1 Reason for Refusal:

1. The proposed development, by virtue of the scale of the raised rear garden level and associated boundaries, the scale and depth of the rear projection, and the presence of a first floor south facing balcony, would be oppressive to the amenities of both Nos.10 & 14 Withdean Road, and result in significant loss of privacy to No.10 Withdean Road, contrary to policy QD27 of the Brighton & Hove Local Plan.

#### 11.2 Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	12 WR.01	-	27/09/2012
Block plan	12 WR.02	A	04/12/2012
Site photographs and aerial views	12 WR.03	-	27/09/2012
	12 WR.05	-	27/09/2012
Site survey plan	12 WR.04	-	27/09/2012
Proposed floor plans, elevations and sections- main house	12 WR.07	A	04/12/2012
	12 WR.08	A	04/12/2012
	12 WR.09	A	04/12/2012
	12 WR.10	A	04/12/2012
	12 WR.11	A	04/12/2012
	12 WR.12	A	04/12/2012
	12 WR.13	A	04/12/2012
	12 WR.14	A	04/12/2012
	12 WR.15	A	04/12/2012
	12 WR.16	A	04/12/2012
	12 WR.17	A	04/12/2012
	12 WR.27	-	11/12/2012
	12 WR.28	-	11/12/2012
	12 WR.29	-	11/12/2012
	12 WR.30	-	11/12/2012
Proposed floor plans, elevations and sections- guest house	12 WR.18	A	04/12/2012
	12 WR.19	A	04/12/2012
	12 WR.20	A	04/12/2012
	12 WR.21	A	04/12/2012

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	12 WR.22	A	04/12/2012
	12 WR.23	A	04/12/2012
Proposed	12 WR.25	-	05/12/2012
	12 WR.26	-	05/12/2012

2. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

